MUNICIPAL GUIDE FOR LIFESAVING POLICIES
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Like most things, the world of animal sheltering and control is regularly changing. An ever-growing body of research and data is providing sheltering professionals with more insight into their work and people’s expectations for how homeless pets are treated has evolved greatly over the past few decades. Communities now expect their animal shelters and animal control agencies to focus on maximizing lifesaving in addition to the traditional public health and safety mandate.

Throughout most of the United States, the responsibility for animal control and sheltering falls to local governments. It is often mandated by state law that local municipalities provide certain animal control and animal sheltering functions. State laws frequently enable or empower local governments to perform specific animal-related services should they choose to do so. In some states, though, local governments have no responsibility for certain aspects of animal control and sheltering.

State law generally provides the framework for how local jurisdictions approach these responsibilities. Typically broad, state law defines the level of government that delivers the service and what that service includes. From there, local communities have the ability to utilize local ordinances to define more specific policies.

While across the United States we have made great progress in lifesaving, each day about 2,000 dogs and cats still die in shelters because they don’t have safe places to call home. The good news is that there are more than 4,000 no-kill communities across the country, with more shelters reaching no-kill every month. Maximizing lifesaving takes a combination of programmatic and policy changes along with the support of a community working collaboratively with their local shelter system.

Oftentimes, local ordinances are outdated and don’t reflect modern expectations or the latest research. Residents deserve cost-effective programs that benefit the well-being of the entire community — people and pets.

This guide provides an overview of the policies and sample ordinances that maximize lifesaving by promoting safe and humane communities for people and pets.
TRAP-NEUTER-RETURN (TNR)

Free-roaming or stray cats (aka community cats) often make up a large percentage of the animals dying in shelters. Because these cats are often not socialized, they are not appealing to adopters and often end up not making it out alive. Research has shown that the cost to impound, care for, and kill cats is roughly two to three times the cost to sterilize, vaccinate, and return them to their original location in the community. And surveys show that the public prefers these trap-neuter-return (TNR) programs nearly three-to-one over impoundment and killing. ¹ ² ³ ⁴

There are two options for addressing community cat populations: TNR or “catch and kill.” Because of the cost to taxpayers and the unpopularity of inhumane “catch and kill” policies, more and more communities are moving toward using TNR programs to manage stray cats. These programs fulfill a community’s commitment to treating the health and safety of residents as the highest priority. TNR controls populations by preventing additional births instead of trying to house, feed, and euthanize more cats. The process is simple: Cats are caught, evaluated by veterinarians, sterilized, and returned to their original habitat. Many programs also vaccinate cats against the rabies virus (sometimes adopting the acronym TNVR to emphasize this important public health component).

TNR programs have a proven track record of being successfully implemented and reducing free-roaming cat populations in numerous communities across the country. TNR can dramatically reduce nuisance complaints, since spaying and neutering unowned, free-roaming cats reduces mating-related behaviors (yowling, fighting, spraying, etc.) that can lead to such complaints.

Unfortunately, local ordinances can sometimes be a barrier to TNR programs. These apparent obstacles are sometimes easily overcome in practice. After all, field services staff typically have considerable flexibility in how they carry out their duties (e.g., field services officers are not always required to impound healthy stray cats). However, things could change with the next shelter director, mayoral election, budget cycle, or any number of other factors. It’s better to have amenable laws in place than to rely on the discretion of a few individuals who are supportive of TNR efforts.

¹ County of Cook v. Village of Bridgeview, No. 1-12–2164. Illinois Appellate (First District, Sixth Division), April 25, 2014.
Return-to-field (RTF) — also called shelter-neuter-return (SNR) — is similar to TNR, and in fact some experts refer to RTF as shelter-based TNR. Instead of an individual doing the trapping and returning of a community cat, the community cat has been brought to the shelter as a stray or he/she has been trapped and brought into the shelter by individuals or animal control staff. Shelter staff, field services officers, or individual volunteers return community cats to the locations where they were found or trapped after sterilization, vaccination, and ear-tipping. RTF/SNR programs share all the same lifesaving, nuisance reduction, and public health benefits of TNR programs.
CAT-RELATED DEFINITIONS

This section details important considerations and potential roadblocks to maximizing lifesaving of cats in a community. It is important to note that even if community cats are not explicitly addressed in the code, if there are no roadblocks to TNR, it may not be necessary to initiate an ordinance change.

COMMUNITY CAT

Just because cats lack an owner doesn’t mean they aren’t valued; community cats are typically cared for by multiple residents in a given neighborhood. Shelters and other entities often offer services called “community cat programs” that sterilize and vaccinate these cats.

It’s not necessary to define “community cat” in local ordinances; many large-scale TNR efforts operate successfully in communities whose municipal code doesn’t mention the term “community cat” at all. If, on the other hand, the code includes provisions likely to impede TNR efforts, then it can be useful to define “community cat” and exempt these cats from any harmful ordinance provisions. Community cats should, for example, be exempt from any licensing, stray, and abandonment provisions, since these cats lack a specific owner.

Osceola County, Florida, for example, defines “community cat” as: “any free roaming cat that may be cared for by one or more residents in the area, known or unknown. Community cats that are ear-tipped indicate the animal is sterilized and vaccinated against rabies at least one time. A community cat may also mean a cat that is found outside with no valid identification that is brought to the animal shelter and is not yet sterilized, ear-tipped, and rabies vaccinated” (Section 4–3).

OWNER

A law’s definition of “owner” can have significant consequences for TNR programs and the people involved. These definitions frequently include terms such as “keeper,” “harbor,” and similarly vague terms — all of which might have implications for community cat caregivers. Unless community cat caregivers are explicitly exempted from ownership duties, definitions of “owner” can be construed as imposing on them the same duties of ownership required of pet owners. The mere act of feeding a cat could, for example, constitute ownership.

If the definition of “owner” poses obstacles to TNR efforts, then caregivers should be explicitly excluded from the definition.

The Illinois Animal Control Act, for example, defines “owner” as: “any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. ‘Owner’ does not include a feral cat caretaker participating in a trap, spay/neuter, vaccinate for rabies, and return program” (510 ILCS, Section Sec. 2.16).

Although caregivers should not be considered owners of the community cats in their care, it’s important that they be permitted to redeem these cats if they become impounded. Indeed, some laws allow caregivers to return any healthy cats who have been impounded to their colonies.
COMMUNITY CAT CARETAKER

Community cat caretakers are residents who provide care for free-roaming cats. This care can include food, shelter or medical care. A caretaker is a compassionate individual who should not be legally considered an owner, custodian, harborer, possessor, controller or keeper of the cats whom he/she cares for.

As mentioned above, unless community cat caregivers are explicitly exempted from ownership duties, definitions of “owner” can be construed as imposing on them the same duties of ownership required of pet owners.

As with the term “community cat,” the term “community cat caregiver” doesn’t necessarily need to be defined in the municipal code in order to implement a successful TNR program. It’s important only if the code includes provisions likely to impede TNR efforts (e.g., defining “owner” as anybody who feeds a cat).

Osceola County, Florida, for example, defines “community cat caregiver” as: “a person who provides care to a community cat in the form of food, water, shelter and veterinary care, while not being considered the owner, custodian, harborer, possessor, or keeper of a community cat” (Section 4–3).

EAR-TIPPED

Ear-tipping refers to the removal of the tip of a community cat’s ear (approximately one-quarter of an inch), performed while the cat is under anesthesia. Ear-tipping is the universal identifier that a community cat is sterilized and, in many communities, also vaccinated at least once against rabies.

References to ear-tipping in a local ordinance can be used to exempt community cats from provisions that would otherwise be harmful to TNR efforts. Hillsborough County, Florida, for example, explicitly excludes ear-tipped cats from a number of provisions that apply to other free-roaming animals (Section 6–28).

FERAL CAT

Some communities prefer to use the term “feral cat” instead of “community cat” in their animal control ordinances. Again, the term itself is less important than how it’s used in the provisions of the law.
POTENTIAL LEGAL BARRIERS TO TNR

ABANDONMENT

TNR/RTF programs neither involve nor promote abandonment. Nevertheless, some definitions of abandonment are broader than others, leading some people to suggest that returning cats to their “outdoor homes” violates this provision of many animal cruelty statutes or ordinances.

Returning healthy sterilized cats to the location where they were trapped and thriving should not be deemed abandonment. These programs are deliberately designed to improve the cats’ overall health and well-being; thus, there is no intent to harm the cats. Similarly, “working cat programs” (e.g., barn cat programs) should not be considered abandonment. Explicitly exempting community cats from a law’s abandonment provisions can be important for implementing TNR/RTF programs. In Clark County, Nevada, the local ordinance notes that “a community cat released to the location where it was trapped per Chapter 10.06 is not considered to be abandoned” (Section 10.32.010).

FEEDING BANS

Feeding community cats is not only compassionate, it’s also important to effective TNR efforts (i.e., it’s much easier to trap cats if they have a regular feeding schedule). Nevertheless, some communities implement laws restricting or banning the feeding of community cats in a misguided attempt to reduce their numbers. Such laws are very difficult (and costly) to enforce and, more important, likely to backfire by impeding TNR efforts.

Why would a community criminalize kindness? Responsible, compassionate citizens should be able to feed stray cats if they choose. Problems caused by overfeeding and attracting urban wildlife can typically be dealt with through education and existing nuisance ordinances (see, for example, the relevant provisions from Jacksonville, Florida’s municipal code).
**LEASH LAWS**

Leash laws for cats are not only ludicrous but are also expensive to enforce. Leash laws can often pit neighbor against neighbor, leaving enforcement staff to sort out conflicting accounts (that might actually have little to do with cats). Jacksonville, Florida, addresses this issue in its municipal code by increasing the burden placed on residents filing animal-related nuisance complaints:

“The animal control officer may cite the owner or custodian of the animal(s) for violation of such Section when either the animal control officer has received, from at least two unrelated adult witnesses from different residences, or from one adult witness with a recorded video showing the alleged violation, a sworn affidavit attesting to the committing of a nuisance pursuant to such Section or subsection, or the citing animal control officer has witnessed the commission of such a nuisance. Affidavit(s) attesting to the nuisance must come from residents within a three-block radius (approximately 900-foot radius)” (Section 462.302(b)).

**CAT LICENSING**

Requiring cat licensing is problematic for community cat programs and unnecessary. There is no evidence that it encourages responsible pet ownership and it is often costly to administer, with often low levels of compliance. It is advised that municipalities avoid any licensing requirements for cats. In fact, many municipalities are reconsidering licensing for all pets, given the low levels of compliance and the cost to enforce.

**MANDATORY IMPOUNDMENT**

Laws requiring that stray cats be impounded reflect an outdated animal control philosophy, remnants of an era when rabies was more common in the United States and public sentiment was largely tolerant of the killing of domestic animals. Today, however, it’s understood that public health and humane animal services are not mutually exclusive. Indeed, TNR/RTF programs serve both of these important objectives.

Mandatory impoundment of healthy stray cats is unnecessary and a waste of resources. Many state laws don’t even require officers to impound such cats and because many lost cats return home on their own, impounding a cat can actually be a barrier to reuniting cats with their families. National statistics show that only about 2% of cats are ever reunited with their owners once they enter the shelter system.5 Community cats who have been sterilized and ear-tipped should never be impounded, unless they are injured, sick, or part of a cruelty investigation.

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5 From Shelter Animals Count: https://shelteranimalscount.org/docs/default-source/DataResources/2016animalshelteringstatistics.pdf
HOLD PERIODS

Holding times are generally considered beneficial for reuniting dogs with their owners, but this has not proven to be the case for cats and their owners. Again, there is no reason to impound healthy free-roaming cats in the first place. In most cases, the best option for community cats — and, indeed, for many pet cats mistakenly impounded as strays — is to be sterilized, vaccinated and returned to the location from which they were trapped as soon as possible.

Some communities (and states) have adopted laws with explicit exemptions for eligible community cats. Arizona state law, for example, notes that “any impounded cat that is eligible for a sterilization program and that will be returned to the vicinity where the cat was originally captured may be exempted from the mandatory holding period required by this subsection” (Section 11-1013).
Local ordinances governing dogs should strike the delicate balance between ensuring public safety and ensuring due process for dog owners. The focus of any ordinance should be on the behavior of the dog and the behavior of the owner. Rather than pass laws that punish innocent dogs and responsible owners, communities can make better use of scarce resources by creating breed-neutral, comprehensive dangerous-dog laws that prosecute and penalize negligent or reckless owners.

**BREED-DISCRIMINATORY LEGISLATION (BDL) OR BREED “SPECIFIC” POLICIES**

Pet owners should be held accountable if their dogs are dangerous, no matter what the dog’s breed is. In the past, some cities have enacted breed-discriminatory or breed “specific” policies. Respected institutions like the American Bar Association, the National Animal Care & Control Association, the American Veterinary Medical Association, the Centers for Disease Control and Prevention (CDC), and the International Municipal Lawyers Association have all recommended repealing and replacing any breed-discriminatory ordinances or policies with provisions that focus on the behavior of the dog and the behavior of the owner. Twenty-two states now have preemption provisions that prohibit political subdivisions such as cities or counties from enacting breed-discriminatory ordinances and policies. These are smart preemption laws that should be adopted by all states.

Breed-discriminatory policies are problematic for several reasons. Peer-reviewed studies have revealed that visual identification of a dog’s breed is fundamentally flawed. They have also conclusively found that there is no such thing as a dangerous breed of dog and that breed (or appearance) is not an accurate predictor of a dog’s behavior. Breed-discriminatory laws also interfere with citizens’ basic property rights and they are very expensive for municipalities to enforce. They also almost always lead to costly litigation.

**DANGEROUS DOG LAWS**

There are a number of guidelines that communities should keep in mind for good dog policies. These include mechanisms that satisfy the dog owner’s due process rights; the appropriate burden of proof the municipality must satisfy; specific definitions of what behavior meets the definition of a nuisance, potentially dangerous, or dangerous dog; and the actions the dog owner must take at the end of the court or hearing proceedings. Owners should be held accountable for dogs who are genuinely dangerous.

The International Municipal Lawyers Association has developed an excellent breed-neutral model ordinance for dangerous dogs.

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NUISANCE ANIMAL

Nuisance ordinances should strive to resolve genuine instances of companion animals causing a nuisance, so that pet owners can resolve the underlying issue causing the behavior. Examples of a “nuisance” might include a dog who continuously barks or runs at-large and chases vehicles.

Jacksonville, Florida, has a good nuisance animal ordinance (Sec 462.304):

“It shall be unlawful for the owner, or any person having temporary custody, of an animal or animals to permit the animal(s), either willfully or through failure to exercise due care or control, to commit a nuisance by running at-large habitually; by chasing or running after vehicles or persons habitually; by trespassing upon public or private school grounds habitually; by trespassing upon private property habitually and interfering with the reasonable use and enjoyment of the property; by barking habitually, or by making other objectionable animal noises habitually; or by doing any other thing habitually which is so offensive as to create a nuisance.

“For the purpose of this Section, “habitually” means at least two separate occurrences within a time period of no more than one month; except that barking habitually, or making other objectionable animal noises habitually, means making the sound persistently or continuously for at least 30 minutes occurring at least three separate times within a period of no more than eight hours. For the purposes of this Section, “persistently” or “continuously” shall mean nonstop utterances for 30 consecutive minutes with interruption of less than 30 seconds at a time during the 30 minute utterances.

“The animal control officer may cite the owner or any person having custody of such animal(s) for violation of this Section when either the citing animal control officer has witnessed the commission of such habitual nuisance or the animal control officer has received at least one sworn affidavit from each of at least two unrelated adult witnesses from different residences so that taken together, the affidavits attest to the committing of a nuisance pursuant to this Section.

“Each violation of this Section shall be punishable by a fine of not less than the amount designated in Chapter 462, Part 18. A subsequent violation of this Section occurring ten or more business days after a previous citation for violation of this Section shall be considered a separate and distinct violation.”
PET LIMIT LAWS

Pet limit laws were designed with the intention of abating nuisance complaints and preventing animal hoarding. However, these laws have proven to be arbitrary, overly broad, and ineffective in achieving their intended goals. Contrary to popular belief, pet limit laws do little to prevent hoarding, which is a recognized disorder under the most recent *Diagnostic and Statistical Manual of Mental Disorders.*7 Combatting animal hoarding relies on strong anti-cruelty, neglect, and nuisance ordinances coupled with access to mental health support and other social services. It is recommended that local governments discard pet limit laws and focus instead on enforcing animal cruelty and neglect ordinances and nuisance laws that may already be in existence.

FIELD RETURN-TO-OWNER

“Field return-to-owner” means that an animal control officer returns the animal to the owner without ever bringing the animal into the shelter. Animal control officers should not bring animals to the shelter unless it’s absolutely necessary. Every effort should be made by officers to identify the owner of the animal, utilizing forms of identification such as collar tags or microchips. If no means of identification is present, officers should attempt to locate the owners by inquiring with local residents or checking social media prior to bringing the animal into the shelter.

It is important to address field return-to-owner in the municipal code by ensuring that the definition of “impound” or other definitions related to impoundment do not require the officer to physically bring the animal into the shelter until absolutely necessary. The code should give the officer discretion as to whether or not impoundment is needed, which is key in cases of suspected abuse. This practice saves valuable time and taxpayer dollars by ensuring that shelter space and staff time are not spent on animals who never needed to enter the shelter.

MANDATORY SPAY/NEUTER

While often well intentioned, laws that mandate the spaying or neutering of pets are the wrong policy solution. While increasing the number of sterilized cats and dogs is a crucial component of ending unnecessary killing, these efforts should never be codified as a mandate.

Research shows that most pet owners want to spay or neuter their pets. The same research has found that the lack of available low-cost or free spay and neuter services is the primary barrier for these owners (though certainly there are other interconnected factors, such as lack of transportation, limited capacity at sterilization clinics and limited hours of available service). Mandatory spay/neuter laws punish the most underserved and under-resourced owners in a community. Instead, states and communities should focus on ensuring that their laws do not encumber low-cost or free spay/neuter services.

ADEQUATE BUDGET RESOURCES

Residents expect certain services from their animal services departments, so municipalities should ensure that they pass adequate budgets to provide those services. Some animal shelters’ budgets are based on per-animal intake. This is a problematic structure that incentivizes unnecessarily impounding animals when there is no benefit to the animal or the community. Instead, municipalities should focus on a per-capita model based on their human population to ensure that the shelter has adequate resources.

While there is no one established formula for developing a shelter’s budget, it is helpful for a municipality to compare their budget to a shelter with a save rate of 90% or higher and with a similar population size and the same USDA Rural-Urban Continuum (RUC) code. Best Friends Animal Society’s community lifesaving dashboard provides comprehensive, nationwide save rate data.

To secure additional funding and resources, successful animal services departments often partner with the community via “friends of the animal shelter” groups and seek support from private charitable organizations. They also collaborate with nonprofit partners and rescue groups to transfer pets regularly to their programs and raise funds for sick, injured, or special-needs pets whose medical or behavioral needs exceed the shelter’s financial resources.

FEES

Traditionally, shelters have established fees for services such as adoptions, owner reclamation, impoundment, and boarding. The fees are intended to recoup the costs of services for operating, but in practice, the cost recovery model is not realistic for recouping operating costs and, in some cases, can increase a municipality’s daily costs for animal care. In addition, charging punitive fees for reclaiming pets can decrease the community’s trust in the shelter and create adversaries instead of allies.

Municipalities should ensure that the local ordinances give the shelter the discretion to waive fees for adoptions, reclames, and other services when doing so will result in a positive outcome for the animals in their care.

TRANSPARENCY OF SHELTER DATA AND POLICIES

Animal shelters should share their animal intake and disposition statistics with the public. This practice builds trust between the shelter and the community, and can also help inform the community of the needs of the shelter. The information should be kept up to date on the shelter’s website or government website, so it is easy for members of the public to access. Local governments should commit to upholding the public trust by requiring shelter operators in their community to provide this data to the public. Putting the information on the website also allows organizations that are subject to public records requests to simply refer people to a website, saving time and resources for the shelter.
For every commercially-bred puppy or kitten purchased from a breeder or retailer, there is a pet in a shelter, waiting for a home. Every year, around 733,000 dogs and cats are killed in shelters across the country simply because they don’t have a safe place to call home. Meanwhile, pet mills and backyard breeders continue to churn out countless animals for the pet trade. Thankfully, citizens and lawmakers are working in communities throughout the country to break this cycle, saving lives and taxpayer dollars by enacting local ordinances to fight the cruelty of puppy and kitten mills.

**BANS ON RETAIL AND ROADSIDE SALES**

Legislation that focuses on animal sales is extremely effective because it addresses the problem of mills and backyard breeders from the point of sale. Restricting the market for pets from puppy and kitten mills reduces the incentive to produce them.

Retail pet sales bans prohibit pet stores from selling dogs and cats (and often rabbits) from commercial breeders, while allowing the stores to offer space for shelters and rescue groups to showcase adoptable animals. Hundreds of cities and counties across the country have enacted these ordinances and many more are in the works. (A complete list can be found at bestfriends.org/puppymills.)

The following are two examples of good retail and roadside sales ban language:

Albertville, Alabama ordinance 1634-19
Franklin, Tennessee ordinance 2018-35

**COMMERCIAL BREEDING REGULATIONS**

Laws that regulate commercial breeding require breeders to be licensed and inspected, and create minimum standards of care for the animals. These laws are effective because inspections mean that pet mill owners are held accountable to certain standards, and pet mills are less profitable when more money is invested in the care of the animals.

The following is an example of good commercial breeding language:

Nevada Senate Bill 299
BANS ON THE SALE OF ANIMALS IN PUBLIC PLACES

Outdoor adoption events hosted by shelters and rescue groups are a great way to help adoptable pets find homes. However, backyard breeders often use public venues to sell animals who are underage, unhealthy, not vaccinated, and not spayed or neutered. These sales are usually unregulated, with no accountability on the part of the seller. Therefore, ordinances that ban outdoor animal sales, but allow for legitimate adoption events, are an important way to protect consumers, encourage adoption, and prevent irresponsible breeding. It is important to ensure that any such prohibitions include exemptions for legitimate rescue and adoption groups to hold public adoption events.

The following is an example of good public sales ban language:

Salem, Oregon ordinance 10-14

FIGHTING PREEMPTION

The pet industry has attempted to reverse much of the progress made in the movement to end puppy mills by introducing preemption legislation across the country that would prohibit cities and counties from enacting retail puppy mill sales bans and would overturn all of the existing bans in a state. It’s important to defeat these harmful bills.
LIFESAVING RESOLUTIONS

While technically nonbinding, a resolution committing to getting to a save rate of 90% or better is an excellent way to memorialize the community’s support for saving all the adoptable and treatable animals in the shelter system. The following is suggested language for such a resolution:

WHEREAS, the official goal of [fill in jurisdiction] is to save the lives of all of the healthy, adoptable dogs and healthy cats in the possession of the [fill in name of municipal shelter and/or municipal agency]; and

WHEREAS, a no-kill community is generally considered as saving 90 percent or more of the cats and dogs coming through the sheltering system; and

WHEREAS the residents of [fill in jurisdiction] want to help bring about positive change for the dogs and cats in the care and possession of the [fill in name of municipal shelter and/or municipal agency]; and

WHEREAS, there are positive changes that can be made to increase lifesaving at the [fill in name of municipal shelter and/or municipal agency] in order to save all of the adoptable and healthy dogs and healthy cats in its care and possession; NOW THEREFORE, BE IT RESOLVED BY THE [city council or other legislative body]:

1. That the [fill in jurisdiction] saves the lives of all healthy and adoptable dogs and healthy cats at the [fill in name of municipal shelter and/or municipal agency] no later than [December 31, 2025 or earlier]; and

2. That the [city/town/county/other manager/administrator/other] works, in collaboration with individuals and organizations in the area, to develop a comprehensive plan to reach this goal and present that plan to the [fill in name of legislative body] no later than [fill in date: no more than 90 days after the date of enacting this resolution].