



Montgomery
County Council

Committee: PS

Committee Review: At a future date

Staff: Amanda Mihill, Legislative Attorney

Purpose: To make preliminary decisions – straw vote expected

Keywords: #MoCoAnimalServices

AGENDA ITEM #4

May 14, 2020

Worksession

SUBJECT

Bill 21-20, Office of Animal Control

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

EXPECTED ATTENDEES

Marcus G. Jones, Police Chief, Montgomery County Police Department

Thomas J. Koenig, Director, Montgomery County Animal Services and Adoption Center, MCPD

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Worksession – guidance to staff 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

- The Council held a worksession on the Office of Animal Services on May 5. At that worksession, the Council tentatively approved the budget for the Office of Animal Services.
- Bill 21-20 would implement decisions the Council already tentatively approved. Therefore, Council staff recommends the Council enact Bill 21-20 with an amendment to make it expedited with an effective date of July 1, 2020.

This report contains:

Staff Report	Page 1
Bill 21-20	©1
Legislative Request Report	©18
County Executive Memorandum	©19
Fiscal Impact statement	©20
Economic Impact statement	©22
Testimony/Correspondence	©24

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MEMORANDUM

May 11, 2020

TO: County Council

FROM: Amanda Mihill, Legislative Attorney

SUBJECT: Bill 21-20, Office of Animal Services

PURPOSE: Worksession – guidance to staff expected ¹

Bill 21-20, Office of Animal Services, sponsored by Lead Sponsor Council President at the request of the County Executive, was introduced on April 14. A public hearing was held on May 5 at which two people, including a representative of the Executive, testified in support of the Bill (see correspondence and written testimony on ©24-25).

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

Council budget worksession: The Council held a worksession on the Office of Animal Services on May 5. At that worksession, the Council tentatively approved the budget for the Office of Animal Services.

Council staff recommendation: Bill 21-20 would implement decisions the Council tentatively approved. Therefore, Council staff recommends the Council enact Bill 21-20 with an amendment to make it expedited with an effective date of July 1, 2020.

This packet contains:	<u>Circle #</u>
Bill 21-20	1
Legislative Request Report	18
Executive Memorandum	19
Fiscal Impact statement	20
Economic Impact statement	22
Public Hearing Testimony	24

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

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or a defined term.

Added to existing law by original bill.

Deleted from 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:

* * *

Animal control officer: The Executive Director of the Office [Division], or the [Division] Executive Director's designee.

* * *

Appropriate authority: For purposes of State law regarding animals, the Office [Division], the Board, and any other agency or official designated by regulation.

* * *

Benevolent organization: A non-profit organization, registered with the Office [Division], that cares for stray or homeless animals.

* * *

[*Director:* The Director of the Division or the Director's designee.]

Disposition: Adoption or other placement of a domestic animal, release of a wild animal into a suitable habitat, or humane euthanasia administered in a manner approved by the Office [Division].

[*Division:* The Animal Services Division in the Department of Police.]

* * *

Executive Director: The Executive Director of the Office or the Executive Director's designee.

* * *

Office: The Office of Animal Services.

5-102. Administration.

(a) Office [Division] *duties.* The Office [Division] administers this Chapter. [and must:]

(1) The Office must:

(A) provide an animal shelter program;

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) Executive Director. The Executive Director of the Office [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.

- (e) *Enforcement of animal control laws.* To the extent allowed by State law, the Office [Division] may enforce any State animal control law and any law under this Chapter. A reference in a State animal control law to the “appropriate authority” (or any similar term) in the County means the Office [Division] and any other County agency designated by regulation adopted under Method (3).

* * *

5-104. Animal Matters Hearing Board.

- (a) *Jurisdiction.*

(1) As provided in this Chapter, the Animal Matters Hearing Board has jurisdiction to hear:

(A) original complaints involving allegations of violations of this Chapter or a violation of the terms of an adoption agreement; and

(B) appeals from any decision or order of the Executive Director.

* * *

- (e) *Authority.* The Board may:

(1) Order the Executive Director to seize, impound, destroy, or take any other action the Board decides is necessary regarding an animal that is suffering cruelty, dangerous or potentially dangerous, or causing a public nuisance or other violation of this Chapter.

* * *

(6) Appoint a person to mediate a case if the owner and each complainant (which may include the Office [Division]) agree. A consent order resulting from mediation is an order of the Board.

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. Dangerous 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

Director finds that the animal is not a threat to public health or safety.

- (d) *Confinement and microchipping.* The Executive Director or the Board may impose any restriction or condition, including confinement or microchipping the animal, on the owner of a dangerous or potentially dangerous animal that is reasonably expected to protect the public health or safety. A person must not release the animal from confinement unless the animal is:

- (1) securely muzzled in a manner approved by the Office [Division];

* * *

- (g) *Licensing records.* The Executive Director must indicate in the licensing records whether a licensed animal is dangerous, potentially dangerous, or a guard dog.

* * *

5-203. Public nuisance and other violations.

- (a) *Violation.* An owner must not:

* * *

- (2) Allow an animal to damage or defecate on property outside the owner's property. An animal may defecate on public property or the common area of property in which the owner shares an interest if the owner immediately removes and disposes of the feces by a sanitary method approved by the Office [Division]. This paragraph does not affect any right of a common ownership community to regulate or ban animals from the community's property.

* * *

- (10) Allow an animal to act in any other way that the Executive

Director, the Board, or an animal control officer finds would cause any other public nuisance established by regulation. An action prohibited by the regulation is a violation even if the action does not qualify as a public nuisance because the owner has not received notice described in subsection (b)(1).

* * *

(b) *Public nuisance.* An owner must not allow an animal to create a public nuisance by:

(1) behavior described in subsections (a)(1), (2), (3), (4), (6), (8), (9), or (10) occurring after the owner received notice from the County in any form (such as an oral warning from an Office [a Division] employee) of a violation because of the same behavior; or

* * *

ARTICLE III. ENFORCEMENT, PENALTIES, AND APPEALS.

5-301. General provisions.

(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.

(b) *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 order that explains the factual and legal basis for the order.

(c) *Types of enforcement.*

(1) Except as provided in paragraph (2), the Executive Director or

an animal control officer may, to enforce an animal control law or protect the health or safety of an animal, a person, or the public:

* * *

- (2) The Executive Director or an animal control officer must not destroy an animal under paragraph (1) unless:

* * *

(B) the Executive Director, an animal control officer, or the Board finds that destruction of the animal is necessary to prevent an immediate threat to public [pubic] health or safety. If an owner requests a hearing within 5 days after the County notifies the owner of any action under this paragraph, the Board must hold a hearing after the fact on the action and may order the County to reimburse the owner for the resale value of the animal if the action was not justified; or

* * *

- (h) *Board order to take action.* As a result of an adjudication of a complaint or appeal, the Board may order the Executive Director or an animal control officer to take an action described in paragraph (c)(1).

5-302. Special enforcement provisions regarding specific offenses.

- (a) *Dangerous or potentially dangerous animals.*

- (1) An animal control officer immediately may seize, impound, and humanely euthanize, at the owner's expense, an animal that the Executive Director, an animal control officer, or the Board finds is dangerous or potentially dangerous and poses an immediate threat to public health or safety.

- (b) *Public nuisance and other violations.* The Board, the Executive 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

caring for the animal for the 30-day period beginning on the date the animal was impounded. The Executive Director must estimate the cost, which must include the cost of food, veterinary care, and other necessities that a responsible owner would provide for the animal and may include other costs, such as pro rata staffing and administrative expenses, allowed by regulation. The owner must pay in cash or by another method acceptable to the Office.

* * *

(3) The Executive Director may:

- (A) revise the estimated cost of care for each 30-day period to improve the accuracy of the estimate; and
- (B) apply any previous payment for that animal that exceeds the actual cost of care to the next 30-day period.

* * *

(7) The Executive Director may waive or modify the prepayment required under this subsection (such as by requiring weekly prepayments) if the owner provides evidence that prepayment for 30 days of care would be a serious financial hardship to the owner.

(d) *Multiple impoundments.*

- (1) If an unaltered dog or cat is impounded 2 or more times, the owner must have the animal altered at the owner's expense within 30 days after the animal is released from impoundment or surrender the animal to the Executive Director unless:

* * *

- (2) The Executive Director must not allow an owner to redeem an

animal impounded less than 12 months after the animal was released from a previous impoundment, unless the owner has successfully appealed any citation arising out of the prior impoundment, until the Executive Director has issued:

* * *

5-304. Disposition.

(a) *Types of disposition.* An animal impounded by the Office [Division] may be:

- (1) redeemed by an owner under certain circumstances;
- (2) placed for adoption if abandoned;
- (3) set loose in a suitable habitat if wild; or
- (4) humanely euthanized in a manner approved by the Office [Division].

(b) *Redemption.* The owner of an impounded animal may redeem the animal if:

* * *

- (5) the Executive Director approves, or the Board orders the redemption, and the owner complies with any conditions for redemption; and
- (6) redemption is not prohibited by another animal control law.

* * *

(d) *Release or adoption prohibited.* The Executive Director must not:

* * *

(e) *Dangerous or nuisance animals.* The Executive Director or any other person must not sell, release, or place for adoption an animal that an animal control officer found is dangerous or potentially dangerous, would cause a public nuisance or other violation, or has rabies or an

incurable communicable disease, unless the Executive 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

320 this Chapter.

321 * * *

322 (c) *Filing fee.* In addition to any other requirement imposed by this
323 Section, the owner appealing a decision of the Executive Director or an
324 animal control officer must pay a filing fee established by executive
325 regulation. The Board or the Executive Director may waive the filing
326 fee in response to an appellant's request.

327 (d) *Board's decision.* The Board may modify a decision of the Executive
328 Director or an animal control officer only if the appellant proves by a
329 preponderance of the evidence that the decision was arbitrary, illegal,
330 or not based on substantial evidence. The Board must issue a written
331 opinion explaining the factual and legal basis for its decision.

332 (e) *Boarding of animal – pending Board decision.* If the owner timely
333 appeals an impoundment or seizure, the owner may also seek review of
334 the Executive Director's determination of boarding costs by filing an
335 appeal with the Chief Administrative Officer within 5 days after the
336 Executive Director issues a demand for prepayment. The Chief
337 Administrative Officer, or a designee, must review the Executive
338 Director's decision within 2 business days after receiving the appeal.
339 The owner must provide the Chief Administrative Officer with
340 information sufficient to show that requiring prepayment of boarding
341 costs would be a serious financial hardship on the owner. The Chief
342 Administrative Officer may ask the owner to provide additional
343 information at an informal hearing conducted in person or by telephone.
344 The Office [Division] must not require the owner to prepay any
345 boarding costs pending the Chief Administrative Officer's decision.

The Chief Administrative Officer may make any decision the Executive Director could have made such as requiring the owner to prepay boarding costs retroactive to the initial boarding date of the animal, posting a bond, or placing the animal in a suitable facility at the owner's sole expense. The owner may ask the Board to review the Chief Administrative Officer's decision regarding prepayment of boarding costs as part of its review of the underlying appeal.

* * *

ARTICLE IV. LICENSING AND HEALTH.

5-401. Dog and cat licenses.

- (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 must apply the same licensing requirements to cats. The Executive may set fees for cat licenses that are different than the equivalent fees for dog licenses.

* * *

5-402. Rabies control.

- (a) The Executive Director and the County Health Officer must implement the State anti-rabies law (Md. Code, Health-General Article, Title 18, Subtitle 3, Part III). The County Executive must issue fee regulations under method (3) and other regulations under method (2) to implement this Section.

* * *

5-404. Animal business licensing.

* * *

- (b) *Fees.* The County Executive must issue regulations to set fees:

(1) under method (2) for licenses under subsections (a)(1) to (5);

* * *

(c) *Denial, suspension, and revocation.*

(1) The Office [Division] may deny, suspend, or revoke a license:

(A) for a facility that violates any provision of the Code, including Chapter 59, or any State or federal law; or

(B) if the applicant or licensee withholds or falsifies information, or engages in fraud or misrepresentation regarding the sale of animals.

(2) A person aggrieved by an action under this subsection may appeal the action under Section 5-306.

* * *

ARTICLE V. RETAIL SALE OF DOGS AND CATS.

5-501 [5-405]. Legislative Findings.

* * *

5-502 [5-406]. Definitions.

* * *

5-503 [5-407]. Retail Sale of Dogs and Cats.

* * *

31B-12. Enforcement and penalties.

* * *

(g) The Executive Director of the Office of Animal Services [Division] may initiate administrative action before the Animal Matters Hearing Board instead of an enforcement officer issuing a citation under subsection (f) for a violation of this Chapter originating from an animal source.

* * *

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 *Marc Elrich*

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 of new staff responsibilities would affect 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

Economic Impact Statement

Office of Legislative Oversight

Bill 21-20

Office of Animal Services – Established

SUMMARY

The Office of Legislative Oversight (OLO) expects Bill 21-20 to have an insignificant impact on the Montgomery County economy.

BACKGROUND

The Animal Services Division is currently housed within the Police Department. Bill 21-20 would create a new, non-principal office in the Executive Branch and transfer the Animal Services Division from the Police Department to the newly created Office of Animal Services. The goal of the bill is to enhance performance accountability and raise attention to the mission of the care and management of animals.¹

INFORMATION, ASSUMPTIONS and METHODOLOGIES

No methodologies were used in this statement. The assumptions underlying the claims made in the subsequent sections are based on the judgment of OLO staff.

VARIABLES

Not applicable.

IMPACTS

Businesses, Non-Profits, Other Private Organizations

Workforce, operating costs, property values, capital investment, taxation policy, economic development, competitiveness, etc.

OLO believes that Bill 21-20 would have little to no impact on private organizations in the County in terms of the Council's priority indicators, namely workforce, operating costs, capital investments, property values, taxation policy, economic development and competitiveness.

Residents

Employment, property values, taxes paid, etc.

OLO believes that Bill 21-20 would have little to no impact on County residents in terms of the Council's priority indicators, namely employment, property values, and taxes paid.

WORKS CITED

Montgomery County Council. Bill No. 21-20 Office of Animal Services - Established, Montgomery County, Maryland.

¹ Montgomery County Council, Bill No. 21-20 Office of Animal Services - Established, Montgomery County, Maryland, 18.

Economic Impact Statement

Office of Legislative Oversight

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

This economic impact statement was drafted by Stephen Roblin (OLO).

**TESTIMONY ON BEHALF OF COUNTY EXECUTIVE MARC ELRICH
ON BILL 21-20 - OFFICE OF ANIMAL SERVICES – ESTABLISHED**

May 5, 2020

Good afternoon Council President and Councilmembers, my name is Dale Tibbitts, Special Assistant to the County Executive. It is a pleasure for me to appear before you on behalf of the County Executive in support of Bill 21-20. The Executive's position is as follows:

- 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.
- 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.
- There is no anticipated budgetary impact relating to the action of this bill.

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From: "Elaine Krichevsky" <elainekrichevsky@gmail.com>
Date: 5/9/2020 12:29:48 PM
To: "County.Council@montgomerycountymd.gov" <County.Council@montgomerycountymd.gov>
Cc:
Subject: County Bill 21-20

Dear Sirs:

I am writing in support of Bill 21-20 - to have the county's Animal Services become a 'stand alone' office, rather than administered currently under the Police Department.

Animal Services deserves to be a 'stand alone' office under the County Executive. This would enable Animal Services to directly address the many unique missions, and legal protections to which animals are entitled.

Thank you for your attention.

Elaine Krichevsky
3023 Kramer Street
Silver Spring, MD 20902

Close