

**Gallup-McKinley County Animal Control Authority**  
**March 14<sup>th</sup>, 2017 Minutes**  
**City Council Chambers**

The Regular Meeting of the Gallup-McKinley County Animal Control Authority was called to order at 1:00 p.m. by Acting Chairwoman Cherry Menapace.

Upon roll call, the following were present:

Cherry Menapace  
Patty Holland  
Glen Benefield  
Billy Moore

Upon roll call, the following were absent:

Dr. Oscar A. Palomo, MD

Presented to the Chairman and Authority Members for their approval were the minutes of the November 8<sup>th</sup>, 2016 Special Meeting. Board Member Benefield motioned for approval of minutes as presented. Seconded by Board Member Holland, A.V.A. Motion Carried.

**ITEM ONE:** Recognition of new Chairwoman, Cherry Menapace

CB Strain noted that Mr. Bill Lee has retired his position both on the board and as Chairman of the Gallup-McKinley County Animal Control Authority. Cherry Menapace was the Vice-Chair of the board, so she will assume the position of Chairman. Cherry was congratulated and welcomed by all

**ITEM TWO:** Nomination and Election of new Vice-Chairperson

Board Member Patty Holland nominated Board Member Glen Benefield for the position. Billy Moore seconded the motion. The vote was as follows: Patty Holland: YES; Billy Moore: YES; Chairwoman Cherry Menapace: YES. Motion Approved.

**ITEM THREE:** Recognition of newly appointed Board member, Billy Moore

Chairwoman Menapace introduced Billy Moore as the new member of the Authority Board. He will be a McKinley County representative. Mr. Moore was welcomed by all.

**ITEM FOUR:** Request by Marianne Nunez, Gamerco Water and Sanitation Committee, to decrease the number of animals allowed, per household, in McKinley County

Marianne Nunez was not able to attend the meeting, Cosy Balok, will speak in her absence. Cosy informed the Board that Ms. Nunez has been attending the McKinley County Commission Meetings that had any items regarding the animal control ordinance on the agenda. Currently the ordinance allows six animals per household in the Water Sanitation District areas; such as Gamerco. Ms. Nunez is on the Gamerco Water and Sanitation Committee. Ms. Nunez wanted to express her opinion on the matter; informing Cosy that she feels six animals is too many. Her request is to lower the limit to four animals, consisting of two dogs and two cats.

Board Member Holland asked Cosy if, in her opinion, she could estimate how many households have already more than two dogs or two cats. As she is worried about trying to make a change like this now could upset many people. Cosy expressed that many households already have four animals, but it may be four dogs or four cats – not two of each. She did however add that Gamerco is a problem area, in fact is the number one problem area.

CB explained to the entire Board, that should any changes be made in a new ordinance, the changes are effective as of the date of the approved ordinance. Households currently surpassing the limit in number of animals will be allowed to retain their animals as they will be “grandfathered” in. Although, the County could decide to give the pet owners a certain length of time in which to come into compliance.

CB offered a suggestion in basing the limit of the number of animals on the size of the pet owner’s property. For example an acre or less, you are allowed so many – more than one acre but less than two acres, you are allowed so many – these were just examples. All the Board Members expressed their opinions and/or suggestions. They also expressed their concerns with some of the suggestions.

CB did remind the Board that the Animal Control Department will be responsible for enforcing whatever rules they approve. They only have so many officers to cover the City and all of McKinley County. So when suggesting rules for the new Ordinance it is imperative that they keep this in mind. As some of the suggestions made may be easier on the property/pet owners, they can put a huge burden on Animal Control Officers. The Board Members need to ask themselves if the regulation is practical, is it enforceable and what is the ultimate intent of the regulation? The health and safety of the animal and the public is of utmost importance. Also, when implementing and adopting regulations; the consequence for violation of the regulation must also be considered. There was a lengthy discussion of possible consequences that could be implemented and enforced.

CB also reminded the Board that they will only be making recommendations to McKinley County Board of Commissioners – who will ultimately adopt the amended ordinance. So their recommendations need to be sent to Doug Decker as soon as possible as Mr. Decker is currently drafting a proposed ordinance. Then the proposed ordinance can be prepared and brought back to the Board for review prior to being formally presented to McKinley County Board of Commissioners for final adoption.

Board Member Benefield proposed that any parcel under two acres in size be limited to four animals – or the property owner may apply for a special multiple animal permit. The Board suggested that the Water and Sanitation Communities be allowed to have four animals on a one acre or larger lots – but property owners also be allowed to apply for a permit to have additional animals. Board Member Moore noted that households with more than the four animals prior to the adoption of the new ordinance will be grandfathered in. After a discussion among all members, it was agreed that it will be recommended to the Commission that for parcels one acre or less in size, property owners are allowed a limit of four animals or property owner may apply for a multiple animal permit. Parcels over an acre will not have a limit of number of animals allowed - But animals must be contained within the property boundaries. Cosy will take the recommendations to Doug Decker.

As for penalties, the current ordinance states that citations will be issued for any violations of the animal control ordinance.

Board Member Benefield noted that a meeting will be held on the 28<sup>th</sup> of March with Marianne Nunez and asked if the meeting notice should be advertised as two of this Board's members will be present and he asked if any other Board members would like to attend. CB asked what meeting he was referring to and Board Member Benefield noted that Ms. Nunez wants to reduce the number of animals allowed in the Water and Sanitation Districts and a meeting is being held with Doug Decker on the 28<sup>th</sup> of March. Board Members Moore and Benefield informed CB that they have had two meetings with Water and Sanitation Boards to get input and hear complaints regarding animal control. CB informed the Board that these meetings cannot be held; they are a violation of the Open Meetings Act. CB added that hearing matters such as those mentioned are for this Board to hear – and the meetings must be advertised for any member of the public to attend. Board Member Moore informed CB that he was directed by the Board of Commissioners to work Mr. Decker to come up with recommendations for the proposed Ordinance. CB noted that to his knowledge and in reading what the Board's functions are – The Board is to direct the Animal Control Department with what to do and he and Cosy provide recommendations to the Board. If animal control issues are discussed and decided upon away from this setting, then there is no reason for the Board. Cosy also noted that this what both the City and County agreed to when the Joint Powers Agreement was approved. CB reminded the Board that the open meetings act is very clear about when and how meetings should be conducted and notices provided to the public. The public must be given the opportunity to voice their concerns and/or opinions in a public forum. CB did add a couple of the members of the Board could meet with Doug and then bring back the information that was discussed to the public meeting but no member of the public should be present. Board Member Moore stated that was a number of people from other Water and Sanitation Districts present. When asked if the meetings were advertised, Board Member Moore replied that they were not.

Board Member Moore expressed that there are many issues in the proposed ordinance that he does not agree with and a lengthy discussion followed between Board Members.

CB recommended that Board Member Moore bring up the items he disagrees with, explain why he disagrees and also how he would amend those items. Board Member Benefield asked that Board Member Moore take the time between now the 28<sup>th</sup> to do this and bring these issues to the Board at the next meeting. It was agreed that the issues will be discussed at the next regular meeting on April 11<sup>th</sup>.

Board Member Holland asked that Board Member Moore have the proposed ordinance from Doug Decker available for the next meeting. We will also ask Doug Decker to be present at the next meeting.

**ITEM FIVE:** Discussion of Proposed Amendments to City of Gallup Animal Control Ordinance

Cosy distributed copies of the proposed City Ordinance. The Ordinance will go before City Council on the 28<sup>th</sup> of March for approval. The copies distributed varied a little bit from the copies that had been inserted in the agenda packets prior to the meeting. A copy is attached hereto and will be a part of the formal minutes.


Cosy read out loud the items that are being amended and explained the reason for the changes. The Board discussed proposed the changes.

Motion was made by Board Member Benefield for a positive recommendation of the proposed changes to the current City Ordinance as presented adding that a copy of the proposed ordinance be provided to Doug Decker, County Attorney. Seconded by Board Member Holland. A.V.A., Motion Carried.


**Open Floor:**

Authority Board meeting adjourned at 2:13 p.m.

GALLUP MCKINLEY COUNTY ANIMAL CONTROL AUTHORITY

  
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CHAIRWOMAN CHERRY MENAPACE

ATTEST:

  
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CLYDE (C.B.) STRAIN  
SECRETARY TO GALLUP MCKINLEY COUNTY  
ANIMAL CONTROL AUTHORITY