
**THE ORANGE COUNTY
ANIMAL SHELTER:
THE FACILITY, THE FUNCTION,
THE FUTURE**

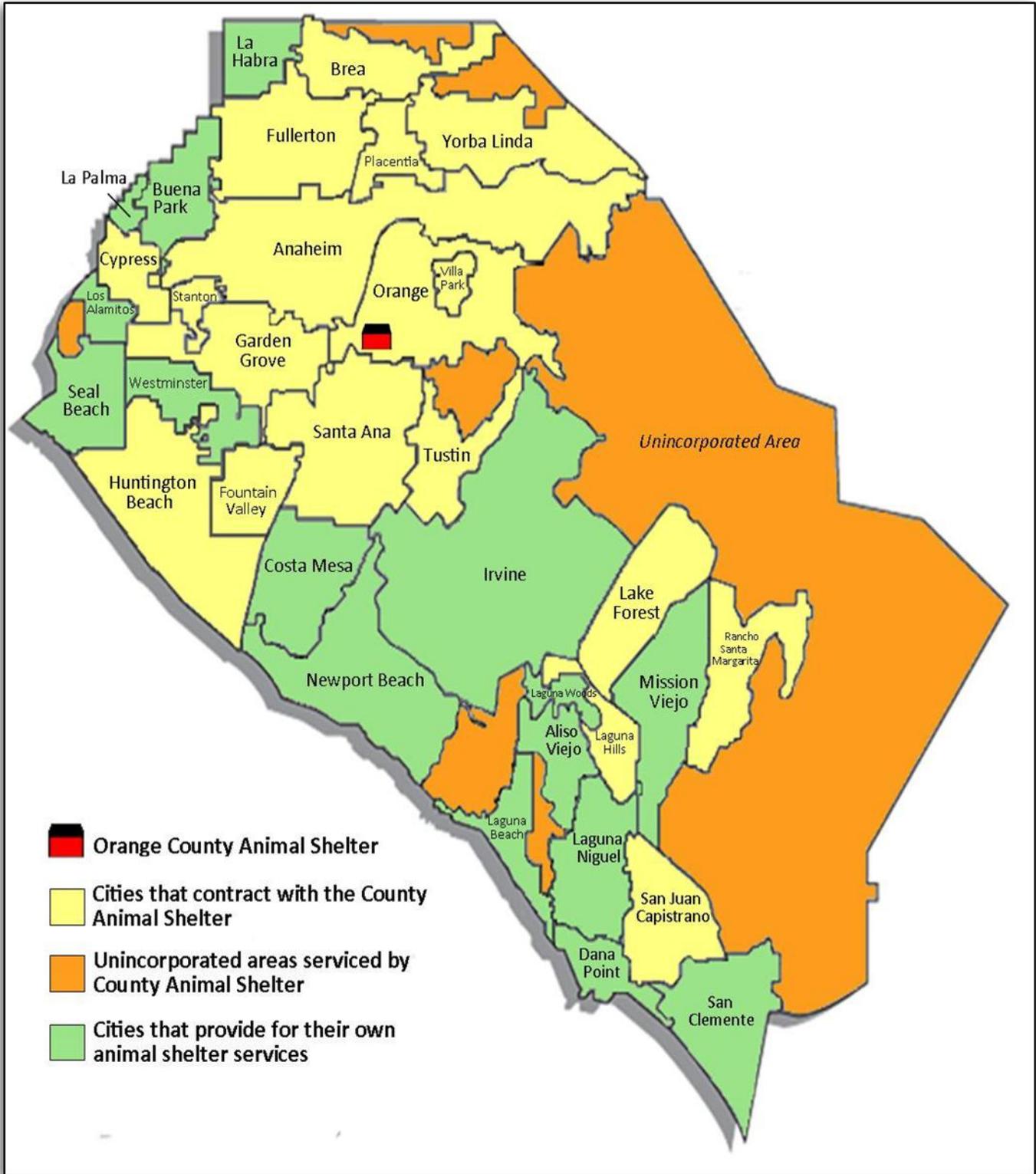


GRAND JURY 2014-2015

“Ever occur to you why some of us can be this much concerned with animals suffering? Because government is not. Why not? Because animals do not vote.”
Paul Harvey

TABLE OF CONTENTS

EXECUTIVE SUMMARY	5
BACKGROUND.....	5
REASON FOR THE STUDY	6
METHODOLOGY.....	7
Interviews.....	7
Site Visits	7
Previous Grand Jury Reports.....	7
Independent Reports on the OC Animal Shelter.....	7
Internet	8
INVESTIGATION & ANALYSIS.....	8
FINDINGS	9
RECOMMENDATIONS.....	10
REQUIRED RESPONSES	11
REFERENCES.....	15



County and City Service Areas for Animal Shelter

EXECUTIVE SUMMARY

Orange County Animal Care (OCAC) is charged with caring for lost and abandoned animals from the unincorporated areas of Orange County (County) as well as from the 18 cities that contract with the County for animal shelter services. The Orange County Animal Shelter (Animal Shelter) was built seven decades ago. Today, the 74-year-old facility is rundown, overcrowded, and unable to sustain the primary responsibility of OCAC: compassionate care of the County's companion animals. The old, dilapidated, inadequate facility fails to provide a safe, clean environment for staff, volunteers, and the public, and it is unable to provide adequate care of the animals.

For more than 20 years, the Orange County Board of Supervisors (BOS) has been keenly aware of the real and immediate need for a new shelter facility. In fact, in 1995 the BOS set aside seed money (\$5 million) for the construction of a new animal shelter and directed County executives to move forward with the project. To date, nothing substantive has been accomplished toward achievement of this task.

In 1999, when the United States Marine Corps closed the Tustin Air Station, the County agreed to accept from the Department of the Navy (DoN) a five-acre site at the Marine base for a future animal shelter facility. However, long-lingering environmental clean-up issues still need to be addressed by the DoN before conveyance of the property can take place. Environmental mitigation of contaminated ground water at the site has been underway for 15 years, and the DoN cannot even predict a completion date. Meanwhile, the County has deferred any action with regard to the new shelter, preferring to wait for completion of the DoN's clean-up of the Tustin site. The County has no backup plan or secondary site selected despite possible locations such as County-owned property at the James A. Musick Facility, County-owned property at the Irvine Great Park, or sites in unincorporated Ladera Ranch.

BACKGROUND

Eighteen Orange County cities contract with the County of Orange Community Resources Department (OCCR) for shelter services. These contracts are "evergreen" (automatically renewing), but either party may opt out with a six-month notice. The remaining 16 county cities either have their own shelter, or contract with other cities, or humane groups for animal care services.

In 1941, the County built the Orange County Animal Shelter (Animal Shelter) on County-owned property in the City of Orange to serve a County human population of 200,000. Today, the combined population of the 18 contract cities plus the unincorporated areas of the County served by the Animal Shelter is ten times larger: 2,100,000 (US Census Bureau 2010, 2013). The Census estimates that this population reflects approximately *350,000 households with at least one pet* (US Census State & County Quick Facts, 2013).

Every California county with a population exceeding 500,000 has more than one animal shelter facility. (Alphabetical List, 2014) Orange County is the exception, having one shelter facility despite the geographic and demographic need for multiple shelters.

The Animal Shelter facility is 74 years old and is in utter disrepair. Over time, the shelter's expansion has been limited to the piecemeal placement of sheds, gazebos, lean-tos, trailers, and miscellaneous pre-fabricated units. Structural integrity, cleanliness, and sanitation continue to be compromised and pose serious risks to human as well as animal health (JVR Shelter Strategies,2014; UC Davis Report, 2008).

The 2014/15 budget for OCAC is \$17,862,307. OCAC is virtually self-supporting through fees generated from the 18 contract cities and the unincorporated areas with occasional contributions from the County's general fund.. The contract cities pay the County for services provided, primarily picking up of dead or injured animals and animal licensing services. The contracting city also pays the County for its stray animals that are impounded at the Animal Shelter. The cities are billed by the County in arrears for these services on a quarterly basis. These fees do not cover the costs of any capital outlay. Thus, the contracting cities do not contribute toward the costs of animal shelter structures, buildings, kennels, or the veterinarian medical clinic. When contacted by the Grand Jury in connection with this report, several of the contract cities explained that they had explored the feasibility of establishing their own animal shelter facility but had found this alternative to be more costly than continuing to contract with the County.

REASON FOR THE STUDY

1. There have been three prior Grand Jury reports discussing the need for a new Animal Shelter facility:
 - a. The 1999/2000 OC Grand Jury report observed: "The Animal Care facility is aging badly...a new facility should be state of the art...." (Orange County Grand Jury, 2000)
 - b. Finding #13 of the 2003/04 OC Grand Jury report stated "Unless Animal Care Services (ACS) is able to provide for the expansion of the Animal Shelter, ACS may have to limit the services it provides or the number of animals it accommodates." In response, the County disagreed wholly with the finding and stated that "the recommendation will not be implemented because it is *not warranted.*"(Italics added.) (Orange County Grand Jury, 2004)
 - c. Finding #2 of the 2007-2008 OC Grand Jury report states, "The Orange County Animal Shelter is faced with a growing animal population problem that exceeds the capacity of the County Shelter...." In response, the County concurred with this Finding. (Orange County Grand Jury, 2008)
2. The Grand Jury received complaints during its initial inquiry from County residents, from current and former shelter employees (including high level animal shelter staff), and from County humane organizations asking the Grand Jury to investigate.
3. The Grand Jury received statements from some of the OCAC contract cities that they may pursue other shelter options due to the County's inaction and delays relative to construction of a new shelter facility.

METHODOLOGY

The Grand Jury interviewed a number of public officials, conducted site visits to local shelters, and researched existing studies and reports on animal care in Orange County and other California counties. Analysis and confirmation of facts led to detailed findings and conclusions. The following lists provide specific examples of key contact sources evaluated in generating this report.

Interviews

1. Current and former OCAC employees and staff, executive management of the shelter, veterinarians, and contract veterinarians;
2. County executives, including representatives from the offices of the Chief Financial Officer, the County Executive Officer, the OCCR Department, the OC Performance Auditor, and the Auditor-Controller;
3. Vector Control staff;
4. OC Health Care medical staff;
5. Representatives of the County of Los Angeles animal care shelters;
6. Department of the Navy's Base Reallocation and Closure (BRAC) officials;
7. California Department of Toxic Substances Control; and
8. Officials of the County of Riverside Animal Shelter Services.

Site Visits

1. The Orange County Animal Shelter;
2. The Riverside County (Jurupa) Animal Shelter; and
3. The City of Mission Viejo Animal Shelter.

Previous Grand Jury Reports

The subject of Orange County Animal Care has been of interest to previous Grand Juries and reviewed in the following Grand Jury reports:

1. 1999/2000 "We Can Do Better...Improving Animal Care in Orange County."
2. 2003/2004 "The Orange County Animal Shelter– Are Improvements Needed?"
3. 2007/2008 "Is Orange County Going To The Dogs?"

Independent Reports on the OC Animal Shelter

1. UC Davis 2007, "The UC Davis Koret Shelter Medicine Program, Final Consultation Report, February 2, 2008" (UC Davis, 2007);

2. JVR Shelter Strategies, "Orange County Animal Care, Shelter Consultation Summary, June 16, 2014" (Robertson, 2014);
3. Performance Audit report ordered by the OC Board of Supervisors in May, 2014, and submitted to OC Internal Audit in October, 2014; and
4. Vector Control investigative reports (multiple) in 2012, 2013 & 2014.

Internet

1. U. S. Census 2010 and 2013; (US Census Bureau 2010, 2013)
2. 58 county animal care websites in California.

INVESTIGATION & ANALYSIS

In 1995, the BOS set aside \$5 million in seed money for the design and construction of a new animal shelter. There were a series of debits to this fund at a time when the animal care function was a division of the OC Health Care Agency. These debits were for preliminary consultant studies regarding possible facility designs, an environmental study, and architectural designs: all of which were ultimately abandoned. The remaining balance in the set-aside fund is now \$4.4 million.

In FY 2007/08, Animal Care Services was transferred from its historic home in the OC Health Care Agency to become a division of the newly created OCCR, and re-named Orange County Animal Care. OCCR assumed responsibility for all animal care services as well as for the development of a plan for a new shelter, obtaining participation agreements with the contracting cities, and constructing and operating a new facility or facilities. From 2007 to the present, however, no preliminary design, schematic plan, or conceptual drawings have been developed by OCCR for presentation to any of the contracting cities or to the BOS.

The Grand Jury contacted all of the 18 contracting cities, with the majority responding; and, discovered that they have declined to make any firm commitment to the County to pay their pro-rata share of the capital costs of constructing a new shelter without seeing the scope of the project. The County maintains it cannot afford to build a new facility unless the contracting cities make a commitment to fund the project. This Grand Jury then asked architectural design firms that specialize in animal shelter projects what a preliminary design might cost, and was told that, depending on the scope of the project (square footage, building footprint, site configuration, etc.), costs would range between \$25,000 and \$50,000. Thus, an extremely small portion of the \$5 million set-aside for the design and construction of a new shelter could have been expended to prepare schematic designs and conceptual drawings for presentation to cities throughout the County. Two County executives admitted to the Grand Jury that schematic plans and preliminary drawings of a new shelter would be quite helpful in presenting a proposal to the 18 contract cities and getting them to "buy into the project," but it had not occurred to the OCCR to have such preliminary designs prepared. The County and the 18 cities need to meet and discuss the design elements, but the County has made no attempt to initiate this process.

County officials have been pursuing an opportunity for a new shelter facility at the former United States Marine Corps Air Station-Tustin (MCAS-Tustin) for 15 years. Environmental clean-up of contaminated ground water at the site has delayed, and continues to delay conveyance of the site, from the DoN to the County. Representatives of the DoN have explained to the Grand Jury that while environmental mitigation at the site continues, there is no way to predict exactly when the site will be conveyed. The County has focused on the MCAS-Tustin site to the exclusion of any other potential site for a new facility. No site other than MCAS-Tustin, including any County-owned property, has been explored or seriously considered.

The DoN established the Restoration Advisory Board (RAB), when environmental mitigation began at MCAS-Tustin, to provide periodic updates regarding clean-up impacts to interested parties, such as the Community College District, the City of Tustin, and other entities to whom parcels would be conveyed upon completion of environmental mitigation. The Grand Jury has been unable to locate a record of any County of Orange representative ever attending these meetings.

Structural additions, alterations, and modifications at the Animal Shelter have occurred over the years. The City of Orange Community Development Department was not able to locate documentation of building permit issuance to the County for these structural additions, alterations, and modifications. This situation exposes the County to potential Uniform Building Code/California Title 24 violations and to other potential liabilities.

The 74-year-old main structure is built of unreinforced brick, and it seems doubtful the structure would survive any seismic event. One member of the BOS has explained to the Grand Jury that the County is unable to inspect the roof of the main structure for fear of its collapse.

There are no standard or regularly scheduled inspections of the Animal Shelter. The Grand Jury has found evidence of only one inspection ever conducted at the shelter: in December 2008, the California State Board of Veterinary Examiners inspected the veterinary clinic only, but not the entire facility. The veterinary clinic is a very small portion of the facility and would not be determinative in identifying shortcomings of the facility as a whole.

Section IV of the standard contract between the County and the 18 cities states, "The parties agree that there shall be a Financial/Operational Advisory Board to advise (the) County's Director of Animal Care on financial and operational matters...and to communicate with the Orange County City Manager's Association (OCCMA)." The seven members of the Advisory Board have been perpetually from the same cities and do not rotate among the 18 contract cities. The Advisory Board is scheduled to meet bimonthly and does not keep minutes.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2014-2015 County of Orange Grand Jury requires responses from each agency affected by

the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its examination of the Agencies and Departments within the County of Orange government, the 2014-2015 Grand Jury has arrived at four principal findings, as follows:

- F-1** The Grand Jury has concluded that the County's lack of leadership, lack of commitment to animal care, and the prioritization of other Orange County Community Resources Department functions ahead of Orange County Animal Care are the primary reasons for failure to address the need of new Animal Shelter facilities.
- F-2** The 18 cities that contract with Orange County Animal Care for shelter services have not had an opportunity to contribute to capital costs for a new Animal Shelter facility, or facilities, because they have not been shown any conceptual plans or drawings of planned projects with cost estimates.
- F-3** The County has not developed any viable conceptual plan for a new animal shelter facility at the Marine Corps Air Station-Tustin, or at any other location, for presentation to the 18 contracting cities despite the cities' need to see plans before committing to support the project.
- F-4** Multiple county animal shelters are the standard throughout California counties of similar geographic size and population. In the event of a shutdown at the Orange County Animal Shelter because of quarantine, earthquake, or other disaster, animal-care services in the unincorporated areas of Orange County and the contract cities would cease.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2014-15 Grand Jury requires responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of Orange County Animal Care, the 2014-2015 Orange County Grand Jury makes the following four recommendations:

- R-1** The Orange County Board of Supervisors, County Executive Officer, and Director of Community Resources should place a high priority on the design and construction of new, adequately sized, staffed, and funded animal shelter facilities; and should pursue this long overdue project until such time that construction is completed. **(F-1, F-4)**
- R-2** The Orange County Board of Supervisors should investigate and analyze the advisability and feasibility of selecting two or three sites for construction of animal care shelters to provide services accessible to all parts of the County. **(F-4)**

- R-3** The Orange County Executive Officer should seriously evaluate designating a staff member with the assignment of facilitating the construction of a new Animal Shelter. This individual's tasks should include negotiating with the contracting cities for their capital contributions, release of requests for proposals for building and site designs, coordination with the Board of Supervisors for the County to self-finance the project, and any other project-manager tasks needed for the successful creation of a new shelter or shelters. **(F-1, F-2, F-3, F-4)**
- R-4** The 18 contracting cities need to review their long-term commitment to be part of Orange County Animal Care as opposed to pursuing animal-care opportunities on their own or joining with neighboring cities that have shelters. The contracting cities need to demand that the County provide them a viable plan with cost and schedule estimates for a new facility or facilities to evaluate as part of their commitment review. **(F-4)**

REQUIRED RESPONSES

The California Penal Code section 933 requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code section 933.05 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for

the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.
- (c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code section 933.05 are required from:

Requested Responses:

Responses to **F-1** and **F-4** are requested from the County Executive Officer.

Responses to **F-1**, **F-2**, **F-3**, and **F-4** are requested from the Director of Orange County Community Resources.

Responses to Recommendations **R-1** and **R-3** are requested from the County Executive Officer.

Required Responses:

Response to **F-4** is required from the Orange County Board of Supervisors.

Responses to Recommendations **R-1** and **R-2** are required from the County Board of Supervisors.

Responses to Recommendation **R-4** are required from the Mayors of the 18 Animal Shelter contract cities (listed below):

The City of Anaheim

The City of Brea

The City of Cypress

The City of Fountain Valley

The City of Fullerton

The City of Garden Grove

The City of Huntington Beach

The City of Laguna Hills

The City of Lake Forest

The City of Orange

The City of Placentia

The City of Rancho Santa Margarita

The City of San Juan Capistrano

The City of Santa Ana

The City of Stanton

The City of Tustin

The City of Villa Park

The City of Yorba Linda

See also Response Matrix below for summary of required responses.

The Orange County Animal Shelter: The Facility, The Function, The Future

RESPONSE MATRIX

<u>RESPONDENTS</u>	Findings				Recommendations			
	<u>F1</u>	<u>F2</u>	<u>F3</u>	<u>F4</u>	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>R4</u>
1 County Chief Executive Officer	X			X	X		X	
2 Director of Orange County Community Resources	X	X	X	X				
3 Orange County Board of Supervisors				X	X	X		
4 Mayor City of Anaheim								X
5 Mayor City of Brea								X
6 Mayor City of Cypress								X
7 Mayor City of Fountain Valley								X
8 Mayor City of Fullerton								X
9 Mayor City of Garden Grove								X
10 Mayor City of Huntington Beach								X
11 Mayor City of Laguna Hills								X
12 Mayor City of Lake Forest								X
13 Mayor City of Orange								X
14 Mayor City of Placentia								X
15 Mayor City of Rancho Santa Margarita								X
16 Mayor City of San Juan Capistrano								X
17 Mayor City of Santa Ana								X
18 Mayor City of Stanton								X
19 Mayor City of Tustin								X
20 Mayor City of Villa Park								X
21 Mayor City of Yorba Linda								X

REFERENCES

- Alphabetical List of California Counties. Retrieved December 2, 2014, from:
<http://www.alphalists.com>
- Orange County Grand Jury (2000). *We Can Do Better...Improving Animal Care In Orange County*. Santa Ana, CA.
- Orange County Grand Jury (2004). *The Orange County Animal Shelter—Are Improvements Needed?* Santa Ana, CA.
- Orange County Grand Jury (2008). *Is Orange County Going To The Dogs?* Santa Ana, CA.
- Robertson, J., Aziz, C., Butler, V.(2014, June 16). *Orange County Animal Care Shelter Consultation Summary June 16, 2014*. JVR Shelter Strategies, LLC.
- UC Davis School of Veterinary Medicine (2007, February 2). *The UC Davis Koret Shelter Medicine Program: Orange County Animal Care Services Division*
- U.S. Census Bureau (2010, 2013). Retrieved from: www.census.gov 2010 and www.census.gov 2010
- U.S. Census State & County Quick Facts (2013). Retrieved from:
www.quickfacts.census.gov/qfd/index.html