

# COUNTY DELIVERY OF ANIMAL CARE SERVICES

June 9, 2014

## SUMMARY

The 2013-2014 Grand Jury investigated possible ethics violations during the handling of large animal abuse and neglect cases. This led to an investigation of the entire County Animal Control and Care delivery system. The Grand Jury has determined the system is underfunded and mismanaged. Much of the problem is the reorganizational division of the services between two county agencies.

Originally, all animal control and care services were under the Health and Human Services Department. Now, Animal Control Officers are managed and dispatched by the Sheriff's Office; Health and Human Services Department operates the Shelter.

The Grand Jury recommends the reintegration of the two units under the Sheriff's Office.

## GLOSSARY

Animal Care	Local governmental activities surrounding the licensing, humane housing, medical care, and disposition of collected animals, a unit of Health and Human Services
Animal Control	Law enforcement activity relating to state penal code and local ordinances pertaining to animals, a unit of the Sheriff's Office
Shelter	County Animal Care Facility, 298 Plant Road, Ukiah, California 95482

## BACKGROUND

In the process of investigating the ethics violations, the Grand Jury found reasons for an expanded investigation of the delivery of animal care services. The history of animal control and animal care as a community service is a long and honorable function of our local governments. (Appendix A)

## APPROACH

The investigation included a review of the animal control and animal care structure within the County. The Grand Jury conducted interviews and site visits, reviewed documents and studied the function and interaction of the agencies.

## FACTS

### Shelter Operation

Mendocino County Animal Care and Control was split in November 2009. Animal Care remained with Health and Human Services. Animal Control was assigned to the Sheriff's Office.

In Ukiah, police officers handle and transport dogs to the Shelter. In Fort Bragg, animals are taken to the Humane Society then transported to the Shelter by a County Animal Control Officer. In Willits, dogs are held in a transition cage until an Animal Control Officer can transport the

animal to the Shelter. Animal Control Officers transport dogs from Point Arena the same as from any other part of the unincorporated County.

California Penal Code §597 *et seq.*, indicates Governmental Animal Control and Care services are an integrated unit whose primary responsibility is to take in and care for abandoned, stray, and surrendered animals until they can be adopted, returned to their owners, or euthanized.

The Shelter attempts to house 100 to 150 dogs and 70 to 80 cats per day. The Grand Jury observed there is insufficient housing for this number of animals. Overflow animals are housed in various animal crates. Animals can and have resided at the Shelter for up to a year or more.

Animal Control Officers have taken, and continue to take, possession of surrendered animals in the field.

Owners attempting to surrender their pets at the Shelter are often turned away which is in direct contradiction to California Penal Code §597 *et seq.* Management at the Shelter has no formal training in management, contract writing, negotiations, and implementation of contracts.

The Shelter has a serious rat infestation problem. (Appendix B) The manager of the Shelter stated an ongoing service contract was established in June of 2013 with California Exterminators to set up poison rat bait stations. The County Auditor's Office stated invoices had been paid to California Exterminators for services from June 2013 to February 2014. No contract with California Exterminators was found in the offices of either the County Auditor or the General Services Agency. Under Mendocino County Policy 1, for Purchasing, Leasing and Contracting, §5.4, Department heads may "... sign certain personal and professional service contracts" for values under \$25,000.

Photographs in Appendix B indicate a continuing rat infestation. The rat infestation contributes to low morale of County employees and volunteers at the Shelter and presents a health issue.

The rat infestation engenders hostility between Shelter personnel and Animal Control Officers.

## **Large Animal Care**

The Shelter does not have accommodations for large animals and needs to contract out these animals to volunteer stabling and ranch facilities. Boarders of large animals are not always compensated by the County. When compensation occurs, it normally takes several months. Frequently, boarders donate feed and shelter for these animals.

For the evacuation of large animals during emergencies, the County has a Memorandum of Understanding with the State for the use of Ukiah fairgrounds. The County can also use the Mendocino County fairgrounds in Boonville.

## **Budget Impacts**

Some of the major accomplishments as stated in the Mendocino County Final Budget by the Shelter for Fiscal Year 2012-2013 (2013-2014) were:

- 12,616 dogs licensed
- 798 animal adoptions
- 550 animals returned to owners

- 738 animals transferred to non-profit rescue organizations
- 2,067 spay/neuter surgeries

Goals and objectives set for 2013-2014 as stated in the Mendocino County Final Budget include:

- Collaborate with North Coast Opportunities and Noah’s Wish training for animal related issues arising from natural disasters
- Increase animal adoptions
- Increase licensing and rabies compliance
- Increase returns to owners
- Decrease owner surrenders
- Reduce euthanasia rate

In the adopted budget for 2013-2014, a goal of the Shelter was for public education and training, yet the Final Budget allocates zero dollars for education and training.

The rat-infested and deteriorating Shelter needs extensive maintenance and repair. The adopted 2013-2014 budget for the Shelter maintenance, structure improvement and grounds is zero dollars. The previous year’s adopted budget was also zero dollars; actual expenditures were forty-four dollars.

The Board of Supervisors approved the recommended 2013-2014 County budget with the following adjustment: “Add \$20,000 for kennel repairs.” There was an operating transfer out of \$20,000. There is no evidence that any significant kennel repairs occurred.

Selected line items to the Shelter budget are listed in the following table:

**Table 1. Selected Shelter Budget Line Items**

Line Item	2012 2013 Budget	2012-2013 Actuals	2013-2014 Requested	2013-2014 Recommended	2013-2014 Adopted
827802 Operating Transfer In	\$10,000	\$0	\$10,000	\$10,000	\$10,000
861013 Overtime (regular employee)	\$0	\$11,511	\$0	\$0	\$0
861031 County Contribution to unemployment insurance	\$4,648	\$4,710	\$4,686	\$0	\$0
862120 Maintenance equipment	\$8,336	\$13,836	\$2,540	\$2,540	\$2,540
862130 Maintenance to structure and improvements to grounds	\$0	\$44	\$0	\$0	\$0
862187 Education and training	\$0	\$0	\$0	\$0	\$0
864360 Structure/improvements	\$0	\$0	\$0	\$0	\$0
865802 Operating transfer out	\$0	\$0	\$0	\$0	\$20,000

## **FINDINGS**

- F1. Organizational separation of Animal Control and Animal Care has led to discord between the two factions resulting in delivery-of-service problems.
- F2. The Shelter physical plant is not properly maintained.
- F3. The Shelter is operating beyond capacity. Overcrowding is so severe that the facility cannot do its core job (finding homes or disposing of animals) with respect to animals placed in its care.
- F4. Animal Care gives the impression to Animal Control that they would rather not have Animal Control bring in animals. This results in Animal Control working with owners longer than usual in cases of abuse or neglect rather than confiscating the animals.
- F5. The overcrowding has a very serious effect on staff morale and is severely detrimental to the well-being of the animals.
- F6. The relationship between the management of the two organizations has become acrimonious hindering the possibility of meaningful dialogue.
- F7. Senior staff at the Animal Care Facility appears to want to make the facility a no-kill facility. Keeping a dog in a 4 x 8-foot kennel or a cat in a 2 x 3-foot cage for up to or more than a year is cruel treatment.
- F8. Senior managers lack formal management training, including contract writing, negotiation, and implementation.
- F9. The budgeted line item 861031 (County Contribution to unemployment insurance for the employees of the Shelter) for 2013-2014, adopted at \$0, is an unexplained deviation from prior years.
- F10. The budgeted line item 862130 (Maintenance to structure and improvement to grounds) and line item 864360 (Structure/improvements) for 2013-2014 both show adopted at \$0. This gives the impression that the Board of Supervisors request to add \$20,000 for kennel repair is a misrepresentation because line item 865802 added an operating transfer out of funds, thereby negating the appropriation.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

- R1. The Board of Supervisors re-integrate Animal Control and Animal Care as a single operational unit under the Sheriff's Office. (F1, F2, F3, F4, F6)
- R2. The Board of Supervisors use a third party to perform quarterly health and safety inspections of the Shelter. (F2, F3)
- R3. The Board of Supervisors recognize in County policy and actual practice that Animal Control and Care in a rural county is an integrated service to the community. (F1, F3, F5, F6, F8)
- R4. The management of the Shelter be trained in all aspects of Shelter operations including management, contracts, negotiations and implementation of contracts. (F1, F6, F8)

R5. The Board of Supervisors develop and adopt a realistic and understandable final County budget for Animal Control and Care. (F9, F10)

## **RESPONSES**

Pursuant to Penal Code §933.05, responses are required from the following individuals:

- Sheriff, Mendocino County (F1, F4, F5, F6, F7 and R1, R4).
- Director, Mendocino County Health and Human Services (F1, F2, F3, F4, F5, F6, F7, F8 and R1, R2, R4)
- Manager, Mendocino County Animal Care Shelter (F1, F2, F3, F4, F5, F6, F7, F8 and R1, R4)

Pursuant to Penal Code §933.05, responses are required from the following governing bodies:

- Board of Supervisors, Mendocino County (F1, F2, F5, F6, F8, F9, F10, R1, R2, R3, R5)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

## **BIBLIOGRAPHY**

*Mendocino County Policy No. 1, Purchasing, Leasing & Contracting Policy*

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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## **Appendix A. Historic Background of Animal Control and Care**

The Pound Keeper is and has been a venerated and essential component of community life at least back to the middle ages. The office has existed in New England since the mid 1600s and still exists today under that title. Each township elected a Pound Keeper, usually one of the first positions filled at the Township annual meeting. Supporting the Pound Keeper by picking up and bringing in stray animals were the Constable and the Hogreeve. The Pound Keeper held the animals until the owner retrieved them and paid a fine. The current Animal Control and Animal Care functions of our local governments are direct descendents of this historical tradition.

Animal Control and Care are necessary functions of local government. They are carried out for the safety and welfare of its citizens. As such they cannot be an afterthought in the budgeting process. It must be given a primary position when determining budgeting needs for the community. This is particularly true for such rural jurisdictions as ours where 'large animals' (horses, cows, sheep, goats, deer, etc.) play a major role in community life.

In this day and age when our community extends well beyond our immediate neighborhood it is imperative that the Pound (Animal Care) and its field officers (Animal Control) be both professional and confidential in their dealings with the public. It is also necessary that they instill confidence in the community at large that, when needed, animals are cared for in a professional and timely manner, and that the confidences of those who would declare the cruel and abusive actions of others is kept.

The breakdown of this trust in our community brings it to the attention of the Grand Jury and has led to this investigation and report. It should be noted that through the investigation of received complaints against the operation of Animal Control and Animal Care in the County that other issues have come to the attention of the Grand Jury. These issues concerning their operations and contribute to the issues of the complaints.

## Appendix B: Evidence of Rat Infestation (Pictures taken 3 December 2013)

The facility is cleaned each day. These are the results of one night.



Rat hole

Rat feces and insulation

Rat feces

Rat feces

Insulation



Open food storage