

RESPONSE TO GRAND JURY REPORT FORM

Report Title: "Tails of Marin" Marin County Animal Control Services & The Marin Humane Society

Report Date: April 7, 2008

Response by: Larkspur City Council

By: Jean A Bonander,
Larkspur City Manager

FINDINGS

- I (we) agree with the findings numbered: 1, 2, 3, 5, 6, 7, 8
- I (we) disagree wholly or partially with the findings numbered: 4, 9

(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefore.)

RECOMMENDATIONS

- Recommendations numbered 0 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered 2 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered 4, 5 require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered 0 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 7-17-08 Signed: Jean A Bonander

Number of pages attached 5

Administration 415/927-5110
Fire
Public Works
Recreation
Customer Service

Library 415/927-5005



Planning 415/927-5038
Community Development
Building Permits/Inspection

Twin Cities Police 415/927-5150

Fax 415/927-5022

Web: www.ci.larkspur.ca.us

CITY OF LARKSPUR

July 17, 2008

Roberta Robinson, Foreperson
Marin County Grand Jury
3501 Civic Center Drive, Room 275
San Rafael, CA 94903

The Honorable Verna Adams
Marin County Superior Court
P. O. Box 4988
San Rafael, CA 94913-4988

RE: "Tails of Marin" Marin County Animal Control Services & The Marin Humane Society

Dear Foreperson Robinson and the Honorable Judge Adams:

The Larkspur City Council appreciates the work of the Grand Jury members on this report regarding animal care related issues in Marin County. The Larkspur City Council and City staff apologize in advance for the delayed response to this report. This report was inadvertently attached to the Civil Grand Jury's "Gangs of Marin" report, which has a later response timeframe than did the "Tails of Marin".

The Council reviewed the report and the recommended responses from City staff at its regularly scheduled July 16, 2008 City Council meeting. Regarding "Tails of Marin" the Council directed that staff respond as follows.

As required by Sections 933 (c), 933.05 (a) and 933.05 (b) of the California Penal Code, this letter acknowledges receipt of and responds to the 2008 Marin County Grand Jury Report, "Tails of Marin" Marin County Animal Control Services & The Marin Humane Society. The Larkspur City Council has been requested to respond to nine findings and three recommendations. The responses requested are listed below.

FINDINGS

F1. The nonprofit Marin Humane Society is nationally respected and honored. It has served Marin's citizens and animals well over the past 100 years.

Response: The Larkspur City Council agrees with this finding.

F2. The Marin County Board of Supervisors and Marin's city councils have supported the Marin Humane Society and its mission for many years, and historically contracted with the Marin Humane Society as the county's sole animal service agency. The current MHS contract expires on June 30, 2008.

Response: The Larkspur City Council agrees with this finding.

F3. The Joint Powers Agreement between Marin County, Marin's cities and MHS promotes uniform ordinances, equitable enforcement and cost-effective delivery of animal control services throughout Marin's jurisdiction.

Response: The Larkspur City Council agrees with this finding.

F4. The Marin Humane Society subsidizes 10 percent or more of animal control services costs with its own charitable funds.

Response: The Larkspur City Council disagrees with this finding. The 10 percent of the costs of MHS Animal Control Services not covered by the JPA allocation supports services that are not required by the JPA or not mandated by the state. This arrangement allows the Marin Humane Society to provide its services, which includes those that are not part of the JPA contract, more flexibly and effectively. Additionally, there are overlapping administrative costs for JPA-contracted Animal Control services and Marin Humane Society services that are difficult to separate in the provisioning of contracted services.

F5. MHS collects fees for dog licensing, impound, boarding, permit, quarantine, veterinary and disposal services. These funds are remitted to the county. County and city taxpayers fund the balance of animal control services costs.

Response: The Larkspur City Council agrees with this finding.

F6. MHS's dual role as both a private nonprofit organization and as a contractor to the county for animal control services is not widely understood and is not clearly explained to the public.

Response: The Larkspur City Council agrees with this finding.

- F7. Two performance goals set forth in the Joint Powers Agreement are not being met: (1) licensing of all dogs in Marin County is targeted at 75 percent, while MHS estimates compliance at 25-33 percent; and (2) license and other fees were to be set at a level to fund 20 percent or more of animal control services costs, while actual fee revenues account for only 10 percent.**

Response: The Larkspur City Council agrees with this finding. In the original 1979 Joint Powers Agreement a dog-licensing target of 75 percent was established as a goal that reflected public health concerns about rabies. Rabies infection rates among domestic animals were much higher 30 years ago. At the inception of the JPA, stray dogs were common in the county. So serious was the public health concern that paid canvassers visited Marin households checking for unlicensed dogs. Even this initiative did not meet the 75 percent goal.

Over the 29 years since the JPA's inception, the JPA and MHS have successfully eliminated rabies threat, through vaccination efforts, education, and other measures. These actions have changed the goal and function of dog licensing. Licensing now allows dogs to be more easily reunited with their owners and facilitates the enforcement of animal control ordinances. As a consequence of these changes, the most common national range for licensed dogs is 10-20 percent. As noted, Marin County's rate stands at 25-33 percent. The 75-percent dog-licensing compliance rate should be reevaluated in the context of these changes.

The fee issue is addressed in our responses to the recommendations.

- F8. Novato has been a strong advocate for control of its cat population by mandatory micro-chipping and spaying or neutering.**

Response: The Larkspur City Council agrees with this finding.

- F9. Pet owner compliance with leash laws, noise ordinances, and waste pickup is dismal. The need continues for improved enforcement of local animal control ordinances**

Response: The Larkspur City Council partially agrees with this finding. The information upon which this finding is based is incomplete. While Animal Control Services does provide countywide patrols and enforcement of the animal control ordinance, it does not act alone. Each of the JPA members' eleven law enforcement agencies also enforces the animal control ordinance. Therefore, enforcement statistics provided solely by Animal Control Services reflect only one-thirteenth of the story. Statistics from all eleven police departments and the County Sheriff's Department would be needed to provide an objective assessment of the rates of ordinance compliance.

Leash laws are enforced through the combined efforts of Animal Control Services and sheriff/police departments. Noise ordinances are solely enforced by sheriff/police departments. Local police departments and/or Animal Control Services enforce local dog waste disposal requirements; however, this enforcement occurs only in the seven of the eleven JPA member cities and towns that have local requirements for the disposal of dog waste. Four cities and towns have no such local requirement, and the current county animal control ordinance has no such requirement. Therefore, the rate of compliance for each of these laws varies by jurisdiction and by enforcement entity.

Given the above background, pet owners do have the obligation to control their pets so as not to create a community nuisance. Many local jurisdictions have built dog parks and have set up dog waste stations in parks and along pathways, yet some members of the public continue to jeopardize both public safety and the safety of domestic animals by failing to pick up waste, allowing animals to roam and make noise to everyone's detriment.

RECOMMENDATIONS

- R2. The county, Marin's municipalities and MHS work to update their websites and public outreach materials to explain their cost sharing agreement and the relationships established by the Joint Powers Agreement.**

Response: The Larkspur City Council agrees with this recommendation and will implement it by June 30, 2009. The City will provide a link on its website to the County's information about animal control.

- R4. The county and Marin's other cities adopt measures similar to Novato's progressive ordinances to control their unwanted cat population through mandatory micro-chipping and spaying and neutering.**

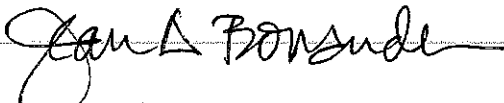
Response: The Larkspur City Council partially disagrees with this recommendation. We believe that it should be left to individual JPA member jurisdictions to address this issue. Jurisdictions around the State, including the JPA, are evaluating the effectiveness of efforts to control their unwanted cat populations.

- R5. The county, city and MHS staffs take appropriate steps to improve pet-owner compliance with all animal control, annual licensing and animal protection ordinances. These steps could include, but are not limited to: (1) holding public workshops; and (2) conducting intensive public education efforts.**

Response: The Larkspur City Council partially disagrees with this recommendation. The JPA and MHS will consider broader public education efforts as part of the achievement of its overall mission as well as to improve compliance with pertinent ordinances. As explained in the response to Finding 9, the information upon which this finding and recommendation are based is incomplete.

Thank you for the opportunity to comment on these issues.

Respectfully submitted,



Jean A. Bonander
City Manager
On behalf of the Larkspur City Council

C: Larkspur City Council
City Clerk