

**SEMINOLE COUNTY
ANIMAL CONTROL BOARD
WORK SESSION**

**May 8, 2008
7:00 PM**

MEMBERS PRESENT: Debra Garrambone
Barbara Lewis
Lisa Giltner, Vice Chairman
Dr. DeHaven Batchelor, Chairman

MEMBERS ABSENT: Chris LaSage
Marylin Wittmer
Keith Weissman

OTHERS: T. E. Stone, Director of Public Safety
Morgan Woodward, Animal Services Manager
Ann Colby, Assistant County Attorney
Mary Beth Lake, Animal Shelter Manager
Carole Coleman, Animal Services Field Supervisor
Diane Gagliano, Animal Services Program
Coordinator
Elaine RiCharde, Clerk to the Board

The following is a non-verbatim transcript of the Seminole County Animal Control Board meeting held May 8, 2008, at 7:00 PM, at the Sheriff's Office/Public Safety Building, 150 Bush Boulevard, Sanford, Florida.

I. Call to Order.

Dr. Batchelor called the meeting to order at 7:08 PM.

II. Roll Call.

Roll Call was taken by the Clerk to the Board. There was not a quorum present. Ann Colby, Assistant County Attorney, advised the meeting could proceed for the purpose of taking information; however, the Board could take no official action.

Ms. Garrambone joined the meeting at 7:20 PM. Therefore, a quorum was met.

III. Work Session.

- Presentation and Discussion by the Friends of Feral Animals (a Three Member Panel Composed of Ms. Francoise Ager, Ms. Phyllis Ayoob and Ms. Gail Nagan) in Support of a Feral Cat TNVR (Trap, Neuter, Vaccinate & Return) Program

Francoise Ager and Phyllis Ayoob, representing Friends of Feral Animals (FFA), were introduced. Mr. Chip Steele, representing CARE Feline Rescue, Inc. (serving Orange County) was introduced and took Ms. Ayoob's place as a presenter. Gail Nagan, who was speaking on her own behalf, was introduced.

Ms. Ager thanked the Board and Tad Stone, Director of Public Safety, for the opportunity to meet with them.

Ms. Ager began by stating the FFA presentation would include the following.

- Respond to questions raised at the March 13, 2008, meeting
- Refute statements in a response memo (memo) prepared by Mike Wittmer, former Animal Services Manager, in reply to a citizen's correspondence to the Board of County Commissioners in 2006 in support of feral cat colonies
- Address the financial benefits of TNVR
- Address revisions to the County Code regarding cats

Ms. Ager began by defining a domestic pet, a stray pet and a feral animal. She did not cite the source of the definitions.

Ms. Ager spoke about organizations that have taken a public position on TNVR. The American Veterinary Medical Association and the National Audubon Society take a neutral position on TNVR. Organizations that support TNVR include the American Association of Feline Practitioners, American Animal Hospital Association, American Humane Association, the American Society for the Prevention of Cruelty of Animals, Association of Veterinarians for Animal Rights, Best Friends Animal Society, Cat Fanciers Association, the Humane Society of the United States, et al. The American Bird Conservancy and the People for the Ethical Treatment of Animals (PETA) oppose TNVR.

The financial and euthanasia statistics (first quarter 2007) FFA refers to in their business plan were taken from the Florida Animal Control Association newsletter *TRAX*. Ms. Ager would like feedback about the concern raised at the March meeting over these statistics.

Ms. Ager made reference to the 2006 rabies statistics from the Centers for Disease Control and Prevention and the Florida Department of Health. Specifically, there were 67 cases of rabies in Florida that year, which reflects a

continuing downward trend in rabies cases and is indicative that rabies is under control.

Ms. Ager spoke to percentage statistics that would demonstrate an effective TNVR program and referenced a target of 80%. This is a number put forth by a number of sources as an indicator of a successful program. However, it is difficult to quantify 80% of what. Would it be all females in a colony, or all the animals in a colony? She concluded it would be difficult to give a number that could measure a success rate because feral populations are so dynamic.

Ms. Ager spoke about successful TNVR programs nationwide and in Florida. FFA conducted a poll of counties that are members of the Florida Animal Control Association, and this poll revealed numerous counties either have or are considering TNVR and/or low cost spay/neuter programs.

Mr. Steele spoke about the CARE Feline Rescue, Inc. organization that operates in Orange County.

- CARE is a 501(c)(3) organization that does TNVR
- CARE is run by volunteers
- CARE has been in operation since 1995
- CARE and Orange County Animal Services (OCAS) have a written agreement to provide and regulate a TNVR program
- OCAS provides spay/neuter services¹ and vaccines for cats trapped by CARE
- CARE trains and equips volunteer caretakers to use CARE owned traps and to maximize spay/neuter appointments allotted to CARE by OCAS
- Colony boundaries are not addressed in the agreement
- Caretakers standards are outlined in the agreement
- Caretakers are screened by CARE to verify cats are feral and that caretakers reside in Orange County
- Caretakers sign a CARE liability waiver
- OCAS provides feedback to CARE to resolve caretaker issues; usually handled through retraining and counseling but can result in removal from the program
- No obstacles to the program in the Orange County Code, which does define a feral cat and does not prohibit feeding feral cats

Ms. Ager resumed her presentation and made the following points.

- The Florida Statutes do not address feral animals.
- Florida Statutes that speak to wildlife also speak to indigenous species but not to feral animals.
- A National Animal Control Association policy statement recommends that Animal Control Officers should be empowered to manage feral cats, recognizes TNVR as an effective management program and advocates

¹ OCAS has an on site spay/neuter clinic.

community education about cats to include spay/neuter and responsible cat ownership.

- The Florida Fish and Wildlife Conservation Commission (FFWCC) has no statutory authority over domestic animals but does have rules that permit removal of feral cats harming imperiled wildlife on public conservation land.
- FFA finds no FFWCC statutory conflicts to TNVR but only policy conflicts.
- To implement TNVR in Seminole County, the code must be revised to define free roaming cats and to include language on the guardianship (sic) of feral animals in general.

Ms. Ager can provide samples of model language for an ordinance permitting TNVR as previously requested by Mr. Stone.

Ms. Ager said FFA was asked at the previous meeting if they would be agreeable to a trial TNVR program. This is not necessary because FFA members are and have been colony caretakers for years, and can report individually on the success of their activities. CARE Feline Rescue, Inc. can also report on the success of their program.

Ms. Ager said FFA was previously asked who, in the absence of a sanctioned TNVR program, could serve as the point of contact to resolve feral cat issues brought to Seminole County Animal Services (SCAS) attention. She said FFA could not respond until their own questions were answered, to include the volume of calls, guidance on how SCAS responds to nuisance complaints about animals other than cats, and SCAS expectations as to the point of contact's responsibility.

Ms. Ager said FFA could and can provide what they are doing now to resolve feral cat issues brought to SCAS.

- Low cost spay/neuter services
- Trapping advice
- Colony management guidance to caretakers
- FFA does not relocate and cannot take in feral cats

FFA wants the following in order to demonstrate a collaborative effort between SCAS and FFA.

- SCAS to initially educate residents registering complaints about feral cats
- SCAS to refer the complainant to FFA for a more effective resolution (see the proceeding paragraph) than SCAS can provide

Ms. Ager concluded by asking how this program would be funded and what would be the liability to the County, to FFA or to any other participating rescue organization, and how is the liability handled now.

Gail Nagan began her presentation by defining TNVR and the feral cat. There are thousands of unvaccinated, intact cats living outdoors in Seminole County. Something must be done to correct this situation and two methods are available to do so. The current method is to trap and remove. A more progressive method is trap and return. Ms. Nagan compared the two methods.

Trap and Remove

- Cats remain outdoors
- Cats are breeding to capacity regardless that some are removed
- Intact cats demonstrate nuisance behavior
- County must respond to nuisance calls resulting in an expenditure of tax dollars
- Cats are not vaccinated against rabies

TNVR

- Projects almost 100% of feral cats can be trapped by volunteers
- Every cat is spayed or neutered and ear tipped
- Population naturally diminishes through attrition
- Caretaker monitors the colony to trap newcomers
- Nuisance behavior diminishes
- County response to nuisance calls is minimized
- Cats receive a rabies vaccination
- Cats are already living outdoors; TNVR would not change that but would result in those cats being sterilized and vaccinated

Ms. Nagan next addressed the issue of rabies. It would be unlikely for anyone other than the colony caretaker to be bitten by a feral cat. According to the memo (supra), cats are the most common rabies carrier among domestic animals. Ms. Nagan said this is true but misleading. According to the Florida Department of Health, since 1997 six domestic animals originating in Seminole County tested positive for rabies, and three of those were cats. In the same time period, there were 82 rabies cases in wildlife originating in Seminole County. She concluded rabies is not really an issue with cats.

Again referencing the memo (supra), Ms. Nagan said the claim that cats transmit rabies to wildlife is not true. She read a statement from Rebecca Schultz, Florida Department of Health, Bureau of Community and Environmental Health, that referenced rabies in raccoons and bats. Ms. Nagan said she spoke to a person (unnamed) from the Florida Department of Health who said rabies in America was not a "big deal" any more but was an expensive deal because of the post exposure vaccine, but that (in America) nobody dies from rabies. Ms. Nagan then gave a run down of rabies infection and deaths in humans in Florida, and concluded that in Florida there is no rabies concern with cats.

Ms. Nagan took issue with studies on the number of wild birds killed by cats, and concluded the studies were not scientifically proven.

Ms. Nagan spoke about the need to educate the public about TNVR rather than loaning traps to remove nuisance cats. Ms. Nagan said communities with successful TNVR programs do not loan traps to residents. She recommended SCAS impose stiff fines on residents who allow their unaltered pets to roam. She recommended SCAS collect statistics on customers who borrow traps to determine why and where they are trapping nuisance cats in order to resolve those problems.

Ms. Nagan concluded by saying the County's support for TNVR, even without funding, would result in colony caretakers "coming out of the wood work" and others volunteering their time and money. She said the County could also support TNVR by advertising on SGTV, billboards, pamphlets and educating the public.

Dr. Batchelor initiated the question and answer portion of the meeting with questions directed to Mr. Steele about the CARE program.

Mr. Steele said the program evolved over a number of years and matured as TNVR became a movement. Orange County Animal Services refers colony caretakers to CARE. A CARE volunteer contacts the caretaker to explain the program and verify eligibility. The caretakers trap and transport cats to OCAS for spay/neuter, vaccinations and ear tipping.

Dr. Batchelor inquired if Orange County revised their ordinance to accommodate TNVR. Mr. Stone responded. The Orange County code defines a feral cat but does not address feral cat colonies or caretakers. The agreement with CARE speaks to how OCAS will deal with managed colonies and the TNVR process. Mr. Stone said his understanding is complaints about established colonies are referred to CARE, who is either aware of the colony or can determine if it is an established colony. If not an established colony but a single complaint about a few nuisance cats, OCAS picks up the cats.

Ms. Giltner asked if Orange County has a leash law, how did they overcome allowing animals to run at large and was it accomplished by making feral cats an exception to their ordinance. Ms. Colby responded. There are no exceptions to the Orange ordinance, rather OCAS is looking the other way. Their leash law applies to owned animals, but feral cats are stray animals not owned by anyone and outside the law. Under the Orange ordinance feral cats can be picked up and euthanized, but OCAS is, in a semi-legal way, looking the other way. The Seminole ordinance would have to be changed to accommodate a TNVR program because Seminole County will not look the other way.

Ms. Giltner asked if the Seminole ordinance could be written to permit feral cat colonies. Ms. Colby replied yes, and such an ordinance would be a 360 degree turn around to Seminole County's current approach. The County could establish parameters depending on what they want to do with regard to legality.

There are questions about liability, sovereign immunity and private citizens performing governmental services that must be worked out.

Ms. Giltner said the largest hurdle will be making a program recommendation to the Board of County Commissioners that includes a policy of looking the other way.

Ms. Colby spoke about current budgetary restraints. She said a TNVR program with no associated funding request would be more attractive at this time.

Dr. Batchelor said the question is if the FFA proposal would supplement what SCAS already does to manage stray cats, and the proof would be in the results. It's not whether or not the proposal is a good idea, but overcoming funding and legal hurdles. Ms. Colby said the legality would depend on the concept. For example, FFA could choose to do as they do now without County interference. They could pursue the County's direct involvement by either revising the ordinance to make the County part of the process, resulting in the County "eating" liability, or by entering into a contract with FFA to perform SCAS services.

Dr. Batchelor inquired how CARE interacts with OCAS. Mr. Steele responded by first saying he disagrees that OCAS is looking the other way, and he believes CARE's activities are legal. The relationship between CARE and OCAS is exceptional in that most TNVR programs do not receive government funding for spay and neuter. If OCAS funding went away, CARE would have to develop other funding sources. Mr. Steele named a number of TNVR programs in Florida that are privately funded that could be model programs for Seminole.

Mr. Stone pointed out that OCAS has an on site spay/neuter clinic and CARE brings cats to OCAS one day per week for spay/neuter. Seminole County does not have such a clinic.

Ms. Giltner said the FFA, at their presentation on March 13th, requested Seminole County fund feral cat spay/neuter and a low income pet spay/neuter program. She wanted to make certain FFA understands SCAS does not have a spay/neuter clinic and will be in partnership with the SPCA of Central Florida, Inc. to operate the low income program. Ms. Ager is aware of the foregoing, and said organizations other than the SPCA can be relied upon to provide spay/neuter services

There was consensus for FFA to develop three (3) TNVR program models, with a variety of options and levels of service, for the Board to consider.

Ms. Colby clarified that Seminole County can legally do TNVR. But depending on how the program is administered, there are levels of liability and the hurdle will be the level of liability that is acceptable to the BCC. If the County

participates in the program, the County automatically assumes a level of liability. Ms. Ager said liability attaches to programs such as adopt-a-road and adopt-a-river. Ms. Colby agreed and said the County requires large insurance policies for those types of programs.

Ms. Giltner asked if there were ways to limit the County's liability. Ms. Colby said the County could contract with FFA and require FFA to assume all the liability, require FFA to produce insurance and require FFA to indemnify the County.

Ms. Lewis asked if liability would attach if the program started out with SCAS referring nuisance calls to FFA. Ms. Colby answered it would depend on what SCAS asked FFA to do. If SCAS referred customers to FFA to provide a service that is required to be provided by the County, the County would not be giving FFA the County's liability. In fact, the County's liability would increase because a non-government entity would be taking care of a governmental problem.

Mr. Stone spoke about a recent complaint to SCAS that was indicative of a feral cat colony. Ms. Ager was contacted and asked to verify if a known colony was at the location, and if not a known colony could FFA visit the location and report back. FFA claimed the colony, started TNVR at the site and the complaint was resolved. Mr. Stone said this was a win-win situation considering SCAS does not have the resources to do what FFA is doing at this site. However, there will be an occasion when SCAS will have to resolve a similar complaint.

Dr. Batchelor returned to the discussion about model programs. Ms. Lewis asked if the Board could provide specifics to narrow down the variables.

Ms. Nagan offered that she had with her model programs from other states that address liability issues. Mr. Stone advised she needed to research Florida law for Seminole County's liability.

Ms. Giltner asked if FFA was a 501(c)(3) organization and Ms. Ager replied they were not but other entities involved with feral cats are. Ms. Colby said if the Board of County Commissioners chose to enter into a contractual relationship with a non-profit, the contract would not have to be competitively bid.

Mr. Steele asked the Board to provide two or three criteria that each program must include. The criteria are 1) consideration that SCAS does not have an on site spay/neuter clinic; 2) the County's liability; 3) changing the County ordinance to allow free roaming cats.

Ms. Giltner gave a reminder that little to no funding would be available for a TNVR program.

The Board agreed to meet Thursday, August 21, 2008, at 7:00 PM to review the three model programs to be presented by two FFA members and Mr. Steele. Dr. Batchelor asked Ms. Ager to provide the model programs to either Mr. Stone or Ms. RiCharde two weeks prior to the meeting for inclusion in the meeting agenda package. Ms. Garrambone suggested Ms. Ager provide the Board with copies of any materials used during their presentations.

Mr. Stone asked if FFA had any statistics on the number of feral cats in the County. Ms. Ager responded 40% of cats are feral, and cited the references and formulas that support this number. Ms. Lewis added that 30% of the cats taken in at SCAS are feral.

Ms. Giltner asked Mr. Stone to resume providing euthanasia statistics to the Board.

Ms. Giltner commended Mr. Woodward for providing the Board with web sites to research in preparation for this meeting.

IV. Confirmation of Next Meeting Date.

- June 12, 2008
- September 11, 2008
- December 11, 2008

V. Adjournment.

Motion by Ms. Lewis to adjourn the meeting at 9:09 PM. Second by Ms. Giltner. The motion passed unanimously.

Respectfully submitted,

Clerk to the Board