TO: Rutherford County Board of Commissioners

FROM: County Manager Carl Classen

DATE; November 3, 2014

RE: **Review of Animal Control Facility Service Options**

At the Board's October 6 meeting, staff was assigned the task of reviewing all available animal control delivery options and report back to the Board of Commissioners. At the same meeting, Sheriff Francis made a presentation on work he has undertaken since spring 2014 developing a service agreement with the Community Pet Center (CPC) for operation of the animal control facility. This latter option would free up animal control officers for more field work while allowing CPC to focus on the custodial care of animals.

Preliminary Notes:

- The vast majority of animal owners/care-givers are responsible people who care deeply about their animals. Further, other people who truly want to do what is best but have fallen on hard times reach out to groups like CPC, Pets are Worth Saving (PAWS) and the Humane Society for assistance.
- Rabies is a terrible virus that requires vigilant and proactive effort to keep out of the human population. For more information, please go to www.cdc.gov/rabies. Rabies vaccinations are not only the law, vaccinations save lives of pets, owners/care-givers, family members and the public at-large.
- Rutherford County veterinarians show time and again their care and concern for both animals and people. Veterinarians and their employees are part of animal control and animal welfare. They diligently give services and resources without fanfare.

In response to the Commissioners' October 6 action, staff reviewed animal control services currently offered by the County, services mandated by the State, and alternative service delivery methods of each. In addition staff reviewed services currently provided by CPC, the Humane Society, PAWS, and other animal welfare groups or volunteers.

Attached are two articles from the UNC School of Government about animal control. Rutherford County must provide animal control services in accordance with State law. The NC Commissioner of Agriculture is the office charged with determining compliance with State laws and rules.

The Commissioners have heard numerous requests to expand the scope of animal control services into additional animal welfare services. By way of example, attached is a proposal from Lauren Billings, who has spoken at several recent Commissioner meeting. Expansion to this proposal or other level of service are also options available to the Commissioners.

As with most government services, three principal options for service delivery are available but with multitudinous variations of each option; (a) provide the service in-house; (b) provide the service in cooperation with another government or third party, and (c) provide the service under contract through a third party. The mix of these three basic service delivery models depends upon myriad factors and conditions yielding the best mix for a particular local government and community.

Rutherford County currently provides traditional animal control services that protect public health and safety. Rutherford County Animal Control Services are outlined broadly on the attached spreadsheet. The County Commissioners have the responsibility to provide resources for animal control services. The Sheriff's Office currently has the responsibility to provide animal control services within the resources provided. Animal control is not mandated to be a Sheriff Office service and the Sheriff can either relinquish the responsibility or the Commissioners can remove it. (Operating the jail, providing Courthouse security, and serving papers are all statutory duties of a Sheriff. The Commissioners must furnish resources under law for the Sheriff to provide those services.)

In earlier years, Rutherford County animal control services were under the Health Department. A review of Commissioner Minutes found:

12/21/1992 – County assumes control of Animal Control from Health Department
01/04/1993 – Budget Amendment to remove funds from Health Department for ½ year for Animal Control Services
05/01/1995 – Reorganization plan by Commissioners moves Animal Control to Sheriff's Office

Since 1995, animal control has been provided by the Sheriff's Office. The Humane Society of Rutherford County was a strong partner with the County and Sheriff's Office during the 1990's and assisted on-site with adoptions. The CPC currently operates an adoption/rescue service, provides volunteer services at the animal control facility, and has an office on County property at the Animal Control Facility on Laurel Hill Road. The CPC works with the Humane Society, PAWS and rescue groups to find homes for animals that come into the County's custody. Further, according to Lynne Faltraco, CPC President, CPC has purchased property in Spindale where they intend to construct a rescue shelter, an adoption shelter, and a dog park.

Meetings have been held over the past several months with the Sheriff and with representatives of CPC, Rutherford County Humane Society, and PAWS to clarify roles, strengthen operating relationships, diminish misinformation, and combat outright lies. Volunteers in all three of these organizations, plus many other animal welfare volunteers, work hard to help current pet owners properly care for their animals (a specialty of PAWS) or assist with rescues and adoptions (Humane Society, CPC and others).

The Commissioners tasked staff to review options for providing animal control services. Regretfully, the options are almost limitless without more specific guidance from the Board. Unless the Commissioners decide to substantively expand animal control services or add animal welfare services, there are just a few practicable service delivery alternatives to consider: maintain status quo; transfer animal control services to another department; contract out all or a part of animal control functions; and/or a hybrid of the second and third options. Whatever option(s) the Commissioners select and the selection encompasses changes, the path forward could be done all at once or phased in over time.

However, the following seems to be the most practicable options either immediately or in the near future:

- Maintain the status quo.
- Enhance animal control officers field work by:
    - Hiring animal control technicians who would maintain the animal control facility
    - Contract out operation of the animal control facility (e.g. with CPC)
- Maintain animal control services under the Sheriff's Office or transfer services to another agency (e.g., Health Department)
- Provide expanded services (e.g., adoption; animal welfare) in-house, under contract with a third party, or a combination of in-house and under contract.

Comments:

- The County does not currently offer adoption services, except to the extent required under State law. Rather, under an agreement (copy attached) with CPC, adoption services are provided by CPC, who works in concert with other groups and volunteers.

- A significant portion of each Animal Control Officer's time is spent performing custodial care (intake, animal care, cleaning, euthanasia, etc.) at the Animal Control Facility. Sheriff's Office personnel also provide management and budget preparation/oversight for the Animal Control Facility. Sheriff Francis has requested custodial care positions to let Animal Control Officers perform more field work.

  Sheriff Francis has stated the need to have animal control officers in the field more; especially performing follow-up to adjudicated dangerous animal cases and canvassing for rabies vaccination compliance -- both of which are State-mandated functions to protect public health and safety.

  Additionally, a number of speakers at Commissioner meetings and through the media have requested expanded hours and other services at the Animal Control Facility. In addition to continuing the utilization of inmate labor, expanded staff hours at the animal control facility would require at least several part time employees.

  Hiring part time staff at the animal control facility would be approximately $19,103 (28 hours weekly) to $28,654 (42 hours weekly) for salaries annually, plus related expenses.

The amount of time required depends upon services provided at the facility and the amount of time desired for animal control officers to spend on field work.

- One option to hiring more County employees would be to contract out the operation of the animal control facility to CPC. That would free up animal control officers to perform health and public safety work in the field. Further, if a non-profit group like CPC were to be the operator, it would more likely be able to successfully recruit volunteers who could expand the custody care operations, plus increase the adoption opportunities already available provided by CPC. Current cost savings would be realized but the cost of the contract would be subject to negotiation with the entity providing the service.

  Two Commissioners have asked the County Manager how to proceed with an agreement with CPC under the plan initiated by the Sheriff. In that vein, a Letter of Intent has been drafted (copy attached). The letter of Intent states that the County Commissioners would work with the Sheriff and CPC to provide for delivery of services in accordance with the attached chart and develop agreements for each party's consideration (CPC, Sheriff and Board of Commissioners). As outlined on the attached, the Sheriff's Office would provide those services that center principally on health and public safety issues and CPC would focus principally on custodial care of the animals brought to the animal control facility. It is anticipated CPC would continue its additional role seeking adoption and rescue of animals brought to the shelter, and CPC would do this in coordination with other animal welfare groups along with supporting groups like the Humane Society and PAWS that help citizens better take care of their animals before a problem arises.

- A related option to contracting with CPC would be to prepare a Request for Proposal (RFP) based upon the attached list of divided functions and solicit proposals from private groups; either for-profit or non-profit. Such an RFP would likely take several months to prepare due to the detail required. The detail allows private groups to have sufficient information from the RFP to submit an informed proposal for the County's consideration. Due to the specialized activities and certifications required, an expert should be retained to prepare an RFP.

- The County Manager and Sheriff have discussed with the Health Director on several occasions this fall the option of transferring animal control services to the Health Department. The Health Department is already the lead agency in regards to suspected rabies cases and the current Health Director has experience with animal control services in a prior position. However, as the Health Director has stated, transfer would need to occur with adequate revenues to perform the function. As with contracting to a third party, the amount of the funding is subject to discussion between the Commissioners and the Board of Rutherford-Polk-McDowell (RPM) Health District.

- The Commissioners could expand from Animal control services into animal welfare services, as has been requested by speakers at recent Commissioners meeting (and the attached example from Ms. Billings). This option opens up a broad range of service delivery options that could be pursued.

Staff is prepared to research this issue further with guidance from the Board of Commissioners.

Attachments:

- UNC School of Government articles (2) – **Attachment A**
- Billings Animal Welfare Services Request – **Attachment B**
- List of Existing Animal Control Services – **Attachment C**
- Existing Agreement with CPC – **Attachment D**
- Draft Letter of Intent – **Attachment E**
- Possible Distribution of Animal Control Services between County and CPC – **Attachment F**

Coates' Canons Blog: Mandates in animal control: What MUST local governments do?

By Aimee Wall

Article: http://canons.sog.unc.edu/?p=1386

This entry was posted on November 23, 2009 and is filed under Administration, Animal Control, Dangerous Animals, Rabies Control

I am often asked, what animal control services MUST local governments provide? The question may come from local officials who are in the process of evaluating their options. Perhaps money is tight and they are considering dropping some animal control services, consolidating services with another jurisdiction or otherwise streamlining animal-related functions. Or the question may come from the media or members of the public, often because they are frustrated that local officials are not responding to an animal-related issue. For example, an article on urban coyotes in Sunday's Charlotte Observer explained that despite the growing coyote population and the public's expressed concerns, "county animal control doesn't respond to coyote calls, referring residents to state officials and private contractors who trap wildlife for a fee." So, what is the answer?

The short answer is *very few*. State law *authorizes* local governments to provide quite a few animal control services but *requires* only a handful of services.

State law mandates local government action in three main areas: rabies control, animal adoption and dangerous dogs. Some of these mandates are actually new, stemming from the recently enacted legislation discussed in an earlier blog post.

Rabies control

State law requires that an "animal control officer" – defined as a city or county employee whose responsibility includes animal control – canvass the jurisdiction to determine if there are dogs, cats or ferrets not wearing rabies vaccination tags (G.S. 130A-192, as amended by 2009-327). If such an animal is found, the law directs the officer to follow up with the animal's owner, if known (i.e., animal wearing a tag or microchipped). If the owner is not known, the officer is *authorized* but not *required* to impound the animal.

If the animal is impounded, additional mandates are triggered. The amendments to G.S. 130A-192 in S.L. 2009-304 require that most impounded animals (1) be made available to the public for viewing for a minimum period of time and (2) be made available for adoption before being sold (presumably for research purposes) or euthanized. Note that the rabies law does not require every city and county to have an animal control officer that performs these functions – but the implication is that every jurisdiction will be served by one. Many municipalities, for example, rely on the county to perform this function for them while others have their own officers.

The rabies and communicable disease control laws also impose duties on local health directors to respond to reported animal bites, manage potential human exposure to rabies, and organize at least one rabies vaccination clinic per year. Local health departments often take the lead on these responsibilities but in some jurisdictions, a close partnership with local animal control officials results in some or all of this authority being delegated outside the health department (see G.S. 130A-6; delegation of authority).

Animal holding and adoption

While local governments are not required to have animal shelters (see G.S. 153A-442 and 160A-493; authorizing county and city expenditures in support of shelters), the mandates in the rabies law related to confinement of cats and dogs that bite can be read to imply that local governments who participate in rabies control functions should have an arrangement with some type of animal holding facility. Some local governments address this need by operating their own shelter while others have agreements with neighboring jurisdictions, private shelters, boarding facilities or veterinary offices.

With the passage of S.L. 2009-304, state law imposes several new sheltering-related mandates on local governments. All

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Attachment A

animals that are "taken into custody for violation of statutes or ordinances not related to rabies control" and animals surrendered to a shelter by an owner must be held for a minimum of 72 hours, subject to limited exceptions. In addition, as mentioned above, before any animal held by a shelter can be sold or put to death, it must be made available for adoption as provided in the revised law. It is important to remember that the law does not *require* that these animals be "taken into custody," but if they are the additional mandates kick in.

Dangerous dogs

Several basic state statutes governing dangerous dogs are found in Chapter 67, Article 1A. The statutes define some key terms and outline consequences related to actions of dangerous or potentially dangerous dogs and their owners. Many local governments have also adopted their own dangerous dog ordinances to supplement the state law (see G.S. 153A-131 and 160A-187; authorizing counties and cities to regulate possession or ownership of dangerous animals). The state law imposes only one express mandate on local governments and it is procedural in nature. G.S. 67-4.1(c) requires that county or municipal authorities responsible for animal control designate (1) a person or a Board to determine when a dog is potentially dangerous and (2) a separate Board to hear appeals from such designations. The law further outlines procedures that govern such determinations and appeals, but the bottom line is that the state law assumes local government officials will be playing a role in dangerous dog regulation and enforcement.

In talking with officials over the years, it seems that many of them see the rabies and dangerous dog enforcement activities as non-negotiable services because they are related to public health and safety. They seem comfortable with the notion that they need to ensure that there is some mechanism for responding to these types of concerns within their jurisdictions, regardless of resource implications. But once we step outside of these two areas, the response is often mixed. Some perceive the public demand for local government responsiveness to issues such as animal cruelty, nuisance animals, barking dogs, or exotic animals as authoritative to the point of becoming a "mandate" from the citizens rather than the state. Others conclude that the limited resources of their local government should not be allocated to these types of "optional" services. As another trying budget year faces our state, it will be interesting to see how many animal-related services are dropped by local governments and how many new initiatives are launched.

Links

- www.charlotteobserver.com/topstories/story/1069520.html
- www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_130A/GS_130A-184.pdf
- www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_130A/GS_130A-192.pdf
- www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S674v7.pdf
- www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S467v7.pdf
- www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_130A/GS_130A-6.pdf
- www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_153A/GS_153A-442.pdf
- www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_160A/GS_160A-493.pdf
- www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_67/Article_1A.pdf
- www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_153A/GS_153A-131.pdf
- www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_160A/GS_160A-187.pdf

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Coates' Canons Blog: Legislative Update: Animal Control and Shelter Regulation

By Aimee Wall

Article: http://canons.sog.unc.edu/?p=7275

This entry was posted on August 27, 2013 and is filed under Administration, Animal Control, Animal Shelters

Every session, the North Carolina General Assembly considers a bevy of bills related to animals, many of which relate to foxes and coyotes. This year was no exception. Only one major animal control related bill, S.L. 2013-377, was enacted. It includes several changes that are of particular interest to local governments that own or operate animal shelters. Below is a brief summary of those changes. I'll discuss these issues and others – such as Spay/Neuter funding, animals in cars, and puppy mills – in next week's *Local Government Legislative Update Webinar*. Don't fret – there is still time to register!

Oversight of Shelters

State oversight of animal shelters owned and operated by local governments has been gradually growing and changing over the last decade. For many years, only private animal shelters were subject to oversight by the NC Department of Agriculture and Consumer Services pursuant to the state's Animal Welfare Act (AWA). In 2005, the Act was amended to include shelters owned and operated by local governments. As a result, those public shelters were required to register with the state and comply with the AWA and the applicable regulations. The AWA is enforced by the Department's Animal Welfare Section.

In 2009, the state became more directly involved in oversight of euthanasia practices in animal shelters after the N.C. Board of Agriculture adopted regulations (2 NCAC 52J .0400). The regulations address acceptable methods of euthanasia but also establish certification requirements for individuals responsible for carrying out euthanasia. They are also enforced by the Animal Welfare Section.

Also in 2009, the General Assembly made quite a few changes to the state's rabies control law that had a direct impact on animal shelters. See this blog post for a review and this bulletin for a more comprehensive discussion of the rabies law. Many of these changes required shelters to *do* certain things – such as allow for public inspection of impounded animals and provide adoption opportunities. The law did not, however, provide a mechanism for state oversight of these new requirements. They were integrated into the state's rabies law, which is part of the public health framework for the control of communicable diseases. They were not part of the AWA so the Animal Welfare Section did not have the authority to enforce those requirements in the course of their inspections.

This year, the General Assembly removed many those shelter specific requirements from the rabies law and integrated them into the AWA in a new G.S. § 19A-32.1. Now that these provisions are included in the AWA, the Animal Welfare Section has the authority to (and probably will) enforce them.

Shelter Responsibilities

The new section of the AWA imposes quite a few responsibilities on animal shelters. Some of them are new but many were included in the 2009 revisions to the rabies law. Rather than just highlight the new ones, I wanted to be a little more comprehensive and review all of the requirements:

- **Minimum holding period**: All animals received by a shelter or an agent of the shelter must be held for a minimum of 72 hours. The board of county commissioners may establish a longer holding period. An animal that is seriously ill or injured may be euthanized before the expiration of the minimum holding period (decision must be documented).
- **Availability for adoption**: Animals must be made available for adoption. When this requirement was added to the rabies law several years ago, some local governments were rather surprised. They did not have an infrastructure in place to allow for adoptions by the public and they were not sure how they were going to be able to create it within the limited resources allocated to animal control.

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- **Public inspection for adoption**: Animals must be available for public inspection except if the animal is (1) found to be unadoptable due to injury or defects of health or temperament, (2) seriously ill or injured, or (3) is being held as evidence in a pending criminal case.
- **Viewing of lost pets**: Shelters must allow members of the public to view animals held at the shelter for at least 3 days a week for at least 4 hours each day. If an animal is not available for public viewing because of (1) health reasons, (2) public safety concerns, or (3) in order to preserve evidence for a criminal proceeding, the shelter must make "reasonable arrangements" to help owners determine if their lost pets are among those animals.
- **Foster care:** Shelters may place animals in foster care. The shelter must keep a photograph of fostered animals on display at the shelter. The shelter may authorize the foster care provider to act as an "agent" of the shelter.
- **Surrendered animals:** If an owner surrenders an animal, the shelter is not required to hold the animal for the minimum 72-hour holding period if the owner (1) consents and (2) provides some proof of ownership of the animal. A similar "proof of ownership" requirement was included in the 2009 changes to the rabies law and it created some confusion at the local level. Local governments established different proof requirements, including veterinary bills, rabies tags, and photographs with the pet. The new legislation does not provide any more direction regarding implementation of this requirement.
- **(NEW) Surrendered dog/bites:** If an owner surrenders a dog to the shelter, the shelter will need to obtain a written statement from the owner indicating whether the dog has bitten anyone within the previous 10 days. Presumably, this requirement was added in order to ensure compliance with the rabies law, which requires a biting dog to be confined for 10 days after the bite. See G.S. 130A-196(b). It's interesting to note that the new law does not require this type of written statement for surrendered cats or ferrets, but those animals are subject to the same confinement requirement under the rabies law.
- **(NEW) Disposition of animals:** Animals that are surrendered to a shelter may be (1) returned to the owner, (2) adopted by a new owner, (3) euthanized by a method approved under the law. Animals that are impounded pursuant to the rabies law may be disposed of in the same three ways. Previously, the law allowed impounded animals to be sold to certain research institutions but that language was language was deleted in this new legislation. There appears to be a gap in the law because it does not currently address disposition of animals that are neither surrendered nor impounded pursuant to the rabies law. For example, the disposition requirements do not specifically apply to animals impounded for violating a nuisance ordinance or seized in an animal cruelty case.
- **(NEW) Identification:** Before a shelter may release an animal, it now must require the person receiving the animal to present one of four types of government issued identification. The shelter must document the identification presented.
- **(REVISED) Records:** Under current law, animal shelters are required to maintain certain records about impounded animals. The revisions now require that the records be maintained for at least three years from the date of impoundment. It also allows the N.C. Board of Agriculture to establish additional record-keeping requirements.
- **(REVISED) Microchip scanning:** If a shelter has access to a microchip scanning device, it is now required to scan every animal impounded for violations of the rabies law. Previously, the law allowed scanning of these animals but did not require it. Note that the scanning requirement was not integrated into the AWA so it currently applies only to those animals impounded for violations of the rabies law.

While many of these requirements were established in 2009, compliance may become more of a priority for some shelters because oversight for these requirements has now shifted to a state agency that is actively involved in inspecting shelters on a regular basis.

Links

- www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2013&BillID=S626
- www.sog.unc.edu/node/1584
- www.ncagr.gov/vet/AWS/
- shopping.netsuite.com/s.nl/c.433425/it.l/id.486/.f
- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_130A/GS_130A-196.html

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Outline:

Introduction
Comparing Rutherford County Animal Control
The Future of Animal Welfare in Rutherford County : Animal Servicess
What Would Change?
- Moving staff to Health Dept
- Increase Hours of operation
- Volunteer Animal Welfare Investigators
- Spay / Neuter Policy
Appendix A: Animal Control / Services Comparative Spreadsheet
Appendix B: Existing Spay / Neuter Policy

The Rutherford County Commissioners asked the concerned citizens of Rutherford County (Animal Shelter Reform Group) to develop and present an alternative plan for the Animal Shelter to the commissioners during the November 2014. A successful animal shelter can be defined many ways, so through interviews with Rutherford County employees and local animal rescues and fosters, tours of other animal shelters, and research, we have developed the following plan for Rutherford County Animal Control & Animal Services.

Comparing RCAC / RCAS

Of the eleven surrounding counties, nine of those currently separate animal control and other animal services into individual entities. Please find a comparative spreadsheet attached (Appendix A).

The Future of Animal Welfare in Rutherford County : Animal Services

Attachment B

While the title of "Animal Control" clearly conveys a message that the service is meant to protect the public from dangerous & rabid animals, it is becoming widely accepted that citizens want more than just a "Dog Catcher" to serve our county's animals.

By embracing the title of "Animal Services", Rutherford County can embrace 21st Century ideas about animal welfare. Potential business owners, retirees and future residents who can bring much needed revenue to our county want progressive, forward-thinking solutions in county government; "Animal Services" is the logical solution.

"Animal Services" would encompass the Animal Shelter structure and operations and;

- Continue to provide Rabies shots to the public
- Provide counseling for pet owners keep their animals at home instead of relinquishing them by referral to 501c3's
- Offer Spay / Neuter services to individuals who keep parents of surrendered litters
- Work with CPC & RCHS to trap / neuter/ return feral cats
- Work with rescues to get injured and sick animal medical care
- Educate pet owners about caring for their animals
- Provide information about local rescues for those who cannot keep their pets
- Work with volunteer rescue coordinators to move animals when available

The mission of the future "Rutherford County Animal Services" will be to promote humane animal treatment through a sustainable animal population initiative composed of an aggressive spay/neuter campaign to reduce the numbers of unwanted pets coming into the shelter, setting adoption goals and supporting community outreach programs.

"Animal Services" will be managed under the Health Department and will also oversee Animal Control (Strays, Bite cases, Aggressive animals, and Animal Neglect / Abuse) and the Animal Shelter.

Our recommendation also includes developing an advisory board for the animal shelter. This advisory board can assist the shelter with organizational focus and representatives on the board should be from the city, the local nonprofit groups and at least one veterinarian, along with the local community.

Lastly, we recommend recruiting additional volunteers to help at the shelter so that we can continue to offer citizens of Rutherford County a cost-effective, government run shelter. The volunteers can be recruited from other rescue groups including the Community Pet Center.

What Would Change?

1. Effective July 1 2015, Animal Control & the animal shelter would fall under the management of the Health Department. The Sheriff's department could utilize current Deputy ACO's elsewhere in the Sheriff's department and two new, non-deputy ACO's would be hired as a lesser cost. Without the responsibility of managing a shelter, and without additional, non-animal welfare duties imposed by the Sheriff's department, two ACO's who are dedicated to the investigation of animal welfare and public protection from dangerous animals should be sufficient. Additionally, the recommended positions of volunteer animal welfare investigators will support the ACO's.
   A newly hired Shelter Manager would be hired and responsible for the duties outlined below;

   - Overseeing Animal welfare investigations
   - Organize and manage community service, CPC and volunteers
   - Office work to include reporting, ordering office supplies, ordering shelter supplies, coordinating with rescue coordinator
   - Oversee animal intake
   - Oversee adoptions

- Ensure sick & injured animals are treated promptly

2. Increased hours of operation
3. Oversee Volunteer Animal Welfare Investigators
4. Oversee increased operational assistance from volunteers
5. Enforce existing Spay / Neuter Policy

Staff Under Heath Department

The Rutherford County Animal Control and Shelter currently employs three animal control officers and no part time employees, with exception of inmate labor. It currently has been working with the CPC (Community Pet Center for around 18 yrs. The shelter is obligated to operate under the following county and state legal requirements.

The Health Department can begin the process of hiring a shelter manager and two non-deputy animal control officers. Animal Control officers are not required to be deputies or carry weapons; by using non-deputy ACO's, and by having dedicated ACO's who are not required to perform other duties (including shelter management and police work), we can reduce the number of needed ACO's to 2 with the support of 1 or 2 volunteer animal welfare investigators. A public records request shows that in 2013 and 2014, there was only one instance where an ACO was required to fire a weapon to subdue to dangerous dog; The American Veterinary Medical Association and the National Animal Care and Control Association recommend the use of chemical deterrent sprays as a non-lethal alternative.

Hours of Operation

Currently, the shelter is only open 20 hours per week, Monday to Thursday 12pm – 4pm and Friday 10am – 2pm. ACO's are on-site from 8am – 4pm.

It is suggested that the shelter be open at minimum, 9am – 4pm Monday through Friday and 10am – 3pm Saturday.

Volunteer Animal Welfare Investigator

According to North Carolina State Statue 19A-45, Our county Commissioners can authorize an animal investigator to volunteer their time to assist ACO's and or conduct animal welfare investigations at no cost to the county. (See 19a-45 attachment).

Spay / Neuter Policy

As required by the Sheriffs memorandum (appendix B), an animal cannot be transferred to a permanent owner until the animal has been spayed or neutered. A successful spay and neuter program not only protects the community, but is preventative against medical and behavioral problems in domestic animals as well as increases the life span of animals. The preventative measures taken to decrease population growth will decrease the amount of animals entering the shelter, allowing the shelter to focus on adoptions as opposed to euthanasia in the future. Currently, this policy is not being enforced or utilized at all.

To ensure the cost of spay / neuter surgeries remaining low enough for county residents to afford and for local and out-of-state rescues to be enticed to pull from our shelter, it is imperative that a low-cost spay / Neuter be supported.

The Current cost to adopt an animal is $60. The Current costs for rescue organizations to pull animals from RCAS is $120. The majority of animals leaving the shelter alive are those pulled by rescue organizations from as far away as Canada. The cost to them is considerably more than other shelters in our area, making it less appealing to rescues to pull from RCAS.

To support the PAWS (Pets Are Worth Saving) Spay / Neuter Pod by having the pod near the shelter (reducing the cost of transport), and providing incentives for the pod to stay financially afloat , will increase the number of animals saved and decrease the number of unwanted pets coming into our shelter in the future.

By contracting with PAWS to provide spay / neuter services to the county at a rate of $60 per surgery, we can reduce the cost to rescues and provide a stable price for residents to adopt in the coming years.

Jack L. Conner
Sheriff

Jeff Buchanan
Chief Deputy

Rutherford County Sheriffs Office

Memorandum

Rutherford County Animal Control Mandatory Spay and Neuter Policy

****Effective 02/01/08 <u>every</u> animal adopted from the shelter must be transported to the vet of the adopters choosing unless the animal is already spayed or neutered. ****

Each animal adopted from the Rutherford County Animal Control Facility must be transported by an Animal Control Officer or APA Volunteer to the veterinarian of the adopter's choice to be spayed or neutered and receive a rabies vaccine and a distemper/PARVO or Feline vaccine and wellness check-up before being released and picked up by the new pet owner. If the animal is already spayed or neutered it will only receive a rabies vaccine at the shelter before leaving. If an officer is not available to administer the vaccine, then the animal can be given one by the vet of the adopter's choosing. In order for the vet to give the vaccine the adopter must provide the receipt given to them at the time of adoption.

This Policy is officially effective as of February 01, 2008.

Cpl Bradley W Jones 51310
Corporal Bradley W. Jones
Rutherford County Animal Control

Jack L. Conner
Sheriff of Rutherford County

Lynne Feltraco
President of the Animal Protection Alliance

cc:
Dr. Jill Bradshaw
Dr. Michelle Toms Greene
Dr. Paul Hinkle
Dr James Marais
Deputy Chad Toney
Sara Hartman
CPC Committee
APA BOD and Volunteers

198 North Washington Street • Rutherfordton, NC 28139 • (828) 287-6247 • Fax (828) 287-6196

	Department Name	Shelter Managed By	ACO's Deputies	Paid Shelter Staff	AC Officers	Number of animals, 2013	Population (2012)	animals per person annually	Saturday Hours?	Dollars Spent per animal
Buncombe	Animal Shelter / Animal Control	Asheville Humane	Yes	42	9	6200	244,500	0.03	Y	$173.00
Polk	Animal Shelter / Animal Control	Foothills Humane Society	No	14	1	1600	20000	0.08	Y	$414.00
Madison	Animal Shelter / Animal Control	Animal Shelter	No	5	2	1000	20000	0.05	Y	$241.00
Haywood	Animal Services	Animal Services				2700	59000	0.05	Y	$160.00
Cleveland	Animal Control Services	Health Dept.	No	9	7	5900	97500	0.06	N	$111.00
Burke	Animal Control	Sheriff	Yes	1	4	5450	90500	0.06	Y	$52.00
McDowell	Animal Shelter / Animal Control	Public Works	Yes	2	2	900	45000	0.02	Y	$70.34
Rutherford	Animal Control	Sheriff	Yes	inmates	3	3500	65000	0.05	N	$60.00
Henderson	Animal Services	Animal Services	Yes	7	6	2800	108,000	0.03	Y	$187.00
Lincoln	Animal Services	Animal Services	No	7+vet tc	4	2800	79000	0.04	Y	$210.00
Gaston	Animal Control	Sheriff	Yes			6800	208,000	0.03	Once a m	$197.00

Animal Welfare Investigators

§ 19A-45. Appointment of animal cruelty investigators; term of office; removal; badge; oath; bond

(a) The board of county commissioners is authorized to appoint one or more animal cruelty investigators to serve without any compensation or other employee benefits in his county. In making these appointments, the board may consider persons nominated by any society incorporated under North Carolina law for the prevention of cruelty to animals. Prior to making any such appointment, the board of county commissioners is authorized to enter into an agreement whereby any necessary expenses of caring for seized animals not collectable pursuant to G.S. 19A-47 may be paid by the animal cruelty investigator or by any society incorporated under North Carolina law for the prevention of cruelty to animals that is willing to bear such expense.

(b) Animal cruelty investigators shall serve a one-year term subject to removal for cause by the board of county commissioners. Animal cruelty investigators shall, while in the performance of their official duties, wear in plain view a badge of a design approved by the board identifying them as animal cruelty investigators, and provided at no cost to the county.

(c) Animal cruelty investigators shall take and subscribe the oath of office required of public officials. The oath shall be filed with the clerk of superior court. Animal cruelty investigators shall not be required to post any bond.

(d) Upon approval by the board of county commissioners, the animal cruelty investigator or investigators may be reimbursed for all necessary and actual expenses, to be paid by the county.

Added by Laws 1979, c. 808, § 1.

§ 19A-46. Powers; magistrate's order; execution of order; petition; notice to owner

(a) Whenever any animal is being cruelly treated as defined in G.S. 19A-1(2), an animal cruelty investigator may file with a magistrate a sworn complaint requesting an order allowing the investigator to provide suitable care for and take immediate custody of the animal. The magistrate shall issue the order only when he finds probable cause to believe that the animal is being cruelly treated and that it is necessary for the investigator to immediately take custody of it. Any magistrate's order issued under this section shall be valid for only 24 hours after its issuance. After he executes the order, the animal cruelty investigator shall return it with a written inventory of the animals seized to the clerk of court in the county where the order was issued.

(b) The animal cruelty investigator may request a law-enforcement officer or animal control officer to accompany him to help him seize the animal. An investigator may forcibly enter any premises or vehicle when necessary to execute the order only if he reasonably believes that the premises or vehicle is unoccupied by any person and that the animal is on the premises or in the vehicle. Forcible entry shall be used only when the animal cruelty investigator is accompanied by a law-enforcement officer. In any case, he must give notice of his identity and purpose to anyone who may be present before entering said premises. Forcible entry shall only be used during the daylight hours.

(c) When he has taken custody of such an animal, the animal cruelty investigator shall file a complaint pursuant to Article 1 of this Chapter as soon as possible. When he seizes the animal, he shall leave with the owner, if known, or affixed to the premises or vehicle a copy of the magistrate's order and a written notice of a description of the animal, the place where the animal will be taken, the reason for taking the

animal, and the investigator's intent to file a complaint in district court requesting custody of the animal pursuant to Article 1 of this Chapter.

(d) Notwithstanding the provisions of G.S. 7A-305(c), any person who commences a proceeding under this Article or Article 1 of this Chapter shall not be required to pay any court costs or fees prior to a final judicial determination as provided in G.S. 19A-4, at which time those costs shall be paid pursuant to the provisions of G.S. 6-18.

(e) Any judicial order authorizing forcible entry shall be issued by a district court judge.

Added by Laws 1979, c. 808, § 1.

§ 19A-47. Care of seized animals

The investigator must take any animal he seizes directly to some safe and secure place and provide suitable care for it. The necessary expenses of caring for seized animals, including necessary veterinary care, shall be a charge against the animal's owner and a lien on the animal to be enforced as provided by G.S. 44A-4.

Added by Laws 1979, c. 808, § 1.

§ 19A-48. Interference unlawful

It shall be a Class 1 misdemeanor, to interfere with an animal cruelty investigator in the performance of his official duties.

Added by Laws 1979, c. 808, § 1. Amended by Laws 1993, c. 539, § 318, eff. Oct. 1, 1994; Laws 1994(1st Ex. Sess.), c. 24, § 14(c), eff. March 26, 1994.

§ 19A-49. Educational requirements

Each animal cruelty investigator at his own expense must attend annually a course of at least six hours instruction offered by the North Carolina Humane Federation or some other agency. The course shall be designed to give the investigator expertise in the investigation of complaints relating to the care and treatment of animals. Failure to attend a course approved by the board of county commissioners shall be cause for removal from office.

Added by Laws 1979, c. 808, § 1.

Services

- **A. Rabies**
    1. Education
    2. Animal Collection
    3. Sample Collection
    4. Animal Quarantine (Health Director)
    5. Vaccinations
        a. Prevention Education
        b. Canvassing
        c. Promotion
        d. Perform
            i. Clinic
            ii. Homebound

- **B. Vicious Animals**
    1. Animal Collection
    2. Custodial Services
    3. Determination/Adjudication
    4. Follow-up Inspection
    5. Euthanasia
        a. Field
        b. Facility
    6. Disposal

- **C. Animal Cruelty and Neglect (Criminal)**
    1. Prevention Education
    2. Animal Collection
        a. Field
        b. On-site
    3. Custodial Services
        a. Housing
        b. Feeding
        c. Basic Care
    4. Return to Owner
    5. Adoption
    6. Euthanasia (In-house Certifications)
        a. Field
        b. Facility
    7. Disposal

- **D. Strays/Abandonment/Surrenders**
    1. Animal Collection
    2. Determination/Adjudication
    3. Custodial Services
        a. Housing
        b. Feeding
        c. Basic Care
    4. Return to Owner
    5. Adoption
    6. Euthanasia
    7. Disposal

- **E. Integration with other Law Enforcement Functions**

- **F. Large of Exotic Animals**
    Coordination of Collection, Custody and Disposition

- **G. Division Management**
    a. Operations
    b. Budget

Attachment C

Shelter Volunteers

Memorandum of Understanding

This agreement is being entered into between the Rutherford County Animal Shelter and anyone who chooses to volunteer at the shelter.

Representing the Animal Shelter will be Sheriff **Jack L. Conner** and his designee **Cpl. Bradley W. Jones.**

Representing the volunteers will be **Lynne Faltraco** or her designee of the Rutherford County Community Pet Center.

It is further understood that **Lynne Faltraco** or her designee of the Community Pet Center will be responsible for the designation and disciplinary action of any and all persons volunteering to work at the Rutherford County Animal Shelter.

It is also understood that all persons volunteering at the animal shelter are without obligation to Rutherford County; and that the Rutherford County Sheriff's Department is not liable in the event of an accident or personal injury while on county premises.

Also, it is understood that all volunteers will be assigned duties at the animal shelter by **Lynne Faltraco** or her designee of the Community Pet Center.

Either party of this agreement may cancel at any time.

Volunteer Guidelines:

1. At **NO** time should any volunteer remove any animal(s) from the drop off cages.
2. At **NO** time should any volunteer enter the bite facility or any other areas without proper authorization.
3. At **NO** time should any volunteer feed or water the animals without permission from the animal control staff. The animals will be fed and watered prior to your arrival.
4. At **NO** time should any volunteer answer the shelter telephone. There will be a phone provided for your use as needed.

Attachment D

The staff of the Rutherford County Animal Control would like to thank everyone involved that made it possible to open on Saturdays for their hard work and dedication to save as many lives as possible here at the shelter. If anyone has any question please feel free to ask the staff here at the animal shelter and we will try our best to help. Again, thank you for your help in this matter.

Jack L. Conner, Sheriff

Lynne Faltraco, CPC

Cpl. Bradley W. Jones J1310

Cpl. Bradley W. Jones

Volunteer Signature

Date:_____

SHELTER VOLUNTEERS
MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT IS BEING ENTERED INTO BETWEEN THE RUTHERFORD COUNTY ANIMAL SHELTER AND ANYONE WHO CHOSES TO VOLUNTEER AT THE SHELTER.

REPRESENTING THE ANIMAL SHELTER WILL BE **Sheriff Jack L. Conner** AND HIS DESIGNEE **Sgt. James E. Greene.**

REPRESENTING THE VOLUNTEERS WILL BE **Lynne Faltraco** OR HER DESIGNEE OF THE RUTHERFORD COUNTY PROTECTION ALLAINCE.

IT IS FURTHER UNDERSTOOD THAT **Lynne Faltraco** OR HER DESIGNEE OF THE RUTHERFORD COUNTY ANIMAL PROTECTION ALLIANCE WILL BE RESPONSIBLE FOR THE DESIGNATION AND DISCIPLINARY ACTION OF ANY AND ALL PERSONS VOLUNTEERING TO WORK AT THE RUTHERFORD COUNTY ANIMAL SHELTER.

IT IS ALSO UNDERSTOOD THAT ALL PERSONS VOLUNTEERING AT THE ANIMAL SHELTER ARE WITHOUT OBLIGATION TO RUTHERFORD COUNTY; AND THAT THE RUTHERFORD COUNTY SHERIFFS DEPARTMENT IS NOT LIABLE IN THE EVENT OF AN ACCIDENT OR PERSONAL INJURY WHILE ON COUNTY PREMISES.

ALSO IT IS UNDERSTOOD THAT ALL VOLUNTEERS WILL BE ASSIGNED DUTIES AT THE ANIMAL SHELTER BY **Lynne Faltraco** OR HER DESIGNEE OF THE RUTHERFORD COUNTY ANIMAL PROTECTION ALLIANCE.

EITHER PARTY OF THIS AGREEMENT MAY CANCEL AT ANY TIME.

VOLUNTEER GUIDELINES:

1. AT **NO** TIME SHOULD ANY VOLUNTEER REMOVE ANY ANIMAL (S) FROM THE DROP OFF CAGES.
2. AT **NO** TIME SHOULD ANY VOLUNTEER ENTER THE BITE FACILITY OR ANY OTHER AREAS WITHOUT PROPER AUTHERAZATION.
3. AT **NO** TIME SHOULD ANY VOLUNTEER FEED OR WATER THE ANIMALS WITHOUT PERMISSION FROM THE ANIMAL CONTROL STAFF.THE ANIMAL WILL BE FED AND WATERED BEFORE YOUR ARRIVAL.
4. AT **NO** TIME SHOULD ANY VOLUNTEER ANSWER THE SHELTER TELEPHONE. THERE WILL BE A PHONE PROVIDED FOR YOUR USE AS NEEDED.

Your Financial Institution has chosen not to use Harland's Initial Privacy Notice Disclosure forms. You must provide an Initial Privacy Notice Disclosure to all Applicants.

5. IF THE ANIMAL THAT IS BEING ADOPTED IS **(3) MONTHS OR YOUNGER**, THE ANIMAL CAN BE TAKEN HOME THAT DAY. IF THE ANIMAL IS OLDER AND CAN BE SPAYED/NEUTERED AT THIS TIME THE ANIMAL MUST STAY AND WILL BE DELIEVERED TO THE VET OF THE NEW OWNERS CHOICE THE NEXT BUSINESS DAY.

THE DIRECTOR AND HIS STAFF OF THE RUTHERFORD COUNTY ANIMAL CONTROL WOULD LIKE TO THANK EVERYONE INVOLVED THAT MADE IT POSSIBLE TO OPEN ON SATURDAYS FOR THEIR HARD WORK AND DEDICATION TO SAVE AS MANY LIVES AS POSSIBLE HER AT THE SHELTER.IF ANYONE HAS ANY QUESTION PLEASE FEEL FREE TO ASK THE STAFF HER AT THE ANIMAL SHELTER AND WE WILL TRY OUR BEST TO HELP. AGAIN THANK YOU FOR YOUR HELP IN THIS MATTER.

Jack L. Conner, Sheriff

Lynne Faltraco, R.C.A.P.A.

Sgt. James E. Greene, Director

Volunteer Signature

DATE: 5/23/08

Letter of Intent – Animal Control Facility Operations

The Rutherford County Board of Commissioners ("Commissioners"), Rutherford County Sheriff ("Sherriff") and the Community Pet Center of Rutherford County, Inc. ("CPC") find that it is beneficial to expand the existing relationship between the Sheriff and CPC in providing animal control and welfare services in Rutherford County.

This Letter of Intent shall not be deemed or constitute a legally binding obligation. This Letter of Intent includes a summary of proposed points attached as Exhibit A hereto that may or may not become part of the eventual long-term agreement or contract. It is not based on any binding agreement between the parties. It is not intended to impose any obligation whatsoever on either party, including without limitation an obligation to bargain in good faith or in any way other than at arms' length. The parties do not intend to be bound by any agreement until both agree to and sign the formal written long-term agreement or contract, and neither party may reasonably rely on any promises inconsistent with this Letter of Intent.

The Commissioners, Sheriff, and CPC desire to further review and develop this relationship to include CPC providing Animal Control Facility operation service for Rutherford County at the County-owned facility located on Laurel Drive, Rutherfordton.

A preliminary review by the Sherriff, CPC and County staff of an expanded relationship indicates that, by contracting with CPC, existing services would be enhanced by the CPC operating the Animal Control Facility.

Law enforcement and health-related Animal Control services would be retained by the County while other Services related to Animal Control would be provided by CPC or provided jointly with CPC. An outline of those services and their provision by the County and Sheriff's Office, by CPC, and by joint operation are outlined on Exhibit A. Groups and individuals desiring to provide animal welfare services in Rutherford County would continue to be encouraged to do so and, to the extent they wish to support Rutherford County animal control services they would be encouraged to coordinate efforts with CPC.

The Commissioners direct the County Manager to work with the County Attorney, Sheriff and the CPC to develop all agreements necessary in accordance with this Letter of Intent and to provide those to the Commissioners for consideration when approved by the Sheriff and CPC.

The Sheriff and CPC agree to work with the County Manager and County Attorney to develop all agreements necessary in accordance with this Letter of Intent.

Approved by the Rutherford County Board of Commissioners this 3rd day of November, 2014.

_____ _____

Bill Eckler, Chairman, Rutherford County Board Of Commissioners — Date

Attachment E

_____	_____
Sheriff, Rutherford County	Date
_____	_____
Lynne Faltraco, President, Community Pet Center of Rutherford County, Inc.	Date

Appendix A

(File Name: ACSDO Draft Spreadsheet 10.29.2014)

Animal Control Services Delivery Options

Draft
v.2014-10-21

Services	County	Joint	Contract
A. Rabies			
1. Education		X	
2. Animal Collection	X		
3. Sample Collection	X		
4. Animal Quarantine (Health Director)	X		
5. Vaccinations			
a. Prevention Education		X	
b. Canvassing	X		
c. Promotion		X	
d. Perform			
i. Clinic			X
ii. Homebound		X	
B. Vicious Animals			
1. Animal Collection	X		
2. Custodial Services			X
3. Determination/Adjudication	X		
4. Follow-up Inspection	X		
5. Euthanasia			
a. Field	X		
b. Facility			X
6. Disposal			X
C. Animal Cruelty and Neglect (Criminal)			
1. Prevention Education		X	
2. Animal Collection			
a. Field	X		
b. On-site			X
3. Custodial Services			
a. Housing			X
b. Feeding			X
c. Basic Care			X
4. Return to Owner			X
5. Adoption			X
6. Euthanasia (In-house Certifications)			
a. Field	X		
b. Facility			X
7. Disposal			X
D. Strays/Abandonment/Surrenders			
1. Animal Collection	X		
2. Determination/Adjudication	X		
3. Custodial Services			
a. Housing			X
b. Feeding			X
c. Basic Care			X
4. Return to Owner			X
5. Adoption			X
6. Euthanasia			X
7. Disposal			X
E. Integration with other Law Enforcement Functions	X		
F. Large of Exotic Animals			
Coordination of Collection, Custody and Disposition			X
G. Division Management			
a. Operations			X
b. Budget			X

Attachment F