

Metro Animal Care and Control Advisory Council Meeting Minutes

March 14, 2012

Present:

Bill Paul, MD, MPH
Phran Galante
Jon Cole
Joy Beach
Dr. Brent Hager, PhD
Joe Pinilla

Judy Ladebauche
Jim Phillips, DVM
Teri Zweifel
Alex Dickerson, Metro Legal
Keri Kozlowski, Metro Legal
Tom Sharp
Martha Bickley, recorder

Dr. Paul called the meeting to order at 3:30 p.m.

Approval of January 11, 2012 Minutes

Phran Galante made a motion to approve the January 11, 2012 minutes as written. Jon Cole seconded the motion. The motion passed unanimously.

Tour For Life Billboard and 2011 Volunteer Hours

Teri Zweifel announced that a billboard promoting North Shore Animal League's Tour For Life to be held April 14 would be placed at Antioch Pike and Harding Place. Flyers are being distributed and Ms. Zweifel passed out invitations to those present. Ms. Ladebauche credited Ms. Zweifel with the design of the flyer, billboard and logo.

Ms. Zweifel reported that MACC currently has 10 active volunteers and are working to bring in more after Tour For Life. There are 70 volunteer applications. Volunteers donated 1,726 hours in 2011. Since the program began in 2007, 9,298 hours have been accumulated. She has 70 applicants for 30 volunteer slots.

MACC Update

- Dr. Paul introduced Alex Dickerson of Metro Legal, who was present to answer questions about vicious dog complaints. Dr. Hager requested that Mr. Dickerson discuss generally the process in Environmental Court. Mr. Dickerson explained that a vicious dog is one that attacks and bites a person or animal without provocation. When a complaint is filed, Judy, as director of MACC, or her designee, reviews the complaint and determines if the complaint meets Metro's definition of viciousness. If so, the dog is impounded at MACC and the owner is required to appear in Environmental court. He detailed four orders the court can issue: 1) the dog is found not vicious by the court and is released to the owner without boarding or other fees charged; 2) the dog is found vicious and is returned to owner once the owner has satisfied the court's requirements (pen size and structure); 3) the dog is found vicious and is required to be implanted with a microchip; or 4) the dog is found vicious and is ordered to be destroyed humanely.

If the dog is found vicious, the dog owner can ask for a re-hearing in front of a General Sessions judge, who hears all the evidence again and is not confined in any way by the

referee's decision. If the judge upholds the referee's decision or issues another, different order that the defendant doesn't like, they can appeal their case to the Circuit Court, where it is a trial de novo, essentially a new judge who does not take into account the General Sessions judge's order. The Circuit Court judge has the same options available as the referee and the General Sessions judge. After Circuit Court, the defendant can appeal as a matter of right to the Tennessee Court of Appeals, which is very rare.

At any stage if a judge finds a dog to be vicious and orders it to be euthanized, Animal Control is stayed from euthanizing the animal until the time for the defendant to appeal has expired. The timeframe for this is thirty days. Once it goes to the Court of Appeals, it can take a few months to more than two years.

Under Metro ordinance, dog owners are charged a \$50.00 impoundment fee, \$18.00 per day boarding fees, and the costs of any extraordinary medical costs incurred during the entire process from impoundment to final determination of what happens to the animal. If the animal is found not vicious at any point, the animal may be released to the owner at no charge. Mr. Dickerson explained the appeal bond, the instrument by which the dog owner assures the court that should the decision be upheld the owner can afford to pay the accrued fees.

Should the dog owner appeal the Court of Appeals' decision, a case could possibly proceed to the Tennessee Supreme Court, but it is considered an appeal by discretion, rather than an appeal of right. This means the Supreme Court could choose not to hear the case.

Mr. Dickerson explained that the Prada case is in the third of the four levels he described, and was currently in the 30-day appeal time frame subsequent to the Circuit Court ruling. He said it is likely to be appealed.

Dr. Paul asked at what point there is discretion within the Executive branch. Mr. Dickerson said that the judge is limited to how they can rule, but whether or not Metro can settle is a gray area. He said Metro's goal is to maintain and limit liability, and the further up the chain a case progresses the liability increases.

Judy Ladebauche asked if there had been a valid, written offer from a sanctuary to take Prada, as had been alleged. Mr. Dickerson said that there had been settlement talks and said that the same parameters and demands apply to the Prada case as they apply to every other case in which Metro engages.

Dr. Paul thanked Mr. Dickerson for sharing the information about vicious complaints.

Keri Kozlowski thanked Mr. Dickerson and the MACC staff for their hard work. Mr. Dickerson recognized that MACC staff had endured unnecessary and irrelevant statements as to how they conduct business and complimented them on the job they have done.

- Judy Ladebauche provided and discussed materials from the Data Committee which met the previous week and is focusing on animal bites (Attachment I).



Adobe Acrobat
Document

Dr. Paul reminded the group that periodically the group would look at and discuss operation data and demand data and have a standard way of reporting the data. He advised that having data that demonstrates the impact of spay/neuter efforts on complaints would be helpful in configuring resources and applying for grants etc. Especially ones that relate to the needles that we want to move: bites, euthanasia, adoptions, complaints and intake.

Joy Beach commended Judy and MACC staff in the improvements on the numbers in most categories, i.e., decreased euthanasia and increased adoptions, and Dr. Paul noted that for the quarter bites did show a slight increase and expressed his desire that the data committee examine and report further on bites.

- Dr. Hager reported that 60 domesticated hen permits have been issued. Those who apply for them receive education and seem grateful for the opportunity to keep chickens legally. MACC has purchased four traps to capture loose hens and roosters.

Legislative Update

There was no legislative update.

UPAW Update

Phran Galante reported that UPAW's Education Committee presented to Daisy Scouts in East Nashville; the committee now has officially the ability to issue a scout badge in proper dog or animal handling to Daisy Scouts and Girl Scouts. They are also getting more therapy dogs involved in the training.

UPAW's Domestic Violence and Child Abuse Committee is fully formed and is waiting for Our Kids Inc. to let them know when it will be convenient to meet and brainstorm.

UPAW has submitted to Dr. Paul and Judy Ladebauche a proposal for A Special Evening at MACC and are waiting to hear if the proposal was well received.

Update on Partnership Between Pets and People

Joe Pinilla reported that as of February 27, approximately 975 dogs and 400 cats had been spayed or neutered in 37013 and 37207. Nashville Humane Association's grant from PetSmart specifies that 1,100 dogs be altered by August, and that goal is expected to be attained easily.

Mr. Pinilla announced that the meeting would be his last on the MACC Advisory Council but he remains with the Health Department in Health and Wellness. He offered his thanks to the Council for the opportunity to work on the spay and neuter initiative and to benefit from members' expertise, and Dr. Paul and Council members present thanked him for his efforts.

The Big Fix 2020

Phran Galante reported that she and Dr. Phillips have been talking about meeting with veterinarians. Dr. Phillips said that he has invited several veterinarians to meet and has

solicited their thoughts and comments about The Big Fix, and has received comments such as, "It's not my responsibility," to "I'd like to serve and help where I can." In general, Dr. Phillips said that the veterinarians are in agreement that doing a lot of surgeries all at one time is not feasible. More feasible would be doing a surgery once a week or once or twice a month at a discounted rate. Question she has encountered include, "Who funds it," "Who does the means testing," and, "What is an equitable amount to charge." Some of the comments indicate that there is a perception in the vet community that MACC and Rover could do more and that their surgery schedules are not completely booked. Other questions were raised regarding responsibility for complications and liability. Dr. Phillips said that there are a lot of details that need to be worked out and presented to the vets to explain that, and he thinks that's great for the next step.

Ms. Galante and Dr. Phillips agreed that starting the discussion with the veterinarians in person is desirable. Dr. Phillips stated that he wants the veterinarians to be aware of it, read it and have digested it before inviting them to a meeting so that the veterinarians could present their solution versus their being told how the program would work. He said that it would be preferable for them to come to the conclusion to participate in a means-tested, discounted spay/neuter program on their own. Ms. Galante agreed that reaching an agreement about what will be done collectively to implement an ongoing program and what the vision is for doing things differently to combat the problem.

Dr. Paul asked Dr. Phillips if veterinarians preferred doing the discounted surgeries in their own clinics or donating their time at a separate facility, as is seen in programs like Interfaith Dental Clinic. Dr. Phillips stated that the preference was to incorporate the surgeries into their practices, and he thought that getting more clinics to participate by doing one surgery a week would have a greater impact.

A brief discussion was held on the concept of differential licensing.

Evaluation/Other Business

Dr. Paul noted Ms. Galante's prior suggestion to evaluate the Council and its work and effectiveness: What should the group keep doing, what should the group stop doing, and what should the group start doing? Mr. Cole offered that getting the data about MACC indicators is very helpful and should be continued. Ms. Zweifel commented that continued transparency might translate into less firestorm and negative opinion. Mr. Cole also suggested that increased publicity about the success of the spay/neuter initiative and positive direction of the data would be highly beneficial. Ms. Beach said that that NHA's spay/neuter efforts and collaboration with MACC would continue. The consensus was that collaborative efforts of MACC and NHA and spay and neuter initiatives have a positive effect in the community and should continue.

Mr. Cole asserted that reducing the numbers of pit bulls in the community would reduce greatly the numbers of animals euthanized by the city, as pit bulls are estimated to be significant percentage of the dog population in county.

Ms. Ladebauche asked if quarterly meetings would be easier for some members to attend instead of bi-monthly. Dr. Paul recalled that the frequency had been changed by the group to bi-monthly because quarterly meetings did not seem effective.

Ms. Galante asked what might be done to bolster the efforts of the group, and emphasized the importance of education about spay and neuter. Mr. Cole concurred and recognized the important role children and teenagers can play in influencing the attitudes of their parents.

Dr. Paul asked if other entities might be invited to have a presence in the Council, and Mr. Cole suggested reaching out again to the neighborhood groups that had participated. Billy Biggs thought Shannon Poindexter at the District Attorney's office should be invited to attend, as she has been engaged and helpful in prosecuting state cases. Dr. Paul also suggested an educator would be a good addition to the group.

Dr. Paul recognized a visitor and asked if she wished to make a comment. Ms. Laura Love, who lives in the 37207 zip code in Cleveland Park, and said that many of the issues discussed at the meeting affect her neighborhood and her personally. She is interested in what part she can play as a private citizen to help, and found the meeting to be very informative. Dr. Paul thanked Ms. Love for her interest.

The meeting adjourned at 4:35 p.m.

Next Meeting

The next meeting of the Advisory Council will be held on Wednesday, **May 9, 2012** at 3:00 p.m. in Room 212 of the Lentz Public Health Center.

Remaining 2012 meeting dates are:

July 11

September 12

November 14