

# City of San Antonio



## AGENDA

### Governance Committee

Council Briefing Room  
City Hall  
100 Military Plaza  
San Antonio, Texas 78205

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**Wednesday, June 26, 2024**

**2:00 PM**

**City Hall**

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The Governance Committee will hold its meeting beginning at 2:00 PM. Once convened, the Governance Committee will take up the following items no sooner than the designated times.

The meeting will be available to the public at AT&T channel 99, Grande channel 20, Spectrum channel 21, digital antenna 16, and [www.sanantonio.gov/TVSA](http://www.sanantonio.gov/TVSA). The meeting will also be available by calling (210) 2075555 (English and Spanish available).

Once a quorum is established, the Governance Committee shall consider the following:

2. Council Consideration Request by Councilmember Marina Alderete Gavito (District 7) on the Comprehensive Safety Measures for Loose and Dangerous Dogs. [David McCary, Assistant City Manager]

#### **Executive Session**

At any time during the meeting, the Governance Committee may recess into executive session to deliberate and discuss any of the following:

- A. Discuss personnel matters pursuant to Texas Government Code Section 551.074 (personnel) and Texas Government Code 551.071 (consultation with attorney).

#### **ACCESS STATEMENT**

**The City of San Antonio ensures meaningful access to City meetings, programs and services by reasonably providing: translation and interpretation, materials in alternate formats, and other accommodations upon request. To request these services call (210) 207-2098 or Relay Texas 711 or by requesting these services online at <https://www.sanantonio.gov/gpa/LanguageServices>. Providing at least 72 hours' notice will help ensure availability.**

Intérpretes en español estarán disponibles durante la junta del consejo de la ciudad para los asistentes que lo requieran. También se proveerán intérpretes para los ciudadanos que deseen exponer su punto de vista al consejo de la ciudad. Para más información, llame al (210) 207-7253

**Governance Committee Members**

**Ron Nirenberg, Mayor, Chair**

**Dr. Adriana Rocha Garcia, Dist. 4 | Melissa Cabello Havrda, Dist. 6**

**Manny Pelaez, Dist. 8 | John Courage, Dist. 9**

**\* Other members of City Council may attend to observe, but not vote or participate in discussion, on matters before the Committee.**

Posted on: 06/27/2024 12:02 PM



# City of San Antonio

## Agenda Memorandum

**File Number:**  
**24-200927**

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**Agenda Item Number:** 2

**Agenda Date:** June 26, 2024

**In Control:** Governance Committee Meeting

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**DEPARTMENT:** Animal Care Services

**DEPARTMENT HEAD:** David McCary (Interim)

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

Council Consideration Request on Dangerous and Loose Dogs

**SUMMARY:**

On May 2, 2024, Councilmember Alderete Gavito issued a Council Consideration Request for the safety measures for loose and dangerous dogs.

**BACKGROUND INFORMATION:**

**Increased Fines for Repeat Offenders:**

Under the current Chapter 5 Code, the minimum fine amount for a first offense is \$100.00, then \$200.00 for second offense, and \$300.00 for the third offense. Prosecution utilizes these minimum fine amounts when they prosecute Chapter 5 Code citations in Municipal Court. All Chapter 5 Code cases require a personal court appearance. Upon a finding of guilt, the judge, when imposing a fine and costs, will inquire whether the defendant has sufficient resources or income to pay all or any part of the fine and costs imposed. If the judge determines that the defendant does not have

sufficient resources or income, the court will decide whether the fine and costs should be paid at a later date, paid in specified portions over designated intervals, discharged through community service, or waived in full or in part or satisfied through any combination of these methods. (Art. 45.041).

### **Sterilization of Owned Pets Free of Restraint:**

San Antonio has a high number of dogs that are unrestrained. Many of these pets are actually owned and are allowed to roam free as a result of irresponsible pet owners or a lack of understanding of the law. Pets allowed to free roam are a safety problem for people, other pets and themselves. Under City of San Antonio City Code Chapter 5, any owned animal found to be free of restraint is subject to mandatory sterilization (spayed/neutered) within 30 days of the notification of the violation.

ACS has programs designed to educate residents about the dangers of allowing your pet to free roam and help owners keep their pet safely restrained on their property. These range from marketing campaigns to providing resources to help residents comply with the law.

For FY 2024, ACS anticipates approximately 4,800 of the pets impounded, are reclaimed by the owner unsterilized.

Currently if a dog is found free of restraint ACS will impound the dog and attempt to locate the owner. If an owner is located, an Animal Care Officer (ACO) will return the pet to the owner and issue up to three criminal citations for: free of restraint, failure to provide proof of rabies vaccination, and failure to microchip. Additionally, the owner is given a sterilization agreement which requires them to have their pet sterilized within 30 days or face citations for failure to do so.

If no owner is located after the pet is impounded, the pet is transported to ACS for sheltering. ACS has five days to locate the owner to reclaim the pet. If the owner reclaims the pet they receive the same sterilization agreement, and are charged any fees associated with boarding and vaccinations. If not reclaimed, the pet is eligible for placement or euthanasia.

Dogs involved in a bite, as well as dogs deemed aggressive or dangerous, are required to be sterilized under City ordinance and state law. ACS does a small number of surgeries of these pets on-site.

Although state law allows animal shelters to spay and neuter owned animals without requiring the owners to surrender their animals, ACS's current practice is to require consent to treat an owned pet. Currently, ACS does not have the veterinarians, the operational capacity or kennel space to sterilize the estimated 4,800 intact pets annually at this time. However, ACS provides up to 26,000 free and low-cost spay/neuter surgeries for the community through several partners. Additionally, all pets adopted or rescued through ACS are sterilized if they can medically undergo surgery. Free community surgeries are based on zip codes in equity atlas scores of seven or higher. ACS reimburses the surgery provider an average of \$128 per pet for free community surgeries. Low-cost surgeries are available for all San Antonio residents and cost residents an average of \$125 per pet depending on the size, gender, and dog or cat.

**Pseudonym Program on Dangerous Dog Affidavit:**

The City's dangerous and aggressive dog laws are taken directly from State law. If a dangerous or aggressive dog is reported, Animal Care Officers will investigate if certain legal criteria are met. In order to begin an investigation, a resident must complete the affidavit and detail the incident.

Once received, ACS will begin an investigation of the incident to determine if there has indeed been a violation of the existing law. If the animal's owner is in violation, they can be held liable both civilly and criminally.

A form utilizing a Pseudonym can be used initially to make a complaint along with the State mandated form currently used. As long as the Dangerous Dog designation is not challenged the actual name need not be disclosed. However, once appealed to an appellate court then the actual name must be disclosed.

Currently the dangerous dog affidavit requires a sworn, notarized statement from the complainant which tracks the language from Texas Health and Safety Code statute 822.041 which defines what a Dangerous Dog is. This form will still be executed as always, but the second pseudonym form could also be completed at the same time.

**ISSUE:**

This item is for briefing purposes only.

**FISCAL IMPACT:**

This item is for briefing purposes only.

**ALTERNATIVES:**

This item is for briefing purposes only.

**RECOMMENDATION:**

Staff will brief the Public Safety Committee to get feedback on the program scope, better inform a future funding discussion, and revisions to City of San Antonio City Code Chapter 5.

**OFFICE OF THE CITY COUNCIL**CISA - CITY CLERK  
2024 MAY 02 PM 02:47:10

**TO:** Debbie Racca-Sittre, City Clerk

**FROM:** Councilmember Marina Alderete Gavito, Council District 7

**COPIES:** Erik Walsh, City Manager; Andy Segovia, City Attorney; Joe Frank Picazo, Interim Assistant to the City Manager; Emily McGinn, Assistant to the City Council

**SUBJECT:** Comprehensive Safety Measures for Loose and Dangerous Dogs

**DATE:** May 02, 2024

Issue for Proposed Consideration

After coordinating this Council Consideration Request (CCR) with the City Manager, I respectfully request your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

Requesting consideration of Comprehensive Safety Measures for Loose and Dangerous Dogs.

Brief Background

The issue of dangerous, loose and roaming dogs in San Antonio is severe and ongoing. This problem affects the daily lives of residents, especially in the South, East and West sides of the city. Loose and roaming dogs create life-safety threats and negatively impact the quality of life for residents of San Antonio. Many residents cite an inability to let their children play outside, walk their dog, or spend time outdoors in their neighborhoods due to the threat of loose dogs.

Canines being allowed to roam increases the risk of attacks on humans and other animals, contributes to overpopulation and overcrowding in shelters, perpetuates diseases amongst dogs in the community, and can disrupt vehicular traffic and cause accidents. Furthermore, many neighbors cite fear of retaliation as a reason for not reporting loose and potentially dangerous dogs to Animal Care Services, which prevents the issue from being properly addressed.

A study conducted by San Antonio Animal Care Services in 2019 determined there are nearly 34,000 loose and roaming dogs in the streets of San Antonio at any given time. Of those,



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between 87.2% and 96.5% of those have owners.<sup>1</sup> Additionally, per ACS' 2023 Strategic Plan, only 30% of owned animals in San Antonio are sterilized. These statistics highlight the fact this problem is largely created by people, and that this culture of irresponsible pet ownership has been accepted historically.

There are numerous resources in the community to assist pet owners in caring for their animals and achieving responsible ownership. These include but are not limited to:

1. DaisyCares Pet Food Program, which provides pet food to families in need.<sup>2</sup>
2. SAACS CASA - Community Animal Support and Assistance, which provides holistic services to animal owners who may be in violation of animal-related codes and provides tangible resources and support to help them address those issues to avoid ticketing.
3. SAACS partners with five area organizations to provide free or low-cost spay and neuter services to residents in 26 low-income zip codes in San Antonio.
4. Various city-sponsored programs are available to help residents with fixing fences or addressing other code violations that may contribute to dogs getting loose.

Even with the various resources available to pet owners, the problem still persists. Properly addressing this issue is multi-faceted and will require the following efforts:

1. A shift in the behaviors and attitudes of pet owners in our community.
2. Holding habitually irresponsible pet owners accountable for the nuisances, public safety concerns and the quality of life issues they are imposing upon their neighbors, and the negative impact their actions have on City resources.
3. Ensuring that neighbors feel safe and supported when reporting their concerns to ACS.

### Request

1. Tougher Penalties for Repeat Offenders: It is my request that the Code of Ordinances be changed to reflect an increase in fines for owners of dogs repeatedly found to be running

<sup>1</sup> San Antonio Animal Care Services Strategic Plan, 2023;  
<https://www.sa.gov/files/assets/main/v/2/acs/documents/strategic-plan.pdf>

<sup>2</sup> Programs For Pets - San Antonio Food Bank - <https://safoodbank.org/pets/>



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loose, with the minimum fine being set at \$500 for the second offense and \$750 for the third offense, and each offense thereafter. Payment plans should be made available to ensure people are able to pay fines and collect their pet from impoundment.

2. Loose Dog Sterilization: The District 7 team, in consultation with the City Attorney, has determined that ACS **does have** the ability to sterilize owned animals per the Texas Health and Safety Code, which states, “A veterinarian employed by a releasing agency may not perform nonemergency veterinary services *other than* sterilization on an animal that the releasing agency knows or should know has an owner.”<sup>3</sup> As such, it is my request that ACS spay or neuter any dog deemed medically appropriate for sterilization that is found loose or roaming before it is released out of ACS’ care, at the responsibility of the owner. **This is an update to the current practice of ACS not sterilizing owned animals.** I am directing ACS to identify the needed resources to provide this service prior to the start of the FY25 Budget Work Sessions.
3. Protecting Residents Who Report Dangerous Dogs: Lastly, I am requesting that ACS create and implement a pseudonym program to protect the identity of people who file Dangerous or Aggressive Dog Affidavits. This will provide a safeguard against retaliation, and will help encourage victims and witnesses to come forward and report animal-related issues to ACS.

The intent of these policy changes is to address the long-standing and widespread public safety issue of dangerous, loose and roaming dogs in San Antonio. These changes will move the needle in making the necessary cultural shift regarding dog ownership in our city. Implementing these changes will serve to reduce dog attacks and ultimately create a safer city for residents and animals alike.

<sup>3</sup> Texas Health and Safety Code, Title 10, Chapter 828, Section 828.012 (b).



# OFFICE OF THE CITY COUNCIL

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Submitted for Council consideration by: Marina Alderete Gavito  
Councilmember Marina Alderete Gavito

Supporting Councilmembers' Signatures (exactly 4)

District

- |    |                     |           |
|----|---------------------|-----------|
| 1. | <u>M. K. White</u>  | <u>10</u> |
| 2. | <u>[Signature]</u>  | <u>6</u>  |
| 3. | <u>J. M. B.</u>     | <u>2</u>  |
| 4. | <u>Manny Pelaez</u> | <u>8</u>  |



# Comprehensive Safety Measures for Loose and Dangerous Dogs

Item #2

# **COUNCIL CONSIDERATION REQUEST**

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Submitted May 2, 2024, by Council District 7

## **Background**

- San Antonio is experiencing a high number of roaming and stray animals.
- Irresponsible pet ownership and a lack of knowledge of the law is the primary reason for roaming pets.
- Spaying or neutering (sterilization) is an effective tactic to reducing overpopulation of pets.

## **Request**

- The CCR requests:
  - 1) Increase fines for repeat owners for roaming dog violations
  - 2) Sterilization of owned pets found free of restraint
  - 3) Implement a pseudonym program to protect the identity of people filing Dangerous dog affidavits

# CURRENT EFFORTS



## Animal Care Services (ACS)

- Pet owners are issued sterilization agreements if their animal is free of restraint and/or for bite cases.
- Pet owner has 30 days to get their pet altered, per Chapter 5 Code.
- ACS is charged with issuing civil and criminal citations to pet owners that do not complete their sterilization agreement.
- ACS funds over 40,000 free or low-cost spay and neuter surgeries onsite and through partner agencies.
- Historically ACS has not completed surgeries of owned animals onsite, and lacks the capacity to complete a significant number of additional surgeries onsite.

# CURRENT EFFORTS



## Fines

- Chapter 5 Code minimum fines are:
  - \$100 first offense
  - \$200 second offense
  - \$300 third offense

## Dangerous Dog Process

- City laws on dangerous and aggressive dogs are taken directly from State law.
- ACS receives and investigates approximately 300 sworn statements (affidavits) from the public for dangerous and aggressive dogs annually.
- ACS provides outreach and education on how to file a dangerous dog affidavits.
- A pseudonym can be used with the State form (affidavit).
- Once appealed to an appellate court the actual name must be disclosed.



# **Staff Recommendation**

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- Staff recommends this CCR go to the Public Safety Committee for review.