PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY**

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Meeting Date: Ma	ay 16, 2017	[]	Consent Ordinance	[X] []	Regular Public Hearing	=
Department: Department of Public Safety Submitted By: Department of Public Safety Submitted For: Division of Animal Care and Control						
	I. E	XECUTI	======== VE BRIEF		=======================================	=

Motion and Title: Staff recommends motion to: Adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, urging the United States Department of Agriculture (USDA) to reactivate its animal care search tool to make animal welfare records publicly accessible.

Summary: In February 2017, the USDA removed animal welfare records from its website in order to protect individual privacy. Palm Beach County's Division of Animal Care and Control's (Division) Ordinance requires pet shops and pet dealers to obtain dogs and cats from USDA licensed breeders that have no record of animal cruelty or neglect and have not received certain USDA violations within the past three years. The removal of animal welfare records from the USDA's website halts the ability for the Division and local pet stores from viewing the violation history of breeders. Additionally, this affects the Division's ability to enforce the sections of the Ordinance pertaining to local pet stores. The USDA asserts that governmental entities and members of the public may still access the information through the Freedom of Information Act request process; however, because requests of this nature often take many months, if not years to process, a requestor is unlikely to receive information within the timeframe to make use of the information. This resolution urges the USDA to restore all deleted information concerning complaints, violations, and inspection reports under the Animal Welfare Act and Horse Protection Act to its website. <u>COUNTYWIDE</u> (SF)

Background and Justification: The USDA Division of Animal and Plant Health Inspection Service inspectors are responsible for inspecting breeders, pet dealers, transporters and carriers involved in the pet trade to ensure compliance with the Animal Welfare Act, 7 U.S.C. s. 2131 et seq. For over ten years the USDA has posted information on its website including violations, inspection records and annual reports for all commercial animal facilities in the nation. By identifying individuals and organizations that have failed to adhere to animal welfare laws, the information provided on the USDA website has been an invaluable tool for government officials and advocates seeking to protect animal welfare.

Proposed Res	olution	
Recommended by:	Stylary Seriolo Department Director	4/19/17
Approved by:	Department Director	`Date'
	Deputy County Administrator	Date

Attachments

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fi	scal Impact				
Fiscal Years	<u>2017</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County)					
Net Fiscal Impact	0*				
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0
Is Item Included In Curre	ent Budget? `	Yes	No		
Budget Account Exp No Rev No	o: Fund De o: Fund De	partment partment	Unit Unit	Object Object	
B. Recommended Source There is no fiscal in	mpact associated				
	III. <u>REVIEV</u>	N COMMEN	<u>TS</u>		
A. OFMB Fiscal and/or	Contract Dev. a	nd Control (Comments:		
Olsa Pouk OFMI	4/20/17 B & 4/19 /AMY	1/2º	Contract Add	ministration	<u> </u>
B. Legal Sufficiency					
Assistant County	Attorney	_			
C. Other Department	t Review:				
Department Dire	ector	_			

This summary is not to be used as a basis for payment.

RESOLUTION NO. R-2017-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, URGING THE UNITED STATES DEPARTMENT OF AGRICULTURE TO REACTIVATE ITS ANIMAL CARE SEARCH TOOL TO MAKE ANIMAL WELFARE RECORDS PUBLICALLY ACCESSIBLE.

WHEREAS, United States Department of Agriculture (the "USDA") Division of Animal and Plant Health Inspection Service ("APHIS") inspectors are responsible for inspecting breeders, pet dealers, transporters and carriers involved in the pet trade to ensure compliance with the Animal Welfare Act, 7 U.S.C. s. 2131 et seq., and to ensure that horses are not sored in violation of the Horse Protection Act, 15 U.S.C. s. 1821 et seq.; and

WHEREAS, for over ten years the USDA has posted information on its internet website including violations, inspection records and annual reports for all commercial animal facilities in the nation; and

WHEREAS, by identifying individuals and organizations that have failed to adhere to animal welfare laws, the information provided on the USDA website has been an invaluable tool for government officials, law enforcement agencies and advocates seeking to protect animal welfare; and

WHEREAS, despite the negative implications for animal welfare law enforcement and advocacy, the USDA has removed this information from its website; and

WHEREAS, Palm Beach County recently adopted an ordinance which relied upon this information and required pet stores to use such information to ensure that its puppies are purchased from and transported by entities that adhere to minimal

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animal welfare standards; and

WHEREAS, by removing this information from its website, the USDA has rendered the Palm Beach County ordinance unenforceable as it relates to the USDA enforcement records of breeders, pet dealers, transporters and carriers that supply puppies to Palm Beach County; and

WHEREAS, the USDA asserts that governmental entities and members of the public may still access the information through a Freedom of Information Act ("FOIA") request; however, because requests of this nature often take many months, if not years, to process, a requestor is unlikely to receive the information within the timeframe necessary to make use of the information; and

WHEREAS, in addition to long processing times, FOIA requests can be extremely burdensome for small businesses such as pet stores that rely on the information posted on the USDA website to ensure that their breeders adhere to minimal animal welfare standards; and

WHEREAS, removing internet access to this information may increase FOIA requests thereby creating a greater burden on the already taxed federal agencies and further delaying responses to FOIA requests; and

WHEREAS, removing of this information, which the public has the right to access, runs contrary to the Federal government's policy of working towards transparency and electronic access to information; and

WHEREAS, by removing this vital information from its website, the USDA has delivered a devastating setback to local governments and animal welfare advocacytes throughout the country and made it far easier for those with a history of

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violating animal welfare laws to continue to engage in unscrupulous practices that result in animal suffering.

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

- 1. The Palm Beach County Board of County Commissioners expresses profound disagreement with the decision of the United States Department of Agriculture to remove information concerning violations of the Animal Welfare Act, 7 U.S.C. s. 2131 et seq., and the Horse Protection Act, 15 U.S.C. s. 1821 et seq., from its website.
- 2. The Palm Beach County Board of County Commissioners urges the Unites States Department of Agriculture to restore all deleted information concerning complaints, violations, and inspection reports under the Animal Welfare Act, 7 U.S.C. s. 2131 et seq., and the Horse Protection Act, 15 U.S.C. s. 1821 et seq., to its website.
- 3. Copies of this Resolution shall be transmitted by the Clerk of Court to the President of the United States, the Secretary of the United States Department of Agriculture and every member of Florida's Congressional Delegation Congress elected from the State of Florida.

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

Commissioner Mayor Paulette Burdick

Commissioner Vice Mayor Melissa McKinley

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Commissioner Hal	I R. Valeche				
Commissioner Day	Commissioner Dave Kerner -				
Commissioner Ste	Commissioner Steven L. Abrams -				
Commissioner Ma	ry Lou Berger -				
Commissioner Ma	ck Bernard -				
The Chair thereupon dec	lared the Resolution duly passed and adopted this				
day of					
	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS				
	SHARON R. BOCK, CLERK & COMPTROLLER				
	By:				
	By: Deputy Clerk				
APPROVED AS TO FOR AND LEGAL SUFFICIEN	M CY				
By:					
County Attorney	·				
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