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Subject: URGENT — Item #3 (§3-1-26 & §3-1-27): Draft Will Increase Costs, Hide Outcomes, and Undermine Strategic Plan

Dear Mayor, Councilmembers, City Manager, and Commissioners,

I'm writing to urge you to vote "NO" on **Item #3 (proposed amendments to §§3-1-26 and 3-1-27)**. The Council packet claims these changes will reduce costs and free resources for shelter services. That claim is both incorrect and materially misleading.

If adopted as drafted, the ordinance will:

1. **Increase the number of court petitions** the City files to authorize euthanasia.
2. **Exclude those euthanasias from the Live Release Rate (LRR)**, creating a reporting loophole that hides outcomes from the public.
3. **Contradict the ASO Strategic Plan 2025–2030**, which emphasizes transparency, high live-release outcomes, behavioral support, community trust, and staff capacity.

Why the Ordinance Creates Harmful Incentives

- **Perverse reporting incentive.** Today, the City may already euthanize shelter-owned dogs it determines to be a public safety risk without a court order. Removing "court-ordered" euthanasias from the LRR will incentivize staff to pursue court petitions—not because they are required for public safety, but because those deaths won't count against performance metrics.
- **Expanded "severe bodily injury" definition.** City filings which seek to euthanize dogs for having caused a "severe bodily injury" have already stretched the legal standard far beyond the intent of the relevant statute, often relying on narratives and medical claims that face little scrutiny in municipal court. This change will certainly expand the number of animals subject to these questionable proceedings brought by Austin Animal Protection and reinforce the declining legal standard required for a court to order euthanasia in this City.
- **Shelter dogs face no opposition.** For dogs without community owners, court petitions will be essentially uncontested. AAC will be both the petitioner and the respondent - making court ordered euthanasia nearly automatic.

- **Operational feedback loop.** Once hidden from LRR reporting, court petitions seeking euthanasia will rise while shelter data falsely suggest improved shelter outcomes.

Fiscal Impact

Contrary to claims of savings, **court petitions are resource-intensive:**

- Animal Protection Officers must investigate, draft affidavits, file, and testify.
- City Attorneys must appear in court and represent AAC in these proceedings.
- Bailiff and administrative resources are consumed.

This workload already strains Animal Protection Officers and other City Department staff. In the five years from 2015–2020, there were just 24 petitions total. In the last four years alone (2022–2025 YTD), the City has already filed **81 petitions—an increase of more than 230%** over the previous five-year period. That sharp upward trend will only accelerate if the proposed ordinance change is adopted.

Conflicts with the ASO Strategic Plan

The ordinance undercuts nearly every core commitment in the Plan:

- **Transparency & Data Accuracy:** Creates a reporting gap that hides euthanasias, undermining public trust.
- **Maximizing Live Release:** Incentivizes court petitions for euthanasia over adoptions, transfers, and foster placements.
- **Behavioral Programs:** Shifts resources away from fostering and training animals with needs.
- **Community Trust:** Obscures outcomes that donors and partners rely on to evaluate AAC.
- **Staff Capacity & Efficiency:** Increases workload, burnout, and court time, directly opposing goals to improve staff morale and efficiency.

Requested Council Actions

Before acting on Item #3, I respectfully ask Council to:

1. **Publish a supplemental fiscal analysis** comparing the actual costs of court petitions (ACO and City Attorney hours, bailiff and administrative costs) against any projected “savings.”
2. **Disclose the number of petitions and court appearances** from 2022–2025, with estimates of incremental staff time per case.
3. **Either:**
 - o Postpone Item #3 until this fiscal analysis is provided, **or**
 - o Adopt the narrow amendment to preserve accountability:

Amend §3-1-27(C)(3)(b) to read:
“(b) was euthanized, including by owner request or by court order.”

If the City believes this ordinance reduces costs, the basis should be made public. If the Council intends to uphold the Strategic Plan, it should not approve an ordinance that directly contradicts its commitments.

Thank you for your attention.

Respectfully,
[Your Full Name]
[Organization, if any]
[Phone] | [Email]