

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

Blue Sheet No. 20020622

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a Resolution approving certain amendments to the Lee County Administrative Code for the creation of the Lee County Animal Trust Fund Account. And further authorize the placement of all donations received this year into the newly created Trust Fund.

**WHY ACTION IS NECESSARY:** Lee County Ordinance No. 97-23 allows and provides for amendments to the Lee County Administrative Code to be made by Resolution of the Board of County Commissioners at a regularly scheduled board meeting

**WHAT ACTION ACCOMPLISHES:** Amends the Administrative Code and creates an animal trust fund and Oversight Committee that will provide for policies and procedures which are to be followed in accepting donations made to the trust.

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #:** countywide **A6B**

**3. MEETING DATE:** 6/11/02

**4. AGENDA:**

**5. REQUIREMENT/PURPOSE:**  
 (Specify)

**6. REQUESTOR OF INFORMATION:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

- A. COMMISSIONER Countywide
- B. DEPARTMENT ANIMAL SERVICES
- C. DIVISION
- BY: SCOTT TREBATOSKI

**7. BACKGROUND:**

On May 6<sup>th</sup> the BOCC gave direction to Animal Services to proceed with the creation of an Animal Care trust Fund Account to facilitate donations for the benefit of the animals of Lee County served by Lee County Animal Services. Lee County Administrative Code amended to establish the Lee County Animal Care Trust Fund & Oversight Committee. The trust establishes guidelines for Animal Services in accepting donations and in using funds place in the trust account.  
 (See attached Exhibit "A")

**8. MANAGEMENT RECOMMENDATIONS:** Authorize the amendment to Administrative Code to provide for the Animal Care Trust Fund account and further authorize the placement of all donations received this fiscal year into that newly created account.

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>Handwritten signature</i> 5/29/02 HB	N/A HB	N/A HS	N/A HS	<i>Handwritten signature</i> 5/29/02	OA CA 5/29/02	OM 5/29/02	Risk 5/30	GC 5/30/02	<i>Handwritten signature</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN. *PMC*  
 5/29 925 CA  
 COUNTY ADMIN.  
 FORWARDED TO:  
 5/30 500

REC'D.  
 by CO. ATTY.  
 5/29/02  
 2:00 PM  
 CO. ATTY.  
 FORWARDED TO:  
 5/29/02  
 4:00 AM

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF CERTAIN AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE; ESTABLISHING AND CREATING THE LEE COUNTY ANIMAL TRUST FUND ACCOUNT AND OVERSIGHT COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 96-01, creating a charter form of government for Lee County pursuant to Section 125.80 and ff., Florida Statutes, and which was approved and ratified by the Electorate of Lee County on November 5, 1996; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to Section 2.2.E. of Ordinance No. 96-01, the Lee County Charter; and,

WHEREAS, Lee County Ordinance No. 97-23 at Section III allows and provides for amendments to the Lee County Administrative Code to be made by Resolution of the Board of County Commissioners at a regularly scheduled Board of County Commissioners' meeting; and,

WHEREAS, certain amendments to the Lee County Administrative Code are now being proposed, and the Board of County Commissioners finds that such proposed amendments are acceptable, serve a public purpose and are consistent with the terms and conditions of Lee County Ordinance No. 96-01, the Lee County Charter.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. The above preamble is hereby accepted and approved as being true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The proposed Lee County Administrative Code creating the Lee County Animal Trust Fund Account and Oversight Committee (attached hereto as Exhibit "A") is approved, and is hereby directed to be incorporated into the Lee County Administrative Code as indicated.
3. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for. If any of the provisions of this Resolution shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other remaining provisions of this Resolution. It is hereby declared to be the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.

4. This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to a vote, the vote was as follows:

DOUGLAS ST. CERNY	_____
ROBERT JANES	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2002.


ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

By:  \_\_\_\_\_  
Office of the County Attorney

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

<b>CATEGORY:</b> Animal Services	<b>CODE NUMBER:</b>
<b>TITLE:</b> Animal Care Trust Fund and Oversight Committee	<b>ADOPTED:</b>
	<b>AMENDED:</b>
	<b>ORIGINATING DEPARTMENT:</b> Animal Services

**PURPOSE/SCOPE:**

This Administrative Code is established for the purpose of creating the Lee County Animal Care Trust Fund and Oversight Committee.

**POLICY/PROCEDURE**

**CREATION**

- A. There is hereby created the Lee County Animal Care Trust Fund account for the sole purpose of accepting and disbursing donations, gifts, grants, and awards of money given to Lee County for the use and benefit of the animals of Lee County served by Lee County Animal Services. There is hereby created a Lee County Animal Care Trust Fund Oversight Committee consisting of five (5) Lee County residents appointed by the Board of County Commissioners.
- B. The Lee County Animal Services Trust Fund Account shall be self-perpetuating from year to year unless formally terminated by the Board of County Commissioners.
- C. All gifts, grants, and awards of money received hereunder from either public or private donors shall be placed in trust for and enure to the use and benefit of animals in Lee County in the care, control and/or custody of Lee County Animal Services. Said funds shall be expended, utilized, and distributed only for the use and purpose of providing for the welfare of animals within Lee County that are served by Lee County Animal Services.

**EXPENDITURES**

- D. No expenditure or obligations of anticipated expenditure from the Lee County Animal Care Trust shall be made or incurred without authorization from the Animal Care Trust Fund Committee or the Lee County Board of County Commissioners, except for an emergency, whereby the Lee County Animal Services veterinarian may authorize an expenditure of up to one-thousand dollars (\$1000) for emergency care. Emergency care is defined as medical care provided to a domestic animal that is imminently near death from injury or disease.

All expenditures shall be in accordance with the criteria set forth below and shall be subject to the availability of funds from the trust. The expenditure of trust funds shall be subject to the conditions set forth by the donor's specific intent, if any, and the criteria set forth which shall include:

1. The trust fund may provide necessary emergency medical or surgical treatment and care to sick or injured animals in Lee County described in 1(a) or 1(b), below, who are in the care, custody or control of Lee County Animal Services:
  - a. Stray or homeless animals, or animals abandoned by their owners.
  - b. Animals that are owned but are in need of immediate emergency medical or surgical treatment and are not within the custody and control of their owners at the time when the emergency medical treatment is deemed necessary by the Lee County Animal Services veterinarian. When ownership is established, said owner shall be responsible for the repayment of the costs of such treatment.

In all cases involving the provision of necessary medical or surgical treatment or care to animals described in 1(a) or 1(b) above, shall be subject to the following procedures:

- (1) The Director of Animal Services is authorized to act in the case of an emergency, on behalf of a domestic animal which appears to be suffering or near death from injury or disease, in the exercise of sound judgement and without the approval from or notice to the Oversight Committee. A report shall be made to the committee as appropriate.
- (2) Any animal qualifying under 1(a) or 1(b) above, may be taken by any Lee County Services Animal Control Officer to any participating Lee County veterinarian who shall be instructed to provide limited appropriate veterinary services as, in his or her sound discretion, are medically necessary to alleviate pain and suffering and stabilize the animal. Such expenditures shall be limited to five

hundred (\$500) dollars unless further authorization is received from the Lee County Animal Services staff veterinarian. The Director of Animal Services shall authorize payment of such services up to one thousand dollars (\$1,000.00) upon proper receipt of information required by part (4). A report of such expenditures shall be made to the committee at its next regular meeting.

Final approval for payment of such veterinary statements shall be by a majority vote of the committee at a meeting called upon proper notice provided proper information is provided in accordance with paragraph (3), below.

- (3) Such veterinarian providing emergency service shall forward his or her statement along with detailed medical records to the committee for reimbursement. Such statement shall describe in detail the condition of the animal upon admission to the veterinary facility and the nature of the pain, suffering or unstable condition.
- (4) The finder of an animal in distress and in need of medical or surgical treatment who subsequently decides to adopt said animal shall not be responsible for reimbursing any costs of previous care provided by the trust fund.
- (5) Nothing contained herein shall preclude the committee from carrying out a specific donor's intent which may exceed the scope of the foregoing criteria to the extent of the value of the gift or donation and the specific directions from the donor.
- (6) In keeping with the humanitarian philosophy underlying the creation of the trust fund, the broadest possible application shall be given to the foregoing principles.

2. An animal adopted from or sterilized by Lee County Animal Services that develops medical or surgical problems within a period of fourteen (14) days from the date of adoption or sterilization surgery may qualify to receive benefits from the trust fund if funds of a general nature are in sufficient amount in the trust for such benefit(s). Such benefits are contingent upon the provision that the animal was first taken to Lee County Animal Services and the medical conditions of such animal cannot be dealt with adequately by a Lee County Animal Services veterinarian (as determined by the staff veterinarian) where such treatment is not the result of apparent abuse or neglect by the owner. The trust may provide for necessary treatment by a participating Lee County veterinarian on a case by case basis at the discretion of the Director of Animal Services consistent with the funds available in the trust for such purposes. A cap of three hundred fifty dollars (\$350.00) shall be placed on such expenditures unless such cap is increased by a super majority (4 out of 5) vote of the Oversight Committee members at a regularly scheduled meeting.
3. An animal that is sick or injured and owned by an individual that is financially unable to be fully responsible for the animal's treatment may also be qualified to receive benefits from the trust fund so long as trust fund amount for such purposes are available in the trust. Such treatment shall be limited to a maximum of two hundred fifty dollars (\$250.00) unless such cap is raised by a super majority (4 out of 5) vote of the Oversight Committee members at a regularly scheduled meeting. Individuals covered by this section must meet the Florida Income Eligibility Guidelines.
4. Expenditures may be made from the trust fund with Committee approval, that will supplement or enhance the programs of Lee County Animal Services where such programs directly benefit the animals of Lee County through education, direct services, emergency preparedness, or other enhancements to care, housing, and comfort while at the County shelter, so long as trust funds for that purpose are available in the trust.
5. Ongoing or long-term commitments of funds from the trust to projects, events, or programs of Lee County Animal Services may be made by the committee, so long as trust funds for that purpose are available in the trust.
6. Lee County Animal Services may operate affordable spay and neuter programs in part or in whole, with Animal Care Trust Fund dollars with Committee approval, so long as trust funds for that purpose are available in the trust.



E. All gifts, grants, and awards of money hereunder shall be deposited in the Lee County Animal Care Trust Fund Account, which shall be a separate account established and maintained apart from the general revenue fund and accounts of Lee County. All donations made to Lee County Animal Services shall be considered donations to the Trust Fund. Any gifts, grants, and awards received subject to a condition specified by the Grantor of such gift shall be expended strictly in accordance with such condition(s). Such fund shall be maintained by the Clerk of Courts as the Clerk to the Board of County Commissioners.

Monies obtained hereunder may be accepted on behalf of Lee County by the Director of Animal Services or such other person as may be designated by the Board of County Commissioners and upon receipt of said monies shall cause the same to be delivered for deposit into the Lee County Animal Care Trust Fund Account.

Funds deposited or credited to the Lee County Animal Care Trust Fund Account and not expended by the close of any fiscal year shall be carried forward to the next succeeding fiscal year.

#### **ANIMAL CARE TRUST FUND OVERSIGHT COMMITTEE**

F. The Animal Care Trust Fund Oversight Committee shall establish procedures for the application and use of funds pet owners who cannot afford to pay for services. To qualify, a pet owner must prepare a written request to be provided by Animal Services staff indicating why he or she cannot afford to pay the required fees. All information provided must be verified. In addition, the pet owner must agree to have his or her pet spayed or neutered to reduce pet overpopulation, have or obtain a current rabies vaccination, and a current Lee County annual pet registration license tag. There shall be no exceptions to these provisions.

G. There is hereby created a Lee County Animal Care Trust Fund Oversight Committee consisting of five (5) Lee County residents appointed by the Board of County Commissioners. The Committee may consist of one member of the local veterinary community, and three Lee County residents who have either an interest or expertise in animal welfare and/or care.

H. The Animal Care Trust Fund Committee shall act as the trustees of the trust fund and provide oversight and input into the management, use and investment of the funds in accordance with the provisions of this code. In addition, it may advise the Board of County Commissioners and Animal Services on issues that affect the raising of charitable contributions for the benefit of the animals of Lee County.

I. No trust fund monies shall be dispersed from the Lee County Animal Care Trust Fund Account unless such expenditures have been authorized by a majority of the trust committee members or in accordance with the provision set forth herein.

J. The Clerk of the Courts, as the Clerk to the Board of County Commissioners shall perform annual audits of the funds and make recommendations as to their management.

## GIFTS

1. The Animal Care Trust Fund may accept monetary gifts and donations of real estate or personal property. Donors may wish to make a memorial or honorary contribution in remembrance of a beloved pet. The Animal Care Trust Fund Committee will provide input into the creation of memorials to effectuate the intent of the donor.
2. The Animal Care Trust Fund may accept charitable bequests. To ensure compliance with a donors wishes, the following sample wording may be used: "I give or devise to the Animal Care Trust Fund, located in Lee County, Florida, my \_\_\_\_\_ [specific item]. It is my specific wish that \_\_\_\_\_ shall be used for \_\_\_\_\_." The donor should consult with an attorney regarding the formalities required for the execution of a will.
3. Transfers of real property must be made by general warranty deed with the following language: "Full power and authority are conferred upon the Animal Care Trust Fund Committee, as trustee aforesaid, to protect, conserve, sell, lease, encumber or otherwise to manage and dispose of the property, it being the intent to vest in the trustee, full rights of ownership over the property."