

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: Sept. 14, 1999
AGENDA ITEM NO.: 6

DEPARTMENT: Sheriff

BY: PELK RICHARDS

PHONE: 966-3615

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No_X_)

Conduct a public hearing as required by Assemble Bill 1428, to determine if the County can or can not comply with the longer holding periods required by Sections 31108, 31752, 31752.5 and 31754, as amended or added by chapter 752 of the Statutes of 1998 (Senate Bill 1785). If after holding the Public Hearing the Board finds that the County cannot comply with the longer holding period then adopt a resolution to that effect and state in the resolution the findings of local circumstances that form the basis for the determination.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The board in the past has not held hearings on this issue.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION

Do not take action on the request and comply with the requirements of Senate Bill 1785 forth with.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ 0

B. Total anticipated costs \$ 0

C. Required additional funding \$ 0

D. Internal transfers \$

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ 0

B. Reserve for contingencies \$

C. Source description:

Balance in Reserve for Contingencies, if approved: \$

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

- Sample resolution
- Impound projection findings.

CLERK'S USE ONLY:

Res. No.: 99-288 Ord. No. _____

Vote - Ayes: _____ Noes: _____

Absent: _____ Abstained: _____

Approved () Denied

Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Recommended _____

Not Recommended _____

For Policy Determination _____

Submitted with Comment _____

Returned for Further Action _____

Comment: _____

A.O. Initials: *Jr*

MARIPOSA COUNTY RESOLUTION NUMBER 99-286

WHEREAS, Food and Agriculture Code § 31108, 31752.5, and 31754 established holding periods for stray animals prior to July 1, 1999; and

WHEREAS, AB 1482 (codified as Food and Agriculture Code § 31755) became law on July 12, 1999, and provides for longer holding periods effective July 1, 1999, for stray animals impounded or relinquished by their owners; and

WHEREAS, said bill took effect on July 12, 1999, as an urgency statute; and

WHEREAS, the new law (Food and Agriculture Code § 31755) provides that a public agency, instead of complying with the extended holding periods mandated beginning July 1, 1999, may defer compliance with the new longer holding periods until July 1, 2000, upon the adoption of a resolution, if certain conditions are met; and

WHEREAS, the new law requires that the Board adopt a Resolution supported by certain informational findings made after the Board holds a duly noticed public hearing; and

WHEREAS, the Board duly noticed and held a public hearing on the matter where public comment both in opposition to and in support of the Board's intent to defer implementation of the new longer holding periods was held on September 14, 1999; and

WHEREAS, based upon information provided by the Mariposa County Sheriff office, and other evidence in the record, the Board of Supervisors hereby finds that:

- (1) The animal shelter control function is funded with general fund monies and revenues derived from the issuance of dog licenses. The total appropriation for fiscal year 1999/00 is \$38,000, with offsetting revenue of \$5,000. It is anticipated that additional monies will be necessary at mid-year. For fiscal year 1998-99 the expenditures were \$36,156 with revenue of \$4,842
- (2)
 - (a) 742 animals were impounded in the 1998-99 fiscal year.
 - (b) Service provider estimates that only 446 animals could be impounded per fiscal year under the new longer holding periods, which represents a 40% reduction in capacity.
 - (c) 358 animals were euthanized in the 1998-99 fiscal year.
 - (d) 190 animals were adopted in the 1998-99 fiscal year.
 - (e) 90% increase in cage space is predicted as being necessary in order to comply with the new longer holding periods.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Mariposa County, a political subdivision of the State of California, as follows:

- (1) The status of the animals shelter contract and findings of local circumstances made above are adopted as the basis for determination that Mariposa County cannot reasonably comply at this time because of the lack of affordable sufficient facilities with the longer holding periods mandated for stray animals required by Food and Agriculture Code sections 31108, 31752, 31752.5, and 31754 as amended or added by Chapter 752 of the Statutes of 1998.
- (2) The Mariposa County Sheriff office, within 60 days of the adoption of this resolution shall prepare and bring for consideration and adoption before this Board a proposed plan to meet the holding periods required by Food and Agriculture Code sections 31108, 31752, 31752.5, and 31754 as amended or added by Chapter 752 of the Statues of 1998.
- (3) The animals shelter service provider shall utilize existing and any new animal shelter facilities to comply, to the extent possible, with the holding periods required by Food and Agriculture Code section 31108, 31752, 31752.5, and 31754 as amended or added by Chapter 752 of the Statutes of 1998.
- (4) The animal shelter provider shall operate or establish a program for the adoption of animals.

- (5) The animal shelter provider shall release an animal scheduled to be euthanized, because not adopted or claimed, to a nonprofit animal rescue or adoption organization at the request of the nonprofit organization.
- (6) The animal shelter shall implement flexible operating hours in order to increase the opportunity for owners to reclaim their pets and to increase the opportunity for adoption of impounded animals.
- (7) The animal shelter, where possible, is encouraged to utilize the Internet to provide pictures or descriptions, or both pictures and descriptions, of animals housed in the shelter, in order to facilitate reuniting owners and pets and to facilitate adoption.

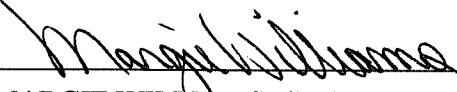
PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 14th day of September, 1999, by the following vote:

Ayes: Reilly, Balmain, Stewart, Parker, and Pickard
Noes: None
Excused: None



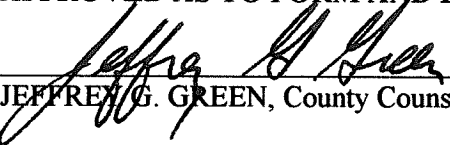
BOB PICKARD, Chairman

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN, County Counsel



COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: PELK RICHARDS, Sheriff
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Holding Period for Impounded Animals; Res. 99-286

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on September 14, 1999

ACTION AND VOTE:

3:57 p.m. Pelk Richards, Sheriff;

PUBLIC HEARING to Determine if the County Can or Cannot Comply with the Longer Animal Holding Periods Required by Section 31108, 31752, 31752.5 and 31754, as Amended or Added by Chapter 752 of the Statutes of 1998 (Senate Bill 1785)

BOARD ACTION: Pelk Richards advised of changes in the legislation. Howard Davies, Assistant Sheriff, provided the staff report and reviewed affects the legislation will have on the County in operations and financially. Staff responded to questions from the Board relative to the findings that meeting the conditions of the legislation at this time is a hardship; status of making changes to comply with the new requirements; status of reimbursement for the costs of the new mandate; and relative to the dog licensing program.

Public portion of the hearing was opened and input was provided by the following:

Cindy Stein, member of the Animal Legislative Network in California, stated she does not feel the spay and neutering programs are successful, and the new legislation is putting a substantial burden on communities to implement the longer holding period. She noted that other countries have an equation program whereby the number of animal births are limited to a certain ratio of the number of homes. She further advised that most businesses have regulations; however, the pet breeders do not and they escape sales taxes, etc. She asked if one of their representatives could make an appointment to speak with the Board and County Counsel on how to solve this problem. Chair Pickard requested that she leave her business card with the Sheriff for follow-up contact.

Lynne Rosebrock, current contractor for the County's impound facilities, advised that although this legislation has significant financial impacts to the County, it should not have come as a surprise as there was notice of the pending legislation. She expressed concern with potential liability to the contractor and the County in the interim before implementing the new requirements. She stated that, as a contractor, they have requested something in writing from the County relieving them of any liability from the State law for the

holding time, but they have not received anything. She asked who is responsible for the liability if someone looks for an animal that was impounded after the current 72-hour hold period. She advised that she is not opposed to postponement of implementing the new regulations, but they want assurance that they will not be held liable as the contractor. She advised that they have facilities available that they feel could handle the increased needs, and she asked about phasing the changes to be in compliance.

Public portion of the hearing was closed and the Board commenced with deliberations. Howard Davies advised that the financial portion of the new requirements still needs to be addressed, as well as whether the County will qualify for the four, five, or six day hold, and they will work with County Counsel on that. He further advised of their use of the internet with the animal impound program. He advised that they did not move more quickly on implementing changes as it was felt that the State may not reimburse for expenses prior to this time. Staff responded to questions from the Board relative to space and liability issues, and Pelk advised that as of July 12, 1999, the contractor does not have any liability beyond the 72-hour hold period. Pelk Richards further stated they still need to address the problem of owners not being responsible for their animals, and he advised of the formation of an animal task force and their efforts to address problems. Dr. and Lynne Rosebrock responded to a question from the Board relative to the definition of "pocket animals."

Dr. Rosebrock advised that they could comply with the space requirements and expand if they find that is necessary.

Staff responded to an additional question from the Board relative to the process following today's action. (M)Balmain, (S)Reilly, Res. 99-286 adopted finding that the County cannot reasonable comply at this time with the longer animal holding periods based on the findings in the staff report and because of the lack of sufficient affordable facilities/Ayes: Unanimous. Hearing was closed.

cc: Jeffrey G. Green, County Counsel
Janet Hogan, County Administrative Officer
File