

Committee: PS

**Committee Review:** At a future date **Staff:** Amanda Mihill, Legislative Attorney

**Purpose:** To introduce agenda item – no vote expected

**Keywords:** #MoCoAnimalServices

AGENDA ITEM #5D April 14, 2020 Introduction

#### **SUBJECT**

Bill 21-20, Office of Animal Control Lead Sponsor: Council President at the request of the County Executive

#### **EXPECTED ATTENDEES**

None

#### **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

• To introduce Bill – no vote expected

## **DESCRIPTION/ISSUE**

Bill 21-20 would remove the Division of Animal Service from the Police Department and transfer those duties to a new non-principal office in the Executive Branch called the Office of Animal Services and make other technical changes.

#### **SUMMARY OF KEY DISCUSSION POINTS**

None

#### This report contains:

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#### MEMORANDUM

April 9, 2020

TO: County Council

FROM: Amanda Mihill, Legislative Attorney

SUBJECT: Bill 21-20, Office of Animal Services

PURPOSE: Introduction – no Council vote required<sup>1</sup>

Bill 21-20, Office of Animal Services, sponsored by Lead Sponsor Council President at the request of the County Executive, is scheduled to be introduced on April 14. A public hearing is tentatively scheduled for April 30 at 1:30 p.m.

Bill 21-20 would remove the Division of Animal Service from the Police Department and transfer those duties to a new non-principal office in the Executive Branch called the Office of Animal Services.

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<sup>&</sup>lt;sup>1</sup> #MoCoAnimalServices

Bill No. \_\_\_\_\_\_21-20

Concerning: Office of Animal Services —
Established

Revised: 3/20/2020 Draft No. 1
Introduced: April 14, 2020

Expires: October 14, 2021

Enacted: [date]

Executive: [date signed]

Effective: [date takes effect]

Sunset Date: [date expires]

Ch. [#] , Laws of Mont. Co. \_[year]

# COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the County Executive

#### AN ACT to:

- (1) transfer the duties of the Division of Animal Services in the Police Department to a new non-principal office in the Executive Branch; and
- (2) generally amend County law related to administration and animal services.

#### By amending

Montgomery County Code Chapter 1A, Structure of County Government Section 1A-203

Chapter 2, Administration Sections 2-43 and 2-58C

Chapter 5, Animal Control Sections 5-101, 5-102, 5-104, 5-202, 5-203, 5-301, 5-302, 5-303, 5-304, 5-306, 5-401, 5-402, and 5-404

#### By renumbering

Montgomery County Code Chapter 5, Animal Control Sections 5-405, 5-406, and 5-407

Boldface
Underlining
Added to existing law by original bill.

[Single boldface brackets]
Double underlining
Added by amendment.

[[Double boldface brackets]]

\* \* \*

Heading or a defined term.

Added to existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland, approves the following act:

1	Sec 1	1. Sections 1A-203, 2-43, 2-58C, 5-101, 5-102, 5-104, 5-202, 5-203, 5-				
2	301, 5-302,	, 5-303, 5-304, 5-306, 5-401, 5-402, 5-404 are amended, and Sections				
3	5-405, 5-406, and 5-407 are renumbered as follows:					
4	1A-203. Establishing other offices.					
5	(a)	Executive Branch. These are the offices of the Executive Branch that				
6	are not part	of a department or principal office:				
7		* * *				
8		Office of Animal Services (Section 2-58C)				
9		* * *				
10	2-43. Orga	nization and functions.				
11	<u>(a)</u>	The Department of Police includes the County police[,] and the Office				
12		of County Security[, and the Office of Animal Services]. The				
13		Department has the authority, functions and activities prescribed by				
14		law.				
15	<u>(b)</u>	Four positions of Assistant Chief of Police are non-merit positions.				
16	(c)	Any reference in this Code or in regulation or other document to				
17		"superintendent of police" or "superintendent" means "Executive				
18		Director of Police," or "Chief of Police," or "Executive Director".				
19	DIV	ISION 11C. <u>OFFICE</u> <u>OF</u> ANIMAL SERVICES [DIVISION].				
20	2-58C. [Re	served] <u>Functions</u> .				
21	The 9	Office of Animal Services has the functions and duties assigned to it in				
22	Chapter 5,	Animal Control.				
23		* * *				
24	5-101. Defi	initions.				
25	In th	is Chapter, the following words and phrases have the following				
26	meanings:					

27	* * *
28	Animal control officer: The Executive Director of the Office [Division], or the
29	[Division] Executive Director's designee.
30	* * *
31	Appropriate authority: For purposes of State law regarding animals, the
32	Office [Division], the Board, and any other agency or official designated by
33	regulation.
34	* * *
35	Benevolent organization: A non-profit organization, registered with the Office
36	[Division], that cares for stray or homeless animals.
37	* * *
38	[Director: The Director of the Division or the Director's designee.]
39	Disposition: Adoption or other placement of a domestic animal, release of a
40	wild animal into a suitable habitat, or humane euthanasia administered in a
41	manner approved by the Office [Division].
42	[Division: The Animal Services Division in the Department of Police.]
43	* * *
44	Executive Director: The Executive Director of the Office or the Executive
45	<u>Director's</u> designee.
46	* * *
47	Office: The Office of Animal Services.
48	* * *
49	5-102. Administration.
50	(a) Office [Division] duties. The Office [Division] administers this
51	Chapter. [and must:]
52	(1) The Office must:
53	(A) provide an animal shelter program;
	$\overline{\left( 3\right) }$

54		[(2)] (B) assist and cooperate with the Health Officer and State
55		officials in carrying out an anti-rabies program, including
56		vaccination of dogs, cats, and ferrets, as required by State
57		law and this Chapter;
58		[(3)] (C) carry out a program to license dogs and cats, as
59		required by State law and this Chapter;
60		[(4)] (D) provide education programs regarding the humane
61		treatment of animals;
62		[(5)] (E) provide wildlife management; and
63		[(6)] (F) provide a spay-neuter program.
64		(2) The Office [Division] may provide other services and programs
65		to promote the humane treatment of animals and protect public
66		health and welfare from animal-related hazards.
67	(b)	<u>Executive</u> <u>Director</u> . The <u>Executive</u> <u>Director</u> of the <u>Office</u> [Division]
68		must:
69		* * *
70	(c)	Animal shelter. The County must, directly or by contract, maintain and
71		operate an animal shelter or other place of confinement. The shelter
72		must remove, harbor, care for, and dispose of any animal that the Office
73		[Division] finds is abused, homeless, unwanted, abandoned, or
74		neglected, or threatens the health, safety, peace, or security of the
75		public.
76	(d)	Care of animals. The County may [contact] contract with veterinarians
77		or animal hospitals to care for injured or diseased animals whose
78		owners are unknown, that the County or its agents collect, or that any
79		person brings to the animal shelter.

Enforcement of animal control laws. To the extent allowed by State 80 (e) law, the Office [Division] may enforce any State animal control law 81 and any law under this Chapter. A reference in a State animal control 82 law to the "appropriate authority" (or any similar term) in the County 83 means the Office [Division] and any other County agency designated 84 by regulation adopted under Method (3). 85 86 5-104. Animal Matters Hearing Board. 87 Jurisdiction. 88 (a) (1) As provided in this Chapter, the Animal Matters Hearing Board 89 90 has jurisdiction to hear: (A) original complaints involving allegations of violations of 91 this Chapter or a violation of the terms of an adoption 92 93 agreement; and (B) appeals from any decision or order of the Executive 94 95 Director. 96 97 (e) *Authority*. The Board may: Order the Executive Director to seize, impound, destroy, or take 98 (1) any other action the Board decides is necessary regarding an 99 animal that is suffering cruelty, dangerous or potentially 100 dangerous, or causing a public nuisance or other violation of this 101 102 Chapter. 103 (6) Appoint a person to mediate a case if the owner and each 104 complainant (which may include the Office [Division]) agree. A 105 consent order resulting from mediation is an order of the Board. 106

107		If the mediator or the Board finds that the parties are not likely
108		to agree to a mediated consent order within a reasonable time,
109		the Board must decide the case.
110		* * *
111	(g)	Fee. The Executive may set by regulation a fee for filing a complaint
112		with the Board. The filer must pay the fee to the Office [Division]. The
113		Board or the Animal Control Officer may waive the filing fee in
114		response to a written request. If the parties agree to a consent order
115		after mediation, the Board may refund the filing fee.
116		* * *
117	5-202. Dan	gerous and potentially dangerous animals.
118	(a)	Violation.
119		* * *
120		(3) An animal is potentially dangerous if:
121		* * *
122		(B) the Office [Division] notifies the owner that the animal is
123		potentially dangerous.
124		* * *
125	(b)	Declared dangerous or potentially dangerous elsewhere. An owner of
126		an animal declared dangerous or potentially dangerous in another
127		jurisdiction must remove the animal from the County within 10 days
128		after receiving a citation or other notice of a violation of this Chapter
129		unless the Executive Director waives this requirement and imposes
130		conditions or restrictions under subsection (d) for the animal to remain
131		in the County.
132	(c)	Limited waiver. The Executive Director may waive the prohibitions of
133		subsections (a) or (b) for a specific animal only if the Executive
		6

134		Director finds that the animal is not a threat to public health or safety.
135	(d)	Confinement and microchipping. The Executive Director or the Board
136		may impose any restriction or condition, including confinement or
137		microchipping the animal, on the owner of a dangerous or potentially
138		dangerous animal that is reasonably expected to protect the public
139		health or safety. A person must not release the animal from
140		confinement unless the animal is:
141		(1) securely muzzled in a manner approved by the Office
142		[Division];
143		* * *
144	(g)	Licensing records. The Executive Director must indicate in the
145		licensing records whether a licensed animal is dangerous, potentially
146		dangerous, or a guard dog.
147		* * *
148	5-203. Pub	lic nuisance and other violations.
149	(a)	Violation. An owner must not:
150		* * *
151		(2) Allow an animal to damage or defecate on property outside the
152		owner's property. An animal may defecate on public property or
153		the common area of property in which the owner shares an
154		interest if the owner immediately removes and disposes of the
155		feces by a sanitary method approved by the Office [Division].
156		This paragraph does not affect any right of a common ownership
157		community to regulate or ban animals from the community's
158		property.
159		* * *
160		(10) Allow an animal to act in any other way that the Executive $\frac{1}{7}$

161		Director, the Board, or an animal control officer finds would
162		cause any other public nuisance established by regulation. An
163		action prohibited by the regulation is a violation even if the
164		action does not qualify as a public nuisance because the owner
165		has not received notice described in subsection (b)(1).
166		* * *
167	(b)	Public nuisance. An owner must not allow an animal to create a public
168		nuisance by:
169		(1) behavior described in subsections (a)(1), (2), (3), (4), (6), (8), (9),
170		or (10) occurring after the owner received notice from the County
171		in any form (such as an oral warning from an Office [a Division]
172		employee) of a violation because of the same behavior; or
173		* * *
174	ART	ICLE III. ENFORCEMENT, PENALTIES, AND APPEALS.
<ul><li>174</li><li>175</li></ul>		ICLE III. ENFORCEMENT, PENALTIES, AND APPEALS. eral provisions.
175	5-301. Gen	eral provisions.
175 176	5-301. Gen	eral provisions.  Who may enforce. The Executive Director, an animal control officer,
<ul><li>175</li><li>176</li><li>177</li></ul>	5-301. Gen	eral provisions.  Who may enforce. The Executive Director, an animal control officer, the Board, and any other person authorized by regulation issued under
<ul><li>175</li><li>176</li><li>177</li><li>178</li></ul>	5-301. Gen	who may enforce. The Executive Director, an animal control officer, the Board, and any other person authorized by regulation issued under method (2) may enforce an animal control law. In this Article, an
175 176 177 178 179	5-301. Gen	eral provisions.  Who may enforce. The Executive Director, an animal control officer, the Board, and any other person authorized by regulation issued under method (2) may enforce an animal control law. In this Article, an "animal control law" includes a State animal control law, this Chapter,
175 176 177 178 179 180	<b>5-301. Gen</b> (a)	who may enforce. The Executive Director, an animal control officer, the Board, and any other person authorized by regulation issued under method (2) may enforce an animal control law. In this Article, an "animal control law" includes a State animal control law, this Chapter, and, for noise from an animal source, Chapter 31B.
175 176 177 178 179 180 181	<b>5-301. Gen</b> (a)	Who may enforce. The Executive Director, an animal control officer, the Board, and any other person authorized by regulation issued under method (2) may enforce an animal control law. In this Article, an "animal control law" includes a State animal control law, this Chapter, and, for noise from an animal source, Chapter 31B.  Forms of enforcement. The Executive Director or an animal control
175 176 177 178 179 180 181 182	<b>5-301. Gen</b> (a)	Who may enforce. The Executive Director, an animal control officer, the Board, and any other person authorized by regulation issued under method (2) may enforce an animal control law. In this Article, an "animal control law" includes a State animal control law, this Chapter, and, for noise from an animal source, Chapter 31B.  Forms of enforcement. The Executive Director or an animal control officer may enforce an animal control law by issuing a citation or other
175 176 177 178 179 180 181 182 183	<b>5-301. Gen</b> (a)	Who may enforce. The Executive Director, an animal control officer, the Board, and any other person authorized by regulation issued under method (2) may enforce an animal control law. In this Article, an "animal control law" includes a State animal control law, this Chapter, and, for noise from an animal source, Chapter 31B.  Forms of enforcement. The Executive Director or an animal control officer may enforce an animal control law by issuing a citation or other lawful order. To exercise its authority, the Board must issue a written

187		an animal control officer may, to enforce an animal control law
188		or protect the health or safety of an animal, a person, or the
189		public:
190		* * *
191	(	2) The Executive Director or an animal control officer must not
192		destroy an animal under paragraph (1) unless:
193		* * *
194		(B) the Executive Director, an animal control officer, or the
195		Board finds that destruction of the animal is necessary to
196		prevent an immediate threat to public [pubic] health or
197		safety. If an owner requests a hearing within 5 days after
198		the County notifies the owner of any action under this
199		paragraph, the Board must hold a hearing after the fact on
200		the action and may order the County to reimburse the
201		owner for the resale value of the animal if the action was
202		not justified; or
203		* * *
204	(h) <i>B</i>	Board order to take action. As a result of an adjudication of a
205	C	complaint or appeal, the Board may order the Executive Director or an
206	a	nimal control officer to take an action described in paragraph (c)(1).
207	5-302. Specia	al enforcement provisions regarding specific offenses.
208	(a) <i>I</i>	Dangerous or potentially dangerous animals.
209	(	1) An animal control officer immediately may seize, impound, and
210		humanely euthanize, at the owner's expense, an animal that the
211		Executive Director, an animal control officer, or the Board finds
212		is dangerous or potentially dangerous and poses an immediate
213		threat to public health or safety.

214 \* \* \*

(b) *Public nuisance and other violations*. The Board, the <u>Executive</u> Director, or an animal control officer may order any action necessary to abate a public nuisance or any other violation of Section 5-203.

## Sec. 5-303. Impoundment.

- (a) Generally. The Executive Director, an animal control officer, or the Board may enforce an animal control law or protect the health or safety of a person, an animal, or the public by impounding (or for the Board, ordering the Executive Director to impound) an animal at an animal shelter or other facility approved by the Executive Director.
- (b) Notice of impoundment. The Executive Director promptly must make a reasonable effort to locate and notify the owner of an impounded animal. The notice must inform the owner of applicable requirements of this Chapter, including the requirement in subsection (c) to pay in advance for the animal's care and the opportunity to request a waiver of the prepayment requirement under subsection (c)(7). The Executive Director may notify the owner by first class mail to the owner's last known address, or, if the Executive Director cannot locate the owner, by publishing a notice in a newspaper of general circulation in the County.
- (c) Prepayment for care.
  - (1) The animal's owner must prepay any boarding costs before and during any appeal to the Board, unless waived or modified as provided in this Chapter. Within 5 days after receiving notice that an animal was impounded under any provision of this Chapter, the animal's owner must pay to the County the estimated cost of

240			caring for the animal for the 30-day period beginning on the date
241			the animal was impounded. The Executive Director must
242			estimate the cost, which must include the cost of food, veterinary
243			care, and other necessities that a responsible owner would
244			provide for the animal and may include other costs, such as pro
245			rata staffing and administrative expenses, allowed by regulation.
246			The owner must pay in cash or by another method acceptable to
247			the Office.
248			* * *
249		(3)	The Executive Director may:
250			(A) revise the estimated cost of care for each 30-day period to
251			improve the accuracy of the estimate; and
252			(B) apply any previous payment for that animal that exceeds
253			the actual cost of care to the next 30-day period.
254			* * *
255		(7)	The Executive Director may waive or modify the prepayment
256			required under this subsection (such as by requiring weekly
257			prepayments) if the owner provides evidence that prepayment for
258			30 days of care would be a serious financial hardship to the
259			owner.
260	(d)	Multi	iple impoundments.
261		(1)	If an unaltered dog or cat is impounded 2 or more times, the
262			owner must have the animal altered at the owner's expense
263			within 30 days after the animal is released from impoundment or
264			surrender the animal to the Executive Director unless:
265			* * *
266		(2)	The Executive Director must not allow an owner to redeem an

267		animal impounded less than 12 months after the animal was
268		released from a previous impoundment, unless the owner has
269		successfully appealed any citation arising out of the prior
270		impoundment, until the Executive Director has issued:
271		* * *
272	5-304. Disp	osition.
273	(a)	Types of disposition. An animal impounded by the Office [Division]
274		may be:
275		(1) redeemed by an owner under certain circumstances;
276		(2) placed for adoption if abandoned;
277		(3) set loose in a suitable habitat if wild; or
278		(4) humanely euthanized in a manner approved by the Office
279		[Division].
280	(b)	Redemption. The owner of an impounded animal may redeem the
281		animal if:
282		* * *
283		(5) the Executive Director approves, or the Board orders the
284		redemption, and the owner complies with any conditions for
285		redemption; and
286		(6) redemption is not prohibited by another animal control law.
287		* * *
288	(d)	Release or adoption prohibited. The Executive Director must not:
289		* * *
290	(e)	Dangerous or nuisance animals. The Executive Director or any other
291		person must not sell, release, or place for adoption an animal that an
292		animal control officer found is dangerous or potentially dangerous,
293		would cause a public nuisance or other violation, or has rabies or an

- incurable communicable disease, unless the <u>Executive</u> Director finds the action is safe.
- (f) Failure to redeem. Unless otherwise ordered by the Board, an impounded animal is considered abandoned and becomes County property if the animal is not redeemed by its owner within 5 days after the Executive Director notifies the owner about the impoundment under Section 5-303(b).
- (g) Adoption. The Executive Director may place an abandoned animal for adoption as a pet unless the Board or the Executive Director decides adoption of the animal is not in the best interest of public health or safety. A dog or cat placed for adoption must be altered by a licensed veterinarian, at the expense of the person adopting the animal, within a time specified by the Executive Director. The Executive Director must set the deadline for altering based on the animal's age, sex, and health, but the deadline must be within 3 months after the adoption. If the owner of an adopted animal does not alter the animal by the deadline, the owner must return the animal to the animal shelter.

\* \* \*

# 5-306. Appeal to the Board.

(a) Time for noting appeal. Except as provided in Section 5-104(a), a person aggrieved by a decision of the Executive Director or an animal control officer may appeal the decision to the Board within 5 days after the Executive Director or the animal control officer notifies the owner about the decision. The Executive Director or animal control officer must not dispose of the animal during the 5-day period for filing an appeal, or while an appeal is pending, unless authorized to do so under

this Chapter.

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- (c) Filing fee. In addition to any other requirement imposed by this Section, the owner appealing a decision of the Executive Director or an animal control officer must pay a filing fee established by executive regulation. The Board or the Executive Director may waive the filing fee in response to an appellant's request.
- (d) Board's decision. The Board may modify a decision of the Executive Director or an animal control officer only if the appellant proves by a preponderance of the evidence that the decision was arbitrary, illegal, or not based on substantial evidence. The Board must issue a written opinion explaining the factual and legal basis for its decision.
- Boarding of animal pending Board decision. If the owner timely (e) appeals an impoundment or seizure, the owner may also seek review of the Executive Director's determination of boarding costs by filing an appeal with the Chief Administrative Officer within 5 days after the Executive Director issues a demand for prepayment. The Chief Administrative Officer, or a designee, must review the Executive Director's decision within 2 business days after receiving the appeal. The owner must provide the Chief Administrative Officer with information sufficient to show that requiring prepayment of boarding costs would be a serious financial hardship on the owner. The Chief Administrative Officer may ask the owner to provide additional information at an informal hearing conducted in person or by telephone. The Office [Division] must not require the owner to prepay any boarding costs pending the Chief Administrative Officer's decision.

The Chief Administrative Officer may make any decision the Executive 346 Director could have made such as requiring the owner to prepay 347 boarding costs retroactive to the initial boarding date of the animal, 348 posting a bond, or placing the animal in a suitable facility at the owner's 349 sole expense. The owner may ask the Board to review the Chief 350 Administrative Officer's decision regarding prepayment of boarding 351 352 costs as part of its review of the underlying appeal. 353 ARTICLE IV. LICENSING AND HEALTH. 354 5-401. Dog and cat licenses. 355 356 (a) The Executive Director must implement the State dog licensing laws that apply in the County (Md. Code, Article 24, Title 11, Subtitle 5) and 357 must apply the same licensing requirements to cats. The Executive may 358 set fees for cat licenses that are different than the equivalent fees for 359 dog licenses. 360 361 5-402. Rabies control. 362 The Executive Director and the County Health Officer must implement 363 (a) the State anti-rabies law (Md. Code, Health-General Article, Title 18, 364 Subtitle 3, Part III). The County Executive must issue fee regulations 365 under method (3) and other regulations under method (2) to implement 366 this Section. 367 368 5-404. Animal business licensing. 369 370

(b)

371

Fees. The County Executive must issue regulations to set fees:

372		(1)	under method (2) for licenses under subsections (a)(1) to (5);
373			* * *
374	(c)	Deni	ial, suspension, and revocation.
375		(1)	The Office [Division] may deny, suspend, or revoke a license:
376			(A) for a facility that violates any provision of the Code,
377			including Chapter 59, or any State or federal law; or
378			(B) if the applicant or licensee withholds or falsifies
379			information, or engages in fraud or misrepresentation
380			regarding the sale of animals.
381		(2)	A person aggrieved by an action under this subsection may
382			appeal the action under Section 5-306.
383			* * *
384		ART	TICLE V. RETAIL SALE OF DOGS AND CATS.
385	<u>5-501</u> [5-40	5]. Le	egislative Findings.
386			* * *
387	<u>5-502</u> [5-40	6]. De	efinitions.
388			* * *
389	<u>5-503</u> [5-40	7]. Re	etail Sale of Dogs and Cats.
390			* * *
391	31B-12. En	forcei	ment and penalties.
392			* * *
393	(g)	The	Executive Director of the Office of Animal Services [Division]
394		may	initiate administrative action before the Animal Matters Hearing
395		Boar	rd instead of an enforcement officer issuing a citation under
396		subse	ection (f) for a violation of this Chapter originating from an animal
397		sourc	ce.
398			* * *

399	Sec. 2. Transition.		
400	References to the Division of Animal Services in County law, contract, or		
401	regulation means the Office of Animal Services.		
402			

#### LEGISLATIVE REQUEST REPORT

# Bill 21-20 Office of Animal Services

**DESCRIPTION:** This Bill transfer animal control functions from the Division of Animal Services

(in the Police Department) to a separate independent non-principal office called

"Office of Animal Services."

**PROBLEM:** The Department of Police, Animal Services Division operates the Montgomery

County Animal Services and Adoption Center. The center's goals are to provide high-standard sheltering and care to the homeless, abused, and neglected animals in Montgomery community and to ensure the safety and welfare of County residents. The care and management of animals is the core mission of the Division. However, for obvious reasons, its mission cannot be a top priority of the Police Department. Therefore, if it continues to be housed within the Police Department, the Animal Services Division will continue to underperform and have no visibility,

nor will it be considered a top priority.

**GOALS AND** 

**OBJECTIVES:** This new approach will increase performance accountability and bring more

attention to the core mission of this important function. The new legislation will create a non-principal office and transfer the Animal Services Division (74 positions) from the Police Department to the newly created Office of Animal

Services.

**COORDINATION:** Office of the Chief Administrative Officer

Department of Police

FISCAL IMPACT: Office of Management and Budget

**ECONOMIC** 

**IMPACT:** Office of Legislative Oversight

**EVALUATION:** To be requested

**EXPERIENCE** 

**ELSEWHERE:** To be researched

**SOURCES OF** 

**INFORMATION:** Caroline Sturgis

Assistant Chief Administrative Officer

**APPLICATION** 

WITHIN

**MUNICIPALITIES:** N/A

**PENALTIES:** N/A



# OFFICE OF THE COUNTY EXECUTIVE ROCKVILLE. MARYLAND 20850

Marc Elrich
County Executive

#### MEMORANDUM

March 19, 2020

TO: Sidney Katz, President, Montgomery County Council

FROM: Marc Elrich, County Executive Man 21

RE: Proposed Legislation: Office of Animal Services

I am transmitting for Council's consideration the attached bill, which would transfer animal control functions from the Division of Animal Services (in the Police Department) to a separate independent non-principal office called "Office of Animal Services."

The Department of Police, Animal Services Division operates the Montgomery County Animal Services and Adoption Center. The center's goals are to provide high-quality sheltering and care to homeless, abused, and neglected animals in Montgomery County and to ensure the safety and welfare of County residents. The care and management of animals is the core mission of the Division. However, for obvious reasons, its mission cannot be a top priority of the Police Department. Therefore, if it continues to be housed within the Police Department, the Animal Services Division will have no visibility, nor will it be considered a top priority. This new approach will increase performance accountability and bring more attention to the core mission of this important function. This proposed legislation will create a non-principal office and transfer the Animal Services Division (74 positions) from the Police Department to the newly created Office of Animal Services. The entire staff will remain at the existing facility, but their positions will be reassigned to this new office.

Also attached is the legislative request report and a Fiscal Impact Statement. I look forward to the Council's approval of this bill.

cc: Marc Hansen, County Attorney
Dale Tibbitts, Special Assistant to the County Executive

# Fiscal Impact Statement Bill XX-19E Office of Animal Services

1. Executive Regulation Summary.

This Bill transfers animal control and shelter functions from the Division of Animal Services (in the Department of Police) to a separate independent non-principal office called the Office of Animal Services.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

There are no anticipated changes in revenues or expenditures associated with the creation of the Office of Animal Services above the current cost for the Division. This bill simply transfers the Animal Services Division (74 positions) from the Department of Police to the newly created Office of Animal Services.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

The FY20 approved budget for the Division of Animal Services has expenditures totaling \$7,316,412 and revenues totaling \$790,540. These totals are not expected to change due to this legislation.

4. An actuarial analysis through the entire amortization period for each regulation that would affect retiree pension or group insurance costs.

This bill has no impact on retiree pension or group insurance costs.

5. Later actions that may affect future revenue and expenditures if the regulation authorizes future spending.

This bill does not authorize future spending.

6. An estimate of the staff time needed to implement the regulation.

There is no additional staff time needed to implement the bill.

7.	An explanation of how the addition	on of new staf	f responsibilities	would affect of	other
	duties.				

It is assumed that the duties of the current staff remain consistent with the existing staff complement.

8. An estimate of costs when an additional appropriation is needed.

No additional appropriation is needed to implement the bill.

9. A description of any variable that could affect revenue and cost estimates.

Not applicable.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

11. If a regulation is likely to have no fiscal impact, why that is the case.

This Bill transfers animal control and shelter functions from the Division of Animal Services (in the Department of Police) to a separate independent non-principal office. There are no position additions or anticipated changes to expenditures or revenues.

12. Other fiscal impacts or comments.

Not applicable.

13. The following contributed to and concurred with this analysis (enter name and dept.)

Trevor Lobaugh, Office of Management and Budget Thomas Koenig, Director, Division of Animal Services

Richard S. Madaleno, Director

Office of Management and Budget

1/22/20 Date