

DOÑA ANA COUNTY RESOLUTION NO. 2019- 31

A RESOLUTION ESTABLISHING A PILOT PROJECT FOR REIMBURSEMENT OF ANIMAL CARE AT THE COUNTY COURT HOLD FACILITY

WHEREAS, the Animal Control Codes Enforcement (“ACCE”) Department is tasked with protecting pets from cruelty they may face from irresponsible owners, and

WHEREAS, as part of that mission, ACCE currently operates the live evidence facility wherein seized animals are held and cared for while criminal cases are being adjudicated against their owners, and

WHEREAS, the County does not currently seek reimbursement for costs against owners who are found guilty of crimes involving their animals, and in fiscal year 2014 the County paid \$10,000 in veterinary care and supplies without reimbursement, and

WHEREAS, state statute authorizes Doña Ana County to seek reimbursement for the care and maintenance of animals housed and cared for at the live evidence facility when the animal’s owner has been found guilty of a crime involving the animal, and

WHEREAS, ACCE has developed a proposed pilot fee schedule based on research of similar facilities that would be appropriate reimbursement for costs from owners who have been found guilty of a crime involving the animal, and

WHEREAS, ACCE proposes a fee schedule with a \$5.00 per day fee for routine care, \$8.00 per day for a sick animal’s care, and full reimbursement for any veterinarian costs that are incurred before releasing an animal back to its owner, and

WHEREAS, ACCE intends to institute this pilot program for one year, after which it will return to the Commission for further discussion before requesting Commission approval for a permanent fee schedule;

NOW THEREFORE, BE IT RESOLVED, that ACCE shall charge the aforementioned fees to those animal owners in Doña Ana County who have been convicted of a crime related to an animal being cared for by ACCE, and ACCE shall collect the relevant data and return to the Commission in approximately one year to provide a summary of its findings and recommendations for the Commission’s consideration of permanent fees and any other appropriate action.

ACCEPTED AND APPROVED this 26th day of March 2019, by the Board of County Commissioners of Doña Ana County, New Mexico.

**BOARD OF COUNTY COMMISSIONERS OF
DOÑA ANA COUNTY, NEW MEXICO**



Isabella A. Solis, District 4, Chairwoman

For/Against



Lynn J. Ellens, District 1

For/Against



Ramon S. Gonzalez
 Ramon S. Gonzalez, District 2

For/Against

Shannon Reynolds
 Shannon Reynolds, District 3

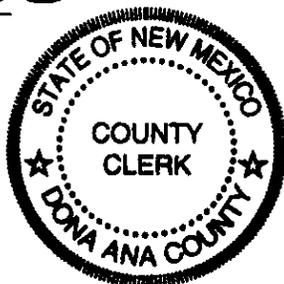
For/Against

(Vacant), District 5

For/Against

ATTEST:

Amanda Lopez Askin
 Amanda López Askin, Ph.D.
 County Clerk



**Doña Ana County
Executive Summary
Agenda Item**

A One (1) Year Pilot Project Fee Schedule for Animals Held at Court Hold Facility

Animal Control Codes Enforcement ("ACCE") is requesting approval for a pilot fee schedule program to be instituted for one year, after which ACCE will update the Board on its efficacy. The reason ACCE is requesting a new fee schedule is because the County is currently absorbing the cost of boarding animals seized in connection to a criminal or civil matter. State statute allows for fees to be recovered in situations where the defendant has been found guilty. The pilot program will examine how the fees offset the costs to care for the animal and how the fee impacts the likelihood that an animal is recovered by the owner.

Currently, Animal Control will seize an animal and place them in the live evidence facility when the animal has been involved in a criminal or civil matter. The animal is protected and cared for by County staff and the facility is not open to the public. However, this maintenance and care is not without a cost. Most of the animals need regular feeding and exercise but some of these animals are also in need of veterinary services. In 2013/2014 the live evidence facility paid \$10,000 in veterinary care and supplies; in 2016 over \$13,000 was spent in veterinary care and supplies; and in 2017 it cost the County over \$24,000 in veterinary care and supplies. (These numbers are estimations because when the facility was managed by the Sheriff's Department, the line-item costs were combined).

State statute authorizes the County to seek reimbursement for the care and maintenance of animals at the live evidence facility (including veterinary care) when an individual has been adjudicated guilty of a crime involving the animal. In situations where an animal has been lawfully seized and cared for at the facility but the resulting legal case does *not* result in a conviction, the County cannot legally seek reimbursement.

ACCE seeks authorization from the Board of County Commissioners of Doña Ana County to adopt a resolution that establishes a pilot fee schedule to determine how best to offset some of the day-to-day operational costs that come with animals that are held in our facility. This cost does not cover all the cost of the care of the animal but is meant to defray some costs when animals are held as evidence until a court finds them guilty of these crimes. The fees we propose are:

Daily Live Evidence Quarantine Fee	\$ <u>5.00</u> per animal per day
Sick Animal Care Fee	\$ <u>8.00</u> per animal per day
Veterinary Services Fee:	Fee equal to the amount charged by the veterinarian

A question might be raised about the discrepancy between the proposed fee schedule and what the Animal Service Center of the Mesilla Valley ("ASCMV") charges to board animals. ASCMV charges \$15/day and only holds the animal for 3-days before they are considered abandoned and put up for adoption or euthanized. The reason the current proposed fee schedule is only \$5.00/day is because the length of time between seizing the animal and turning it back over to the owner is much longer and results in a larger cost to the owner. Because of the necessary judicial process, a typical animal is held at the facility for an average of 3 months and some are held much longer. The ultimate goal of this fee schedule is two-fold: to recover some costs of boarding and to return the animal to the owner. If the County were

to charge owners more than \$5/day, it is the opinion of experienced ACCE staff that the vast majority of animals would be relinquished and then subsequently euthanized. Additionally, the Sheriff's office previously charged a \$5/day fee so staff feel that is the best starting point in this pilot program.

The differences between the live evidence facility and the Animal Service Center of the Mesilla Valley ("Shelter") are numerous. In anticipation of a question as to why the County would charge less per day to board an animal at the live evidence facility than at the Shelter, it is helpful to explain the differences between the two. The Shelter only holds an animal for 3 days, after which the animal is deemed abandoned (unless there has been a bite, in which case there is a mandatory 10-day bite quarantine). The shelter charges \$15/day, unless the Shelter has held the animal before and there is a step increase in cost to the owner, in order to encourage better pet ownership. Consequently, while the Shelter charges more, the animal is necessarily there for a shorter period of time before it is either put up for adoption or euthanized. ACO anticipates allowing owners to work out a payment plan with the County as well.

ACO requests authorization for a 1-year pilot program, after which staff will then brief the BOCC on the results of the program and request modifications, if necessary.

The relevant state statute is NMSA 1978 §30-18-1.3 Costs:

30-18-1.3. Costs.

- A. Upon conviction, a defendant shall be liable for the reasonable cost of boarding the animal and all necessary veterinary examinations and care provided to the animal. The amount of these costs shall be offset by the security posted pursuant to Section 30-18-1.2 NMSA 1978. Unexpended security funds shall be returned to the defendant.
- B. In the absence of a conviction, the seizing agency shall bear the costs of boarding the animal and all necessary veterinary examinations and care of the animal during the pendency of the proceedings, return the animal, if not previously relinquished, and all of the security posted pursuant to Section 30-18-1.2 NMSA 1978.

