

By-Laws
Of
Forsyth County
Animal Control Advisory Board

February 2006

ARTICLE 1: NAME, PURPOSE

Purpose of the Animal Control Advisory Board.

1. To advise the Forsyth County Board of Commissioners on issues and needs relating to animal protection and control services in Forsyth County, and, through comprehensive planning and other measures, to promote the most efficient service possible.
2. To promote greater awareness of animal control services and the responsibilities of pet ownership.
3. To promote prevention of injury to property, annoyances, and hazards that may result from uncontrolled animals.
4. To promote prevention of injury to and the inhumane treatment of animals.
5. To report to the Forsyth County Board of Commissioners annually on any recommended modifications, or additions, to Chapter 6 of the Forsyth County Code and on programs that may support the goals and objectives of the Animal Control Department. The annual report shall include the recommended focus for the following year's advisory board review.
6. The Advisory Board is authorized to act as an appeal hearing tribunal to provide a recommendation to the Director on the penalties or conditions imposed by Sections 6-18, 6-55 (b) and 6-55 (c) of the Forsyth County Code provided it will do so only according to procedures established by the Advisory Board and approved by the Forsyth County Manager's Office. This hearing function may be delegated to a subcommittee of the Advisory Board composed of not less than three (3) of its voting members.
7. The Advisory Board shall perform such other further duties as may be authorized or directed by the Forsyth County Board of Commissioners.

ARTICLE II: DUTIES

The Advisory Board shall have the following specific duties and responsibilities as have been directed by the Forsyth County Board of Commissioners:

1. The Advisory Board shall review and evaluate, on an ongoing basis, animal-related issues, needs, and services in Forsyth County.
2. The Advisory Board shall make recommendations on the development of a five-year strategic plan (the "Strategic Plan") for the Animal Control Department. The Strategic Plan shall identify needs and establish priorities for animal control services in Forsyth County. The Strategic Plan shall be submitted to the Forsyth County Board of Commissioners for approval and shall be reviewed and updated every three to five years.
3. The Advisory Board shall monitor trends involving changes in animal populations, programs, demands for service, and licensing activities, and shall report to the Forsyth County Board of Commissioners as appropriate.
4. The Advisory Board shall coordinate its activities with other agencies and boards involved with animal welfare and control issues to avoid duplication and provide the best utilization of community resources possible.
5. The Advisory Board shall not be responsible for, and shall have no authority over, the day-to-day operations of the Forsyth County Animal Control Department and shall refer those matters to appropriate County staff members.

ARTICLE III: MEMBERSHIP

1. The Advisory Board shall consist of eleven (11) members. Members are appointed by the Forsyth County Board of Commissioners. Appointments shall attempt to fulfill, but are not limited to, the following affiliations and categories:
 - a) Two (2) members at large who are Forsyth County residents.
 - b) The acting chairman/president of the Forsyth County Veterinarian Association who practices in Forsyth County or his/her designee;
 - c) Two (2) members who are Forsyth County residents who are affiliated as a member, employee or officer in a Forsyth County animal welfare organization;
 - d) A representative who is a Forsyth County resident and who is the owner of a fertile hunting dog;
 - e) A representative who is a Forsyth County resident and who is affiliated as a member, employee or officer in a purebred animal registry organization;

- f) A representative who is a Forsyth County resident and who does not own a companion animal;
- g) A representative who is a Forsyth County resident and who is the owner of an animal other than a dog/cat;
- h) The director of the Forsyth County Department of Health or his/her designee;
- i) The town manager or his/her designee of a local municipality that receives animal control services provided by Forsyth County.

In addition to these members, the Director of the Animal Control Department or his or her designee shall serve as an ex-officio, non-voting member of the Advisory Board.

2. TERMS OF THE OFFICE

In forming the advisory board, five (5) members shall be appointed, by the Board of County Commissioners, to one-year terms and six (6) members to two-year terms. Thereafter, all members shall be appointed to two-year terms. Members may serve no more than 2 terms consecutively.

3. VACANCIES

When vacancies occur, the Forsyth County Board of Commissioners shall appoint someone to fill the unexpired term. This includes vacancies caused by a change in status of a member under the selection criteria set forth above during the course of his, or her, term.

Vacancies may be declared by the chair of the Advisory Board when any member misses two(2) consecutive regular meetings, or assigned committee meetings, without notifying the Animal Control Department or the chair of the Advisory Board, or when any member misses the equivalent of one-quarter of the scheduled meetings within a twenty-four month period. Reasonable effort will be made to determine the member's continued interest before the position is declared vacant by the chair.

4. OFFICERS

The Advisory Board shall elect one of its voting members to serve as chair; and one member to serve as vice-chair; other officers shall be elected as the board deems appropriate.

The term of the chair and vice-chair shall be one year. More than one term may be served.

5. MEETINGS

The Advisory Board will hold six (6) regular meetings annually, open to the public, and will give advanced public notice of these meetings consistent with the provisions of the open meetings law.

A majority of the voting board members serving shall constitute a quorum.

The Advisory Board shall keep written record of meetings, resolutions, recommendations, findings, etc., which shall be a public record.

In the absence of the chair and vice-chair (in the event a vice-chair has been elected), an acting chair shall be appointed by the board members present.

6. PARLIAMENTARY AUTHORITY

All meetings of the Board shall be conducted utilizing Roberts Rules of Order Newly Revised as a nonbinding guide.

ARTICLE IV: APPEALS

Pursuant to Section 6-5 (a) of the Forsyth County Code the Advisory Board is authorized to act as an appeal hearing tribunal pursuant to Sections 6-18, 6-55 (b) and 6-55 (c) of the Forsyth County Code. This hearing function may be delegated to a subcommittee of the Advisory Board composed of not less than three (3) of its voting members.

(1) Any person appealing a determination under Chapter 6 of the Forsyth County Code, or a municipal code enforced by the animal control department, shall file in writing with the Director of the Animal Control Department and within ten (10) days of the notice of adverse action. An extension to the filing period may be granted by the advisory board for good cause shown. A written appeal shall contain:

- (a) The names of all appellants participating in the appeal;
- (b) A brief statement setting forth the action appealed and reasons why it is claimed the appealed action should be reversed, modified or otherwise set aside;
- (c) The signature of the appellant and official mailing address;
- (d) The verification (by declaration under penalty of perjury) as to the truth of the matters stated in the appeal.

(2) Upon filing an appeal, a place and time for hearing shall be set by the Director of the Animal Control Department. If, for whatever reason, the appellant is unable to attend the hearing on the date set by the Director of the Animal Control Department, the hearing may be rescheduled, one (1) time only, if such a written request is received three (3) working days before the hearing date.

a) This provision shall be a one (1) time only provision for rescheduling.

b) Written submissions from appellants who do not contest the action of the Animal Control Department, but request an opportunity to explain circumstances related to the violation, may be submitted to the Advisory Board for determination of the applicable fee, or penalty amount.

c) Fees and penalties may not be subject to appeal if the outstanding penalty has been assigned to a collection agency for recovery.

d) Appeals related to the amount of applicable fees, pursuant to Forsyth County Code Chapter 6, shall only be applicable upon payment in full, or the posting of a security bond pursuant Forsyth County Code Section 6-52, of the fee amount owed as identified by the Animal Control Department.

e) The person filing the appeal shall be personally liable for the cost of daily care and necessary veterinarian care, and /or humane destruction of any animal which remains in the animal control department's custody pending the result of the appeal unless otherwise ordered by the advisory board upon good cause shown.

(3) Failure of any person to file an appeal in accordance with this section, or failure of any person who has filed an appeal to attend the scheduled hearing, shall constitute a waiver of his right to an administrative appeal.

(4) Enforcement of any citation issued under this chapter shall be stayed during the pendency of an appeal, except the impoundment or seizure of an animal which is aggressive, vicious, or cruelly treated.

(5) The Advisory Board or a subcommittee thereof shall serve as the appointed hearings tribunal and shall have the power and authority to make a recommendation to the Director in matters brought before it under this title including the authority to alter, modify, reverse or affirm the violations amounts or confinement conditions appealed. The Director shall make the final decision as to the determination of an appeal.

(6) The advisory board shall have thirty (30) days in which to make a recommendation to the Director. A copy of the Director's final decision shall be mailed to the appellants within five (5) days, exclusive of Saturdays, Sundays and holidays, following the receipt of the Advisory Board recommendation under this section.

