

Minutes from June 15, 2020 were approved.

E. NEW BUSINESS

1. Review and Comment on Ordinance No. 2021-15: An ordinance Amending FNSBC Title 22, Animals, And FNSBC 1.20.070(E), Fine Schedule, Including Adding A Definition For Animal Rescue Facilities, Clarifying Responsibilities Of Caretakers, Requiring Proof Of Immunization And Registration In Certain Circumstances, Removing Mandatory Warnings, Adding An Animal Ownership Section, And Other Related Changes. **(Sponsor: Assemblymember Cash)**

Sponsor Assemblymember Cash provided the sponsor's report on the proposed Ordinance No. 2021-15 and spoke to the following:

- The ordinance is being brought forth out of response from community members who are experiencing issues with animal rescue facilities.
- Assemblymember Cash spoke with staff members of FNSB Animal Control who expressed certain barriers that prevent them from being able to address some of the concerns that the community has.
- After speaking with FNSB Animal Control staff and the FNSB legal department the ordinance was brought forward.
- The goal of the ordinance is to help FNSB Animal Control staff to enforce code.
- The importance of animal rescue facilities being required to register rescued animals which aides in identification of animals.
- It is not the intention of the ordinance to impact boarding facilities, mushers or pet owners with many pets, or pet sitters.
- There were a couple of definition changes.

The Commission questioned and discussed with Assemblymember Cash the following:

- How would the following be enforced: Item B, lines 75-78 of the ordinance: "A person that operates as an animal rescue facility and accepts a dog or cat into their possession for the purpose of caring for or selling or adopting the animal to another must contact animal control and register the animal, including providing proof of rabies vaccination, within two business days after receipt." (this question was deferred to staff)
- The term caretaker and its definition.
- Definition of animal rescue facility.
- If there is a violation at an animal rescue facility, who would be cited.

Sandra Hill provided the staff report for FNSB Animal Control and spoke to the following:

- The ordinance does address many of the concerns of the department but still needs some work on the language.

- The public wants Animal Control to provide more service and to have the means to address the cruelty and mistreatment of animals.
 - Current code does not allow Animal Control to enforce such measures.
 - Some language in code prevents Animal Control from being able address such concerns.
- Concerns of definition of owner:
 - Take "partnership" or "corporation" out of that definition.
- Concerns of taking out lines 43-45 of the ordinance: "and with the ability to provide proof of ownership."
- Concerns with the ownership section of the ordinance, lines 58-79;
 - Would like clarification of presumptive owner and true ownership; would like to propose a clear way to voluntarily create and prove ownership by means of a microchip and through registering with Animal Control.
 - Establish a primary proof of ownership option and other acceptable forms and options if primary proof is not available.
- Concerns of "Owner" as described in lines 42-45 of the ordinance; would like to work through an alternative description or definition.
- Line 155 of the ordinance; this section helps Animal Control by taking out "to prevent physical suffering" and uses the word negligently instead of intentionally. The word intentional is difficult to prove in court; there is more success in using the word negligent. It is also difficult to prove that an animal is physically suffering, and it is easier to prove the welfare of an animal and that an owner is not providing adequate food, water, shelter or veterinary care.
- Would like to incorporate in policy and mention in code the Mush with PRIDE sled dog care guidelines document; PRIDE stands for providing responsible information on a dog's environment.
- Fee schedule and not requiring some of the warnings for the fees is extremely important; in some cases, action needs to be taken immediately.
- Expectations of Animal Control's service has changed over the years.

The Commission questioned and discussed with staff the following:

- Whether a registry for animal rescue shelter animals is required per the ordinance or if it is in place already.
- Stray animals are brought to a rescue group vs. bringing them to FNSB Animal Control or reporting to the FNSB Animal Control; need emphasis on the rescue group reporting the stray animal to FNSB Animal Control.
- Care of the animals; make sure the ordinance excludes recognized hospice care, which is a veterinary specialty.
 - Some members of the public choose to use hospice care at the end of their animals' life rather than euthanizing them.
 - Owners who are choosing hospice care should not be considered cruel or inhumane.
- Establish licensing

- Optional licensing linked with a microchip.
- Emphasize on lines 75-78 of the ordinance that there is already an existing regulation.
- Whether there will be fees for registering an animal if the animal is already microchipped.
 - Potential for fees to offset the costs to Animal Control.

Interested Person Testimony

Chair Thornton opened interested person testimony.

Susan Flora of Gold Stream Valley, Fairbanks, AK spoke to her concerns of the ordinance targeting animal rescue facilities and not just facilities, individuals rescuing animals being subject to fines, and the lack of regulations for individuals who irresponsibly breed or let animals breed in large numbers and other individuals who own too many pets as well as the lack of definition of animal rescue organizations.

Commissioner Gardner inquired if Ms. Flora had ideas or recommendations for the proposed ordinance.

Ms. Flora suggested bringing together some of the animal rescue groups and entities who would be regulated by the changes and have the groups work on code that would apply to FNSB. She also stated that the proposed ordinance in comparison to many local Alaskan and U.S. animal codes is not comparable and is going backwards. She also suggested that the ACC should look at the Matanuska-Susitna Borough Animal Control Code who use compliance methods rather than punitive measures. Ms. Flora also addressed concerns that FNSB Animal Control cannot obtain search warrants to complete an inspection on animal cruelty and other complaints.

Commissioner Swan addressed Officer Ross and inquired whether FNSB Animal Control Officers can obtain search warrants.

Officer Ross replied that they do not have authorization to enter private property without permission and they would have to seek a policing agency for assistance.

Ms. Dolan, FNSB Borough Attorney stated that it is a state law limitation and it would need to be changed legislatively for that to be in effect.

Further discussion ensued on the topic.

Christina Hommel of North Pole, AK spoke to her concerns of neglect at an unnamed rescue facility practicing unethical treatment towards animals, the lack of mitigation options for resolving the neglect and that the proposed ordinance would not address the concerns regarding this agency which she brought up previously at FNSB Assembly meetings. She also stated the proposed ordinance would be financially and stressfully punitive towards ethical rescues and that the ordinance

would not mitigate any of the original concerns due to the honor policy and it would not provide oversight to ensure improvement on FNSB Animal Control enforcement. She further noted that the current definitions in code are vague and inaccurate. The minor offense fine schedule is too small to result in fostering responsibility especially if it's still unenforceable. The proposed changes in the ordinance do not address puppies and kittens under 4 months of age and discounts the population of puppies and kittens that are sold for profit, left un-vaccinated and un-altered, leaving the Alaska Spay and Neuter Assistance Program to step in through volunteer hours and additional rescue costs. She asked the Commission not to approve the ordinance as written and work forward on positive results to address the initial concerns that brought the ordinance forth to begin with.

Commissioner Swan inquired if Ms. Hommel was affiliated with any animal rescue organization.

Ms. Hommel replied that she is a foster for Pet Pride, and she volunteers for Alaska Spay and Neuter Assistance Program.

Commissioner Gardner inquired if Ms. Hommel had ideas or recommendations for the proposed ordinance.

Ms. Hommel replied that using a compliance method such as the one enforced by the Matanuska Susitna Borough as suggested by Ms. Flora would be the best approach going forward.

The Commission requested an extension to return comment to the Assembly on the ordinance and Assemblymember Cash accepted a 30-day extension period. The Commission will meet on June 21, 2021 at 6:00 p.m. for a work session to discuss the ordinance in further detail and to provide a recommendation to the Assembly.

Further discussion ensued on the following:

- Definition of animal rescue facility and those facilities having six animals.

2. Manager's Report

Ms. Hill updated the Commission on staffing and vacancies and noted that she would like to review and compare the animal shelter stats for the past year at a future meeting as well as the updated mitigation plan.

Commissioners questioned and discussed the following with Ms. Hill:

- Phone coverage at the shelter.
- Stats review; which format to review the stats.
- Future discussion on the updates of the new facility.

- General morale of Animal Shelter employees.

F. EXCUSE FUTURE ABSENCES – None.

G. COMMISSIONER’S COMMENTS/COMMUNICATIONS

Commissioner Gardner looks forward to scheduling future meetings and inquired if public comment will be allowed at the next meeting.

Commissioner Swan inquired if the animal rescue community can be solicited to attend the meeting. He also commented that the Mush with PRIDE sled dog care guidelines is codified within the Matanuska-Susitna Borough and the Canadian Provinces of Saskatchewan and Manitoba and they are referred to by reference in legal jurisdiction throughout North America and encouraged the Commission to review their website.

The Commission discussed options for reaching out to agencies for attending the next meeting and the appropriate documents for the Commission to review in preparation for the ordinance work session.

Commissioner Rosenberg stated that it has been a challenging and low-income year for the shelter fund and that there is a lack of after-school programs. The shelter fund is still able to provide services to animals in need. Ms. Rosenberg encouraged everyone to vote in the Fairbanks Daily Newsminer poll which is used when applying for grants. The shelter fund was no. 1 at Round Up at the Register and Sunrise Cares.

H. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:39 p.m.