

**Charlotte County Board Of County Commissioners
Agenda Item Summary**

Item Number: M- 2

1 DEPARTMENT MAKING REQUEST

Public Safety

2 MEETING DATE

10/14/2014 9:00:00 AM

3 REQUESTED MOTION/ACTION

Set a public hearing for October 28, 2014 at 10:00 a.m., or as soon thereafter as may be heard, to approve an Ordinance establishing an Animal Care Trust Fund.

4 AGENDA

Consent

5 IS THIS ITEM BUDGETED (IF APPLICABLE) - No

Budget Action

No action needed.

Financial Impact Summary Statement

Revenues received from citations are in the Animal Control Division in the Fines-Animal Control account.

Detailed Analysis Attached - No

Budget Officer-

6 BACKGROUND (Why is this Action Necessary, and What Action will be accomplished)

The purpose of the Ordinance is to establish a fund, separate from the County Animal Control budget, to assist with necessary veterinary testing, treatment, medication, surgery, boarding, and post-veterinary care costs incurred by Charlotte County Animal Control upon taking into its custody animals that are subjects of neglect or cruelty and providing for rehabilitation or general care.

The Charlotte County Animal Care Trust Fund will be funded through gifts, grants or awards. In addition, the trust fund will receive 10% of each Animal Control penalty citation estimated at an annual amount of \$2,500.

ATTACHMENTS:

Name:	Description:	Type:
<input type="checkbox"/> Ordinance_Final.doc	Ordinance	Cover Memo
<input type="checkbox"/> Economic_Impact_Estimate.doc	Economic Impact Estimate	Cover Memo

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**ORDINANCE
NUMBER 2014-_____**

**AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF CHARLOTTE COUNTY,
FLORIDA CREATING SEC. 1-4-46 OF THE CODE
OF LAWS AND ORDINANCES OF CHARLOTTE
COUNTY, FLORIDA FOR THE ESTABLISHMENT
OF AN ANIMAL CONTROL TRUST FUND;
PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

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RECITALS

WHEREAS, Section 125.01, Florida Statutes, authorizes counties to adopt ordinances necessary for the exercise of their powers, and to act in the common interest of the people of the county; and,

WHEREAS, Section 828.27, Florida Statutes, authorizes the Board of County Commissioners of Charlotte County, Florida, ("Board") to enact ordinances relating to animal control and to provide for the enforcement of such ordinances, which are codified at Chapter 1-4, Article II, of the Code of Laws and Ordinances of Charlotte County, Florida; and,

WHEREAS, 26 U.S. Code Section 170(c)(2)(B) allows for charitable contributions or gifts to, or for the use of a corporation, trust, or community chest, fund or foundation organized and operated exclusively for . . . the prevention of cruelty to . . . animals; and,

WHEREAS, the Board now finds that it is in the best interests of the County, and in accordance with its protection of the public health, safety and welfare, to create Section 1-4-46 of the County Code for the establishment of an Animal Control Trust Fund.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. Charlotte County Code Chapter 1-4, Article II "Animal Control" is hereby amended by the creation of Section 1-4-46, as follows:

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Sec. 1-4-46. – Animal Care Trust Fund.

There is hereby created the Charlotte County Animal Care Trust Fund for the purpose of establishing a fund, separate from the budget of Charlotte County Animal Control, to assist with necessary veterinary testing, treatment, medication, surgery, boarding, housing and post-veterinary care costs incurred by Charlotte County Animal Control upon taking an animal into its custody and control that has been subjected to animal neglect or cruelty, thereby preventing further cruelty to the animal by providing for rehabilitation or general care.

(a). A Charlotte County Animal Care Trust Fund Account shall be established and maintained separate and apart from the general revenue fund and accounts of Charlotte County.

(b). The Charlotte County Animal Care Trust Fund shall receive 10% of the face value of each Animal Control penalty citation prior to the addition of surcharges and administrative fees as set forth under Sec.1-4-40 hereinabove when monies are collected.

(c). All donations, whether public or private, including gifts, grants and awards of money, made to the Charlotte County Animal Care Trust Fund shall be expended, utilized and distributed only for the use and purpose of providing for the welfare of animals in the custody or control of Charlotte County Animal Control as specified herein.

(d). All donations, whether public or private, including gifts, grants and awards of money, made to Charlotte County Animal Control shall be considered donations to the Charlotte County Animal Care Trust Fund unless otherwise noted.

(e). Monies obtained hereunder may be accepted on behalf of the Animal Care Trust Fund by the Charlotte County Animal Control Division Manager or designee and upon receipt of said monies shall cause the same to be delivered for deposit into the Animal Care Trust Fund Account.

(f). The Charlotte County Animal Control Division Manager, or a designee, may authorize expenditures in accordance with current purchasing procedures and policies.

1 (g). Expenditures may be made from the Charlotte County Animal Care
2 Trust Fund that will supplement or enhance services provided by Charlotte
3 County Animal Control where such services directly benefit the animals in the
4 custody or control of Charlotte County Animal Control. These services may
5 include, but are not limited to veterinary testing, treatment, medication, surgery,
6 boarding, housing and post-veterinary care.

7 (h). Charlotte County Animal Control shall be responsible to ensure the
8 funds both received and expended from the Charlotte County Animal Care Trust
9 Fund are utilized in accordance with this code.

10 (i). Charlotte County Animal Control shall be responsible for the proper
11 tracking and documentation of all transactions related to this fund.

12 (j). Funds deposited to the Charlotte County Animal Care Trust Fund
13 that have not been expended at the close of any fiscal year shall remain in the
14 fund and be carried forward to the next fiscal year.

15 (k). The Charlotte County Animal Care Trust Fund shall be self-
16 perpetuating from year to year unless formally terminated by the Board of
17 County Commissioners.

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19 **Secs. 1-4-46-47—1-4-65. - Reserved.**

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21 Section 2. Severability. In the event any portion of the foregoing conflicts
22 with any other Charlotte County Code or other applicable law, the more
23 restrictive shall apply. If any section, subsection, sentence, clause, phrase, or
24 portion of this article is for any reason held invalid or unconstitutional by any
25 court of competent jurisdiction, such portion shall be deemed a separate, distinct,
26 and independent provision, and such holding shall not affect the validity of the
27 remaining portions hereof.

28 Section 3. Inclusion. It is the intention of the Board of County
29 Commissioners and it is hereby ordained that the provisions of this ordinance

1 shall become and be made a part of the Code of Laws and Ordinances, Charlotte
2 County, Florida, and the sections of this ordinance may be renumbered to
3 accomplish such intention.

4 Section 4. Effective Date. This ordinance shall take effect upon its filing
5 in the Office of the Secretary of State, State of Florida.

6 PASSED AND DULY ADOPTED this _____ day of _____, 2014.

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BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

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By: _____
Kenneth W. Doherty, Chairman

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ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-officio
Clerk of the Board of County
Commissioners

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By: _____
Deputy Clerk

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APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

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By: _____
Janette S. Knowlton, County Attorney
LR2012-2052 _____

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ECONOMIC IMPACT ESTIMATE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA CREATING SEC. 1-4-46 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA FOR THE ESTABLISHMENT OF AN ANIMAL CONTROL TRUST FUND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

PURPOSE: The ordinance will create an Animal Control Trust Fund for the purpose of establishing a fund, separate from the budget of Charlotte County Animal Control, to assist with necessary veterinary testing, treatment, medication, surgery, boarding, housing and post-veterinary care costs incurred by Charlotte County Animal Control upon taking an animal into its custody and control that has been subjected to animal neglect or cruelty, thereby preventing further cruelty to the animal by providing for rehabilitation or general care.

IMPACT:

- A. Cost of Implementation: The costs of adopting the ordinance are nominal.
- B. Source of Funds/Ultimate Burden of Costs: Funds shall be generated to this fund through a percentage (10%) of issued/paid citations allocated directly into this fund, as well as gifts, grants, or awards.
- C. Effect on Competition and the Employment Market: None.
- D. Benefits on Implementation: Charlotte County Animal Control will have an additional means to serve, care for and rehabilitate animals of Charlotte County who have been subjected to neglect or cruelty.