

**CITY COMMISSION SPECIAL MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, DECEMBER 10, 2025**

A. CALL TO ORDER:

The meeting was called to order by Mayor Rolf Hechler at 5:30 P.M., who presided and Angela A. Torres, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION:

1. ROLL CALL:

Upon calling the roll, the following Commissioners were reported present.

Hon. Rolf Hechler, Mayor
Hon. Amanda Forrister, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner - Absent
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoepfner, Commissioner - Absent

Also Present: Gary Whitehead, City Manager
Angela A. Torres, City Clerk-Treasurer
Katy Martinez, Deputy Clerk
Tyler Knull, Code Enforcement Officer
Tara Manning, Animal Shelter Supervisor

There being a quorum present, the Commission proceeded with the business at hand.

2. APPROVAL OF AGENDA:

Commissioner Fahl moved to approve the agenda as submitted. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. WORKSHOP:

1. Workshop regarding Ordinance No. 771 amending Chapter 3 of the Municipal Code of Ordinances pertaining to animals.

a. Staff Overview & Commission Comments.

City Manager Whitehead: Chief Tavizon and Officer Knull came to me sometime in June or July and talked about the need to update and enhance our Animal Control Ordinance.

I was pleased to find out that Tyler had spent considerable time drafting a proposal. We reviewed it in general terms to understand it, and I supported the staff's desire to move forward with this process, so we brought it to the Commission. In August, the Commission granted us the ability to publish the document in its original form. From August until December, we have taken this amount of time to keep the document in the public's eye with publication; we had it out for publication and if you'll remember, the ordinance requires a 15-day publication, so we're currently approaching 90-days. We had a public hearing at one of our Commission meetings, in which we took comments. From that meeting, we then generated two additional staff meetings where we took all those comments, we met with the full staff, members of the Commission, our attorney was able to join us at one, couldn't get to the other, but we brought all those ideas up, and as a group, we created the final document that you see in front of you. We presented that to the Commission at our first meeting in November and again asked for re-publication so we could meet the 15-day window with the new document. That's the document that you have in front of you. On the agenda, you'll see the old document with the red and green lines, and the final document is the actual draft as it is presented to be approved if it is approved by the Commission. With that, we will certainly let Tyler have a presentation, but we feel like we've given it a good effort. We've worked hard, taken public comment, and we took some outside comment from an attorney that came in and talked about the community cat program. We've found what we think is a reasonable consideration within that recommendation, in an attempt to solve that concern. We looked a lot at the livestock provision to try and make sure the document delineated between that and the need for agriculture in the agriculture community, so that we didn't misrepresent anyone. I think the document speaks for itself. With that, I'll stand for questions and Tyler can probably answer them a little bit better than I can, but that's the process we went through. Tonight's public hearing, obviously if we receive additional comments or items that we feel need some consideration, we have the ability to look at that and add them as amendments when we bring it back to the Commission for action next week.

Mayor Hechler: I'd like to add to that, if anybody is viewing this live, if anybody has any comments they would like to share with us, please contact one of your Commissioners, myself, or the City Clerk's office and get those comments to us, if you can before next Tuesday. We will get a printout of all the comments prior to our meeting so that we can review those as well.

Desiree Triste-Aragon, Best Friends Strategist: I'll try to make this brief and just give a bit of an overview of community cats from Best Friends Animal Society. Just a little bit of background about myself, I work as a strategist for Best Friends, I've been with them since 2012. I started with a pilot program at the Albuquerque shelter back in 2012. At the time, we were killing about 6,000-7,000 cats per year and had been doing that for years. Feral cats would come into the shelter, they would get sick, we didn't have any sort of outcomes for these animals, and then they would be euthanized. We started this pilot program in 2012 and were able to drastically reduce the euthanasia rates for those cats. In the years since, they've been able to maintain a 90% live release rate in Albuquerque, which is great to see, that these programs have now become a lot more normalized, particularly in New Mexico. Since then, I've gone on to help start up programs in

communities all across the country, probably about two dozen, in all sorts of different landscapes; both rural and urban areas. Community cats are my area of expertise, and I love talking about them, and answering questions about them. Just a quick overview on New Mexico, most New Mexican households are caring for pets. There are also a lot of people in the community that are caring for cats. They're feeding cats openly or hiding and feeding feral cats, we see that a lot, but we also want to be able to help people to do so responsibly. There are a lot of shelters that have now adopted community cat programs as a way to manage those cats that come into the shelters, including Albuquerque, Farmington, Aztec, Clovis, all over the state we are seeing a lot of these programs become a lot more normalized. Over the past year, Best Friends has made several investments to support Truth or Consequences. This includes direct funding for the shelter, for staff training, attendance at national animal welfare conferences, as well as stipends to support adoptions and medical care for the animals in the shelter. We've provided funding to several local rescues to help increase transfer capacity and also to reduce shelter crowding. For Best Friends, ourselves, we've transferred about 80 animals to our facility in southern Utah. When they're there, they receive medical care, behavior support, and adoption opportunities. I do want to commend the staff at the shelter and their leadership for reaching a major milestone this year, they're now saving over 90% of the animals in their care and are achieving what we call no-kill status. It's a tremendous achievement and it also really shows the hard work, both from that team, and also the community support. In order to continue to build on this momentum, as you revise and continue to update these ordinances, we really do encourage you to consider adding community cat protections. This would also help support public health and also keep more animals out of your shelter. We've traditionally used a dog model in animal sheltering with how we deal with cats, and what we've learned over the last several years is that cats really need to be treated differently. We don't want to take that dog model and apply it to cats. One of the things I really like about community cat programs is if you love cats, or if you loathe cats, the community cat programs will work for you. It's not just for people who love cats. It's also for people who see them as nuisances, there are ways to mitigate that nuisance, and there are ways to address those issues within a community cat program. Why community cat programs? Simply stated, what it is, it's a common sense, cost-effective solution for controlling free-roaming cat populations by preventing additional births, instead of trying to house, feed, and either adopt or euthanize cats. Based on what's come in for 2025, about 180 stray cats have come in so far. That includes cats of all ages, assuming at least half of those cats would have been eligible for a community cat program, which would have freed up a lot of housing within the shelter, and also help to address nuisance calls that can sometimes come in with those cats. One of the things that we saw in Albuquerque, too, that I should mention, was kind of an unexpected benefit, we saw a reduction in dead-on-arrival calls. That was a nice benefit that we saw, there were less cats that were intact, so they weren't free roaming, looking for girlfriends, and were less likely to get hit by a car. So, it wasn't something that we were expecting, but sometimes we get those additional benefits, which is nice. Regarding CCP eligibility, I think a lot of times people get worried that we are really seeing cats that don't know where they're going or they're somebody's pet cat. That is not what this is. These are for stray cats that come in that do not have any sort of ownership. They're not microchipped, they don't have a collar, these are not your hoarding cases or your

confiscate cats. With these programs, it frees up resources to be able to deal with those cats that aren't eligible, like hoarding cases or neonate kittens. Cats that come in, they're healthy, they're old enough to receive a rabies vaccine, so no small kittens, and if they meet those criteria and you have a good location for them to go back, you have an address that was provided at intake, those cats would qualify. So, then they'd be fixed, vaccinated, they'd be given an ear tip as a sign that they have been sterilized, and then they'd be returned right back to the location that they came from. Temperament is not an issue for these cats, they can be friendly or they can be feral. If they're a friendly cat, someone in that community has made them friendly. Someone is out there feeding them. That would be the time when you do a little bit of community outreach, find out if these cats are causing a problem for somebody, if somebody is frustrated with these cats, etc. Going out and talking to your neighbors and finding out a little bit more about where these cats come from, because there's usually not just one, there are usually more than one. I've always considered those our red-flag cats. If I know that there is one unaltered cat coming from this house, let's do a little bit of digging and detective work, and try to find out where the rest of the cats are, who is feeding them, and can we get those cats sterilized to prevent litters from coming into the shelter in the future? It would be a benefit down the road, not just those immediate cats. I have a picture here from about 10 years ago, we started a program in Osceola County in Florida. People were really happy to get their cats back. This was a friendly cat that this lady was feeding. People care for these cats as if they were their own, they're just very loosely owned by definition, and people were happy to get them back. But this way, they can now continue to feed them responsibly. They're not just pouring out a 40 pound bag of cat food, it's part of that education piece of, let's show you how to become a good community cat caregiver, and work with your neighbors and make sure that if you see a cat that comes in that doesn't have an ear tip, let's go ahead and get that cat fixed. There are quite a few benefits for community cats, not even just at the shelter level, we talked about that a little bit with reducing crowding and housing in the shelter, but it also provides a public health benefit with making sure that the cats that are going back out have a rabies vaccine. They're coming into the shelter and may have had no veterinary care prior. This way, they're now getting vaccinated, which helps to stabilize and reduce that population so these cats are not continuing to have litter after litter. And then again, freeing up resources at a municipal level. The shelter staff can now spend time focused on dog nuisance calls, loose dogs, barking dogs, instead of dealing with cats at the shelter. Also, less cats means less wildlife that is impacted. That's another benefit as well. Like I mentioned earlier, if you love cats or if you loathe cats, this is why this program is good. We're trying to reduce that population of cats. We're not adding more to the population. Over time, we're going to reduce the number of cats that are in the community. I do have some example fliers. When we were starting these programs, we had some door hangers as well as fliers, so we would see that red flag cat in the neighborhood when we were putting him back, and we would go ahead and knock on a few doors in that neighborhood, put fliers in English and Spanish to give people resources for if they're seeing stray cats in their neighborhood, how they can go about getting them fixed. It is just being able to address those needs at a community level that may not have been addressed prior. If somebody is frustrated with cats, they're like, "Hey this cats in my yard, he's digging in my garden, he's making a mess." Are there deterrents and are there humane alternatives that we can use to keep

this cat out of somebody's yard? I think it's just about being able to have more community discussions around cats, versus just, "Okay we're going to take this cat and we won't ever have another discussion again." It's really just about opening up communication lines with our neighbors. Community cat programs are really a nationally accepted way on how we deal with feral and community cats at a shelter level. The [National Animal Care and Control Association](#) believes that "indiscriminate pick up or admission of healthy, free-roaming cats, regardless of temperament, for any purpose other than trap, neuter, return, or shelter, neuter, return, fails to serve commonly held goals of community animal management and protection programs and, as such, is a misuse of time and public funds and should be avoided." Just for my last slide, I wanted to, again, share more resources from both the National Animal Care Association, as well as Best Friends, we offer training and all sorts of different deterrents and how to start these programs, whether it's templates for things like fliers, staff training, or just going out and talking to the community about what these programs entail, we want to be able to support you as well in starting these programs in Truth or Consequences.

Commissioner Fahl: Thank you for adding that information to what we've heard.

Mayor Hechler: Mr. Knull, do you want to give your overview?

Code Enforcement Officer Knull: As far as the community cat programs go, we have implemented what we feel is something that will work for the community. Emphasizing the fact that what we have right now doesn't currently work for us, why not try something different? This will be a much better use of public funds, as stated by Best Friends and the National Animal Care and Control Association. We should try a different way and hopefully reduce the amount of nuisance calls we get for cats. Not so much in the winter, but especially in the summer, that's probably half of our workload is handling nuisance cat calls. As well as, unexpectedly, DOA calls for dead cats on the side of the road. So if we can reduce both of those calls, that frees up time for us to be doing more proactive enforcement, and hopefully reducing our feral cat population.

Commissioner Fahl: When this was first presented to us, I reviewed the entire document, and I sent my four pages of comments to the city staff and discussed some of them at the Commission meeting. This version we're looking at now, I don't feel that most of my concerns were addressed, nor my questions answered. That's all I'm going to say.

Mayor Hechler: Do you have any specifics?

Commissioner Fahl: Four pages of specifics. I had real questions and I don't feel, what of course was a livestock option, I don't believe you addressed it in a way that I think suits our community. I can understand the city's position on trying to take care of our residents, but I don't agree with it wholeheartedly, any of that section. There was a lot of just odd things in there that I didn't understand, like the length of a leash that you wanted them on, how did you come to that length? Why 6 foot or 8 foot or 12 foot? I have the page numbers in here, but you have them, and as I said, I don't believe you addressed any of my concerns in this version we're looking at now.

Mayor Hechler: Well we did have two workshops that we did attend with the city, and I think we were all invited. I was there.

Commissioner Fahl: Regardless, I don't --

Mayor Hechler: And you sent your comments to the manager?

Commissioner Fahl: Yes.

City Manager Whitehead: The comments came. I received those comments. I'll look through those comments.

Mayor Pro-Tem Forrister: Maybe not necessarily go page by page for four pages, but can we look at those sections that Commissioner Fahl had concerns about?

Mayor Hechler: The livestock section?

Mayor Pro-Tem Forrister: No, just her section, whichever ones she had, I know we don't have time to go over her four pages, but can we go over some of those questions?

Commissioner Fahl: I'll ask some of those questions. Under Section 3-10, it's now section 3-10 in this version, I notice that it says -- there are timelines that we put in there which are confusing to me because I don't see how we have any bearing on when the court will schedule hearings and it says, "the court will schedule a hearing hopefully within 10 days" but we're not in control of any of those items. Section 3-11, Disposition of Seized Animals, item G, it may not be the correct item because this is from the first version, but it's talking about livestock and lists the number of species, the problem is that quail is listed in here, and as far as I've ever heard of, quail has never been designated anything other than wildlife, so I don't understand why that's even in there.

Code Enforcement Officer Knull: Anything that refers to livestock is based off the state livestock code. That's all taken from the state livestock code.

Commissioner Fahl: Quail is listed as livestock?

Code Enforcement Officer Knull: Yes, it is considered poultry.

Mayor Hechler: There are domestic quail, in fact my father in law used to raise them.

Commissioner Fahl: That would be fowl not livestock. I just thought that definition was --

Code Enforcement Officer Knull: Yeah, it is just taken from the state livestock code. As far as timelines, to answer your question on Section 3-10, to an extent, no we don't have a bearing on when the courts schedule hearings. However, the moment that someone is cited in a court, a timeline begins counting down, and after 10 days, cases can start being

thrown out for lack of due process and right to a speedy trial. So that goes in line with someone's right to a fair and speedy trial.

Commissioner Fahl: Well some of those could maybe be explained to the general public, I just think it's – Okay, under Restraint of Animals, I think it's Section 3.70, item B subsection E, why is an invisible fence not an acceptable form of restraint?

Code Enforcement Officer Knull: We determined that for multiple reasons. We do have people that utilize invisible fences, and actually, Ledy with Best Friends brought this up, stating that some subdivisions don't allow physical fences and such. None of our subdivisions currently prohibit the use of fences or anything like that. What we've actually found out is that things like electronic leashes and invisible fences are not a great form of restraint because it may keep your dog in, but it doesn't protect your dog from other animals coming in and causing fights or things like that, dogs running at large. What we've also found out is that people have a tendency to forget to change the batteries out, so it may not work if that happens. Some are very limited when it comes to distance, so when a dog gets a block away from the house, it stops sending out signals and it no longer works properly. We just figured, in the interest of general safety, it's not the best way to do things. We have aggressive dogs that currently have shock collars that people utilize. When a dog has that adrenaline rush when it's chasing a car, a person, or another animal, it may not respond to a beep, a shock, or a vibration. We just agreed that in the interest of public safety, it's not the best idea to be using that as the only form of restraint.

Commissioner Fahl: I'm not going to read these all again. Do you know what they are?

City Manager Whitehead: Yeah.

Commissioner Fahl: But I had a lot.

Mayor Pro-Tem Forrister: I have two concerns I'd like to address. I did attend one of the meetings, so I got to see some of my stuff get changed in here. I talked about the microchip. It was 3.74 but it's not on there, it's up top again.

Code Enforcement Officer Knull: 3-69, page 21. For microchipping and licensing. Looks like page 91 in your packet.

Mayor Pro-Tem Forrister: This is a concern of mine. I understand it would be a good thing to have for locating animals, but again, are we forcing people to pay out of pocket to microchip?

Code Enforcement Officer Knull: No. With this, the way that it reads is that you will have the option to continue getting an animal license the way that is currently active: going to the Clerk's office, paying the licensing fee, etc. But this new way would offer you the ability to go to a free microchipping event, go through any microchipping company you want, however you want to do it, and then if you provide the microchip number, as well as your

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contact information with the Clerk's office, they will approve you for a lifetime animal license.

Mayor Pro-Tem Forrister: Alright, sorry that was on this final one and I was looking at our old version. It's hard to go between the versions. Alright, I better look at the new livestock section before I open up another can of worms.

Commissioner Fahl: While you're looking that up, I'll ask another question.

Mayor Pro-Tem Forrister: Okay, where is the livestock one on the new document?

Code Enforcement Officer Knull: You're probably going to be looking under Prohibited Acts, let me see if I can find it for you.

Mayor Pro-Tem Forrister: Animals Running At Large and Livestock Running At Large, okay I've got it. Page 95 in the packet.

Code Enforcement Officer Knull: Yes exactly.

Commissioner Fahl: Under Sale of Animals, I wrote down the first section so I don't know where it's at now, but it says, that no one is allowed to sell or give away animals even in public or on their property without a business license. That's abbreviated from how it's actually written. My concern is that there are kids that have puppies, so why is it that they have to have a license when kids have puppies and they're trying to give them away so they don't have them, they're not in the shelter, they're trying to take care of their puppies, but they're kids and they don't have a business license. Or say I have a litter of puppies and I put it on Sierra County Square that I have a bunch of kittens and I want to give them away. I don't see the purpose of requiring them to have a business license because they're not going to have one. But they're finding a way to take care of their animals without taking them to the shelter. So why are we forcing them to do that?

City Clerk Torres: Wasn't it only if you're going to keep them permanently?

Commissioner Fahl: That's not what it says.

Code Enforcement Officer Knull: So if you're referring to Section 3-95, page 28 if you're looking at my copy. We haven't actually changed that based on what our current code states. Our current code states that "No person shall display, sell, offer, barter, giveaway or otherwise dispose of any animal upon any street, sidewalk, public park, or private business unless said business is properly licensed or such a person is acting on behalf of the animal shelter." That's the only thing that we changed, is, "Unless they're acting on behalf of the animal shelter."

Commissioner Fahl: Why is it in there in the first place?

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City Clerk Torres: I think for the sale of animals, that goes with our business license, because if you sell anything within the city limits, legally, you have to have a business license.

Mayor Pro-Tem Forrister: What if they're giving it away?

Code Enforcement Officer Knull: They can give it away. This doesn't prohibit you from giving away an animal, it says, "You are prohibited from giving it away in a public place."

Commissioner Fahl: On their sidewalk. So if they're in front of their house, it says, "public park or private business on any street, sidewalk" so they could be in front of their house, giving away their puppies.

Code Enforcement Officer Knull: As long as they're on their property, they're good. The sidewalk is public property and they would need a business license.

City Clerk Torres: But it says, "for sale" though, it's not –

Commissioner Fahl: It says "give away"

Code Enforcement Officer Knull: Yes, it does also say give away. But this is specifically on public property.

Commissioner Fahl: I know it's already – why are we making them do that? What is the purpose of that?

Code Enforcement Officer Knull: That goes in line with our business license sections.

Commissioner Fahl: But if it's a kid giving away his puppies, he's not going to have a business license.

Mayor Pro-Tem Forrister: Because Jo Schmoe jumped the fence, knocked up their dog. So if they called you, Tara, and said, "We have a litter of puppies. What do we do with them? We want to give them away." What would you tell them?

Tara Manning, Animal Shelter Supervisor: We'd tell them to put them on Facebook and find a new home for them that way instead of coming to the shelter. But we tell people to do it responsibly and usually not ask for money for them because they're going out not fixed, not vaccinated, no microchip, nothing.

City Clerk Torres: So do you want us to just take out that portion where it says "give away"?

Commissioner Fahl: Right, because I mean we're punishing people, so we're violating – some kid's giving these puppies away. He's standing on the sidewalk because people are going to drive by –

Mayor Hechler: Let's get away from kids, because kids do what their parents ask them to do. It's not the kid going out – If you make contact, you've got to make contact with the kid's parents to talk.

Commissioner Fahl: Why are we making them pay a business license fee to try and not have animals in the shelter?

City Clerk Torres: I think we could amend it to where it just says that they can't sell them because that's what this section is, Sale of Animals, so we could just take out the portion where it says "give away" I don't think –

Code Enforcement Officer Knull: Give away is really meant to say, you can't give it away as a prize or something like that. That's really where this comes from, that's what the intent of this is. You'll see in Section C of that part, it says, "No person shall authorize as a premium prize, award, novelty, or incentive to purchase merchandise of any live animal."

Commissioner Fahl: What if the 4H Club does it? They've done it in the past.

Code Enforcement Officer Knull: They're properly licensed to do so. In most cases, they've gone through the proper licensing process, or they're following state livestock codes. Livestock is completely separate from this. The intent of this is –

Commissioner Fahl: The intent and what it says are not the same.

Mayor Pro-Tem Forrister: I think we have to take "give away" out because if they call our shelter, and our shelter says they should try to give them away, let's just take that out of there, regardless of what the intent is, in my mind. It says give away, let's take give away out and then people are free to give their animals away because something happened, and hopefully they are working with the animal shelter in that time to get their animals fixed so that does not continue to happen. That's my recommendation.

Code Enforcement Officer Knull: And it also just prohibits people from going to Ralph Edwards Park with a box of puppies saying, "Take these, take these." I think that was also part of it. This, again, still just follows –

Mayor Pro-Tem Forrister: That's a great way to give away puppies.

Code Enforcement Officer Knull: And I understand that, this goes with what our current code states, I really didn't change it much more than adding "unless they're acting on behalf of the animal shelter"

Mayor Pro-Tem Forrister: Would that suffice, Commissioner Fahl? If we took out "give away"? Let's let these people give away their puppies.

Commissioner Fahl: Yeah, let's let them give them away.

Mayor Pro-Tem Forrister: Okay, perfect.

Mayor Hechler: So I don't want to encourage people to go to Ralph Edwards Park and give away their puppies.

Mayor Pro-Tem Forrister: Why?

Mayor Hechler: Because you're giving away unvaccinated, unsterilized dogs, and you're taking them out in public. Isn't our objective here to try and control the animal population?

Commissioner Fahl: If we don't do that, they're just going to dump them.

Mayor Pro-Tem Forrister: They're going to dump them and they'll end up there. So, they're trying to get them a good home, and our hope at that point is that the people that take those dogs for free, then go and give them a good home, and vaccinate, register them, fix them, and move on. If we say that they're going to get fined for giving away these animals.

Commissioner Fahl: They'll go dump them anyway.

Mayor Pro-Tem Forrister: That's a good place to go sit at Walmart or the park and give away puppies.

Mayor Hechler: Okay, Walmart is not public property.

Mayor Pro-Tem Forrister: I guess that's true.

Commissioner Fahl: The sidewalk is.

Mayor Hechler: Walmart is private property.

City Clerk Torres: Could Tara maybe give us some input on this?

Mayor Hechler: Yes, what is your recommendation?

Tara Manning, Animal Shelter Supervisor: That's a difficult one. I have puppies dumped all the time. We are currently expecting our 20th dumped litter in tomorrow. They average anywhere from hours old. Angela can tell you, one of her puppies she has from me, we got in the shelter when it was four hours old. So as far as getting rid of them or selling them, people are dumping hour-old puppies. We had a litter in a few months ago that were 7 days old and needed to be bottle fed. We couldn't find fosters, and sadly we lost two of them. So, it's not so much of giving away or selling them, as it is people getting their animals fixed to prevent unwanted litters because as soon as the puppies are born, they're throwing them in a box and they're throwing them on the side of the road. I don't

really think it matters too much as far as age of the puppies, because they're still getting dumped and still coming into my building.

Mayor Pro-Tem Forrister: What's your recommendation?

Tara Manning, Animal Shelter Supervisor: Get everybody fixed and don't bring unwanted puppies into the world.

City Attorney Rubin: It sounds like you're advocating that we should give them away. You're saying that people are bringing them into you, and this is how things are conducted.

Tara Manning, Animal Shelter Supervisor: I think they should just be rehoming their pets for no cost. In reality, most of the dogs that are coming in or are strays, a good number of them are not fixed whatsoever. In my opinion, if it were me and I was in a situation like that, I would give it to somebody that was a good home, in the hopes that they would get it fixed and vaccinated, because that's the overall issue. I think people should just rehome them.

Mayor Pro-Tem Forrister: So, then we are hearing that you think giving away needs to be an okay thing. Now, do we allow them to do it in a public place?

Mayor Hechler: I can just see puppies being in Ralph Edwards Park every weekend, somebody just giving them away, I don't know if that's what we want.

Tara Manning, Animal Shelter Supervisor: My fear with giving them away in a public place is that most of the puppies end up getting parvo. OJ can probably tell you, he probably has never gone out to that grass and has never sprayed bleach or disinfectant to kill parvo on that grass. So if you have puppies out there that have never had vaccines, or their first set of vaccines, their chances of getting parvo, getting sick, and coming into my shelter when they're on the verge of death and trying to nurse them back to health, is really big. So that's my big thing as far as public places go, because I'm sure OJ doesn't want to buy a ton of bleach and spray all the grass everywhere and kill it. That's kind of the only way to kill it, is with bleach. As far as public places, I say no because of the exposure to illnesses that are out there.

Mayor Pro-Tem Forrister: They're just going to go dump them at Ralph Edwards anyways.

Tara Manning, Animal Shelter Supervisor: They're going to dump them no matter what.

Mayor Hechler: I don't even care if they're on their sidewalk in front of their house, that's fine. But I don't want to encourage people to go to a public place like a park and give puppies away. I think that invites problems.

Commissioner Fahl: He said it's been in there this whole time. It's always been in there and that hasn't been an issue before, so I'm saying we should take out the "give away", I

mean, if they're selling it they're trying to make a profit, but if they're trying to give it away, they don't need a license to give it away. It's going to happen regardless, but –

Mayor Pro-Tem Forrister: Yeah, like she said, it's going to happen. I don't think, whatever you guys think, I don't care.

Commissioner Fahl: Alright, we'll move on.

Mayor Pro-Tem Forrister: Livestock Running at Large, I like this version a lot better than we have seen in the past, but I do have a concern with it saying "regardless of livestock's origination" I just think that under that language, someone could be fined if their fences were cut, if it was damaged by a tree, if somebody hit a fence, if a dog ran animals through. I think it creates some issues for our kids during 4H and fair week. We have lots of animals being housed at the Fair Grounds, and they get out. Under that wording, those kids and those families could be at risk for criminal penalties for just an accident. I just want us to keep in mind that we are an ag community and even with the best fencing, things happen, and animals are animals. I want to avoid a single unavoidable event that could really hurt one of our 4H families. My recommendation would be to change it to be more along the lines of, "livestock owners shall not knowingly or negligently allow animals to run at large. Incidents caused by weather, vandalism, equipment failure, or circumstances outside the owner's control shall not be subject to prosecution." I think that would protect public safety without harming the responsible ranchers and the 4H kids.

Code Enforcement Officer Knull: I agree with you to an extent. I think just removing "regardless of origination" would still leave that same penalty. That might be a little bit of a weird sentence, specifically. I don't think we should put the exception of equipment failure or things like that. We can take that on a case by case basis as each officer sees fit. I think if we were to add in equipment failure and things like that, people could say, "Well I had an equipment failure." And we'd have to start doing the same thing with dogs and cats. I completely understand where you're coming from, and we do take livestock into account differently, as I explained to you, in my three years of working at the department, we've never issued a citation for livestock running at large aside from one specific incident where this lady had a goat and she was completely not taking care of the situation that needed to be addressed. I think we can maybe adjust it, but we may have to be careful in how we do it because we'd end up having to change our Animals Running at Large ordinance as well, just to make sure.

Mayor Pro-Tem Forrister: I understand, and right now we are sitting here, you guys are sitting there, but that's not always going to be the case, I know that it can change, but I want us to remember to really take into consideration that I know we can do more than the state, but this is the backbone of it being a fence-out state. We really need to be careful about which side of the fence we're falling on there.

Mayor Hechler: I agree, and I hope we focus on habitual problems, not single instances. You've done a pretty good job of that so far.

Commissioner Fahl: As Amanda said, you haven't done it, but these people will change. Since it's in there, then it could happen to where if the guy had a bad day, he could write him up. Again, we need to remember where we're from. We know who the permittee is across the street, but what if you had said, "regardless of the livestock's origination." You know, sometimes they get out. I remember Cody Cumming's on Interstate 25. They get out, and they can go a long way, so then we're punishing somebody because they get out and I don't want us to be that community.

Code Enforcement Officer Knull: Regardless of if we have "regardless of origination", if they're in city limits, it's still a violation regardless of where they came from. I think it's also important to remember that when we issue a citation or a violation for any section in here, it's not a criminal penalty. It is a civil penalty. You are not subject to criminal penalties. So you go to court, if you feel like anything the officer did was wrong, and you can contest it in court, and the judge can decide if it was excessive or not. The burden of proof is now on us to determine that this was actually a violation of our ordinance to take you to court, and if someone can prove in court that this was due to an equipment failure, someone cutting a fence or something like that, then it would most likely be dismissed and if they can prove that to us, even on the scene, we don't even cite for it. But again, I get completely where you guys are coming from.

Mayor Pro-Tem Forrister: And that's why I think it should say something in there about negligence because if when it goes to court, and they are negligent, that would be something also for the city to use on your behalf. You could say that this is negligence, because they are not taking care of that. But it doesn't say that under there, so it could be a one-time thing happening right here.

Code Enforcement Officer Knull: So I have some things turning in my head, I'll just kind of read this out to you, and you tell me what you think of it. I would adjust it to say, "It's unlawful for owners of livestock to negligently allow or permit livestock to run at large on any public or private property, public street, public alley, public sidewalk, private or public vacant lot, or private property without permission of the owner thereof within city limits." And then just leave it at that.

Mayor Pro-Tem Forrister: I think that is getting closer to what I envisioned.

Code Enforcement Officer Knull: And then it specifically is stating "negligently allowing it" and, of course, on a case-by-case basis.

Mayor Pro-Tem Forrister: Yeah, instead of saying unlawful, I would say negligence.

City Manager Whitehead: I would also add, as you think and deliberate through this, don't think of the specifics as much as the potential nuisance that Animal Control has to go through in multiple times. Again, just to be fair, it is a fence-out state, we get all those rules, and we do want to call the permittee, we went through this. But if I'm doing that and the animals are running through my neighbor's yard and they're tearing it up and eating it, and I put the fence up, at what point does it become a nuisance and we need some

tool to say, "We've asked you enough times." So think about that. Even with the electric fence, like why is an electronic fence not considered a leash? It's not about us going out and looking to see if you have it, it's when your animal continuously gets out, you really can't say to us, "I have an electric fence and that qualifies." No, you've become a nuisance and now we need the ability to go give them a tool. So we have to make sure the language keeps those doors open to say, "We've done as much as we can, we've given you as many opportunities to move the goat, the cow, the pig, keep the dog in the yard, and now we have to take a step forward." And it is as Tyler said, we went though that.

Mayor Pro-Tem Forrister: Nuisance isn't in there, and that would be a good thing, too. I just want to be very careful because as it reads right now, "regardless of origination", a goat could get out at the fair and you're not in that seat, chief's not in his, and we have an officer, at their discretion, who wants to write that family a ticket because their animal is running at large. So that's where I want to be.

Code Enforcement Officer Knull: Yeah, sure.

City Manager Whitehead: Yeah.

City Attorney Rubin: I had a question, actually, something that Officer Knull just said, you were saying a moment ago that a violation of this section is not a criminal offense or something? I missed what you said.

Code Enforcement Officer Knull: Yeah, so it's not considered criminal, which is why, under the state statute, Animal Control Officers and Code Enforcement Officers are able to enforce. If it was criminal, it would have to be a certified peace officer to be able to enforce it, according to state law. Ordinance generally is civil unless it's otherwise specified. Chapter 8 of our code of ordinances is actually criminal code, and a few of our ordinances do match what criminal statutes say, but this is more civil, and that's kind of how the judge treats it. So, we actually have the burden of proof of the preponderance of evidence, rather than beyond a reasonable doubt, as you would in a criminal case.

City Attorney Rubin: Okay, that's what I'm trying to understand, because I'm looking at 3-144. That's the penalty provision, but that only pertains to a violation of section 3-139 through 3-143.

Code Enforcement Officer Knull: You're looking at which one, again? I'm sorry.

City Attorney Rubin: Page 40, section 3-144, Penalties.

Code Enforcement Officer Knull: This is specific penalties for dangerous dogs, and violations of our dangerous dog permits.

City Attorney Rubin: I'm looking at "any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and may be punished by a fine of \$25 and not exceeding \$200.00 and/or imprisonment for a period not exceeding ninety (90)

days". I think you would have to enforce this with a citation in magistrate court, which would treat this as a criminal matter, wouldn't it?

Code Enforcement Officer Knull: So, the judge really does treat it as sort of a criminal matter, and he does hold it to the standard of beyond a reasonable doubt, and that's normally the standard we go off of anyways, before we try to take anything to court. It's just a better way to do things. However, in municipal court, it was treated completely civilly. That would give us the ability, for this, to handle things administratively outside of court. That's why the town of Edgewood, for example, for their nuisance rules, they're allowed to take it through an administrative hearing officer. We could do the same thing because it's not criminal. It could be quasi-judicial, it doesn't necessarily have to be judicial.

City Attorney Rubin: Well alright, the fact that you used the word misdemeanor... I guess the word misdemeanor denotes that we're talking about a criminal matter.

Code Enforcement Officer Knull: And I get where you're coming from, but the judge has explained the reason we are enforcing what we enforce is because it's civil because people bring up in court, they are worried they're being treated like a criminal and the judge says that it is a civil penalty, same as a traffic ticket.

City Attorney Rubin: I would have drawn a different conclusion from what I'm reading here. But if the judge wants us to treat it that way, then alright.

City Manager Whitehead: There were also provisions that the chief pointed out that had to be treated as criminal code. Those are delineated, like the vicious animal and those things which go beyond and would require a law enforcement officer to address it. We discussed that with the chief present and made those corrections. I won't go any further than that.

b. Public Input. (5-minute rule applies)

Sharon Luna: Thank you for listening to me, I just want to thank Mayor Pro-Tem Forrister and Commissioner Fahl for addressing the livestock. I don't live in the city of Truth or Consequences, but we do show at the fair. We have plenty of people that come in for rodeos, for livestock schools, and this could be really detrimental and make a big impact on it. It could also impact hotels, people coming in. What I see when I look at this is that you're trying to bash the livestock community, and we don't want that. I totally understand the nuisance, and if it's a nuisance let's do it. What kind of scares me are the words "intent" "kind of" "most likely" that, to me, is on the same level as "assume" and you know what happens when you assume. Just like Mayor Pro-Tem Forrister said, just because right now they're treating them like that, that doesn't mean that tomorrow it will be the same way. If it's in black and white, it can't change. I caution you to use those strong words.

Katherine Skinner: I live at 785 West 6th Avenue in Truth or Consequences. Thank you to the animal control officer and the city manager for all the work you've done on this, for all the work you continue to do. Thank you to Best Friends, I wasn't aware of your organization, but I did do some research prior to coming in here. I am coming late to the party, I didn't realize there had been so much discussion ahead of time, so thank you to the citizens for putting the word out that caught my attention here. I did try and read all three versions that I could find, but I could be confused as to which version we're working on. There were a lot of words. I have no problem, I will mainly speak about pets because that is my major problem as a resident and as a gardener, is stray cats, and free ranging domestic cats. I have never seen any with tipped ears, so I can't speak to them actually being community cats. I have no problem with domestic house cats. In the past, I've had very close friendships with people who are really feline lovers and cat lovers, and I've lived very closely with domestic cats. I don't have any pets, myself, right now, but I do have a lot of neighborhood animals that enter my property without permission. My concern is really with the free ranging strays or community cats. The trap, neuter, release solution, which I don't completely understand, even after you're very good presentation, especially the line "Less cats = less wildlife depredation", that I have a bit of a problem with because one cat can kill one endangered species of birds, and we're on a migratory bird path. I do have a problem with that, and with the use of the word "humane" but who's speaking for the humane treatment of wild birds, lizards, insects, or any other critters? I would say that the whole leaning toward the domestic cats solution of free ranging community cats is speciesism. All living beings are a manifestation of love, and I don't have a solution, but I am worried about free ranging community cats in this very fragile desert ecosystem on a migratory bird path. I'm also worried – I did put this question to an environmental lawyer associate of mine, but I haven't had a response, I think they're very busy with a case right now, about how this would impact the international migratory bird treaty act of 1918, but it's been amended many times since. My second choice for an expert was a wildlife biologist who has an extensive background in field work with problem animals. Their response was that free ranging community cats are a real problem. There isn't a very good solution in a semi-rural area such as this, we're not an urban area where I can understand the community cat program, we are very rural, very fragile. There are all kind of lizards and things that are also threatened by free ranging cats. I come out and see a massacre in my garden after about 45 minutes, so I'll just go quickly into the other heading. I am concerned about the vectors for disease because the food that's put out for free ranging cats also attracts skunks and foxes, which is then the rabid animal thing. I know we have rabies in Sierra County, I know that skunks are attracted to cat food, but I don't know exactly how the community cat feeding works. There's a lot that I don't know. I applaud you for wanting to do something humane, but as a gardener, and as a resident, the trespassing of cats in my yard, and all of them seem to be domestic, is really problematic. Thank you for your time. I would like to add one thing to Commissioner Fahl's point, who wanted to talk about giving away free cats. Angela Torres will know how many times the farmer's market uses Ralph Edwards Park. I'm a Farmer's Market vendor, we regularly clash with people – meaning very, very often, and I used to volunteer in an assistant manager position – we regularly clash with people giving away free animals because that violates the Farmer's Market regulations. But people turn up because it's Ralph Edwards Park, and as our mayor has said, it's a public place and they turn up with

a box of kittens on their bicycle. I would say we very, very regularly, and I'm there on Saturday mornings to witness the conflict it is causing in our community. Some of them don't look very well cared for, and I must admit, I've never seen kids doing it.

Mayor Hechler: Thank you, folks, for the very valuable input. We've taken notes, and we will have minutes. We will do our final draft on the 17th, we will have one more public hearing. If there are any more comments to be had, please submit them as I indicated earlier. One thing I know about this community is that we care about our animals. We want to make sure that we take care of them as much as we can, give people the tools that they need to take care of them, and we give our Animal Control officers the tools they need to enforce our laws and regulations in a way that works with society and a way that works with us. I think we have some pretty level-headed folks that work for us all the way around, we're not overzealous when we deal with these things, I think it's important to communicate and get the word out, and I think we accomplish those things when we do those things.

City Clerk Torres: I did have Majorie Powey call my office today, she said she wasn't going to be able to attend, but she did like the community cat program, and she's glad that we added it to our draft. I just wanted to make that part of the record.

Mayor Hechler: Interestingly enough, I remember talking about the community cat program several years ago, and it wasn't as well-received back then as it is now. It was misunderstood back then a lot more than now. I'm hoping that if we adopt it this way, that the result would be that we have less cats. If we trap the cats, we bring them in, sterilize them, and they're reintroduced back to where they were, but they don't get to propagate. When that happens, we have less cats, and that's the end goal here. So, I'm hoping that part of it works, and I know it's worked in other communities, perhaps it will work in ours, but we will figure that out after the 17th if we pass it.

Mayor Pro-Tem Forrister: On the community cat program, after Ms. Skinner's comments, I think it would be wise of us to maybe talk to our local game and fish, and see what their thoughts are, because if people are putting out food, she is right. We are going to have tons of skunks, raccoons, and bears. I think let's see what their thoughts on it are, because that's who we have to call once those animals are here, and if we have tons of food going out for community cats, that might be problematic.

Code Enforcement Officer Knull: Right, and just to help address some concerns, as far as the concerns go on disease and things like that, it's not going to be considered a community cat by definition with our ordinance, unless it is vaccinated for multiple different things, not just rabies, but feline HIV, things like that. It has to be fully vaccinated, fully sterilized, and ear-tipped before it's considered a community cat. We won't have the risk of them spreading diseases or things like that. We do have provisions that constitute what a community cat nuisance is, so if you're feeding and it's attracting other animals, that constitutes a community cat nuisance, and you can be held accountable and we could tell you, you need to adjust how you feed the community cats that you take care of. Those

are things that we are currently working on, but we will work with Game & Fish as we always do and see what they recommend to mitigate some of those issues regarding extra wildlife coming in and eating this cat food.

Mayor Pro-Tem Forrister: It might be provisions on where we allow this community cat program – I mean, we probably don't want that to happen down at rodeo arena where we already have – how many times do game and fish have to go out there and trap skunks and raccoons, and things coming in that we don't want to continue to attract. Maybe here in town, we could have community cats because it's not as rural. I don't know, just something to ask about where they're seeing the most problems with skunks and raccoons and things like that.

City Manager Whitehead: The ordinance is not advocating, necessarily, that we are the ones doing the community cat program. It just opens the door to allow someone to do that, but they have to follow the provisions to do so, they would say, "We've caught this cat, we want to release it back." And we would have them follow all the steps, then they can do so. Otherwise, we will continue along the same path we are now, so that if we capture cats, our shelter will continue to try and find them homes and we will be doing the same process. We're not going to be releasing those cats, it's not coming through us, and that's exactly the way we're handling it. That's the hybrid, which is to say, "We'll allow you to do it, if you can follow the rules and provisions. Otherwise, we will continue managing the population the best way we can."

Mayor Pro-Tem Forrister: Yeah, I get that point. But maybe we don't let somebody be a community cat person down at rodeo arena or in Williamsburg, somewhere by the river, because that's where they're going to get overrun by skunks.

Mayor Hechler: Any further comments?

City Manager Whitehead: Nothing from me, really proud of the staff, they've worked hard, so hopefully you'll find balance in it and some reason.

Mayor Hechler: Well it's been a journey. I've said before, we've poured over 100 staff hours into this thing, several meetings with department heads who went through this document three or four different times and made changes. This is as comprehensive as it's going to get, I think. I think you guys have done a wonderful job and the final product is there. Let's see if we have any other changes to make before or after the 17th, and then we'll get on with it, so good job.

D. ADJOURNMENT:

Mayor Hechler adjourned the meeting at 6:36 p.m.

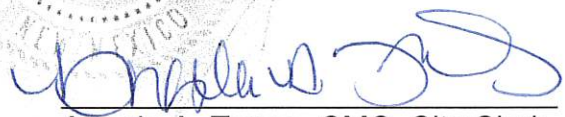
Passed and Approved this 16th day of January, 2026.



Rolf Hechler, Mayor



ATTEST:



Angela A. Torres, CMC, City Clerk