To: Barry Jacobs, Chair of the Orange County Board of Commissioners

From: Dr. Susan A. Elmore, Chair of the Animal Services Advisory Board

cc: Earl McKee, Mark Dorosin, Alice M. Gordon, Bernadette Pelissier, Renee Price, Penny Rich, Frank W. Clifton, Jr., and Michael Talbert

Date: September 18, 2013

Subject: Memo from ASAB Chair Dr. Susan Elmore concerning the unified animal ordinance

The purpose of this memo is to provide an abbreviated outline of Animal Services Advisory Board (ASAB) involvement in drafting the unified animal control ordinance, scheduled to be heard at the October 1 Regular Business Meeting of the BOCC. Below is a timeline indicating specific meetings and major results.

March 20, 2013
Meeting: ASAB met with county staff.
Purpose of meeting: To provide input on the draft unified ordinance.
Results: ASAB suggested minor edits to the draft and unanimously agreed with staff approach of only making changes when there were significant gaps or inadequacies.

May 13, 2013
Meeting: ASAB monthly meeting.
Purpose of meeting: To address public concerns with the draft unified ordinance specifically relating to standards for vicious dog determinations.
Results: Public comments were heard. Staff made a detailed presentation highlighting differences between the draft unified animal ordinance and the existing ordinance explaining the rationale behind each change. ASAB unanimously approved going forward with the unified animal ordinance, with the understanding that this was not a perfect document but that once in place, the ASAB would look into a more thorough review of specific sections if concerns were voiced about the need for amendment.

June 4, 2013
Meeting: BOCC Regular Business Meeting.
Purpose of meeting: Among other things, to present and propose the draft unified animal ordinance.
Results: Chair and Co-Chair attended and spoke in support of the current version of the unified animal ordinance. BOCC asked staff to highlight the changes made in the draft document, the reason for the changes, and to address the public concerns that were voiced at that meeting.

July 8, 2013
Meeting: I, as ASAB Chair, met with Allan Green, Orange County farmer.
Purpose of meeting: To hear and discuss specific concerns that Mr. Green (and others) had with the draft document.
Results: The main issue discussed was at-large livestock as nuisance animals. For this issue, Chair Elmore felt that she should seek the input of the Agricultural Preservation Board (APB). (Note: In 2010, at the request of Mr. Green, the ASAB reviewed the current policy and determined that the ordinance should not be revised. The ASAB concluded that the current provision did not undermine and was not incompatible with farmland protection in Orange County. It was also noted that discretion in enforcement of this provision can and should occur. There have been no other complaints since that time and the board is not aware of any that preceded the one made by Mr. Green.) Other issues discussed were watch dogs/sentinel dogs, the appeals process, and public input to the unified ordinance process. A document was prepared by Mr. Green and Dr. Elmore and shared via email with Bonnie Hauser, Ed Johnson, Anne Meade, and Robert Epting (lawyer for Mr. Johnson and Ms. Meade).

July 11, 2013
Meeting; Phone conversation with Professor Aimee Wall, School of Government, University of North Carolina—Chapel Hill.
Purpose of meeting: To discuss the unified animal ordinance and the potential for the ASAB to seek her input.
Results: Dr. Wall agreed with the approach that staff has taken to close significant gaps now and then tackle other issues after unification. She indicated that she would be happy to meet with the ASAB after the animal ordinances are unified.

August 19, 2013
Meeting: Between Chairs and staff of ASAB and Agricultural Preservation Board (APB)
Purpose of meeting: To discuss the concerns that the APB may have with the unified animal ordinance as it relates to farm animals.
Results: Suggestion from APB was to change the ordinance to provide that acts involving at-large livestock that are outside of the farmer's control are not considered a nuisance and to make it explicit that there is discretion as to whether a farm animal off property should be considered as a public nuisance.

August 21, 2013
Meeting: ASAB monthly meeting.
Purpose of meeting: To review the updated unified animal ordinance document and an additional document with an outline and rationale of the proposed changes. APB concerns were discussed and public concerns were also heard.
Results: It was again recommended that changes to the ordinance that do not impair operations could be deferred until after consolidation. The ASAB voted unanimously to approve the document prepared by staff with two suggestions: (1)

provide additional explanation of the originating source(s) of different changes and rationale for chosen content where differences among existing ordinances were reconciled and (2) consider the possibility of (to the extent feasible) providing to the BOCC alternate drafts of the proposed ordinance with the three controversial issues of trespass, watchdog, and livestock left unchanged.

As can be seen from the outline above, the ASAB has been very involved in the process of developing the unified animal control ordinance for consideration by the BOCC. It has done so in accordance with the work plan that it submitted to the BOCC for 2013 because of the strong belief that there is a definite need for such unification and that now is the time for it to be achieved. The ASAB has remained unanimous in its support of this important effort during each process of review. As this outline shows, the ASAB has heard from some critical stakeholders, has considered the issue of "no change" versus "critical changes only", and has remained unanimous in its support of critical changes only. The belief is that the recommended changes are needed in order to make this ordinance fair and enforceable.