



Agenda

PUBLIC PROTECTION COMMITTEE

-- SPECIAL MEETING --

JANUARY 24, 2011

11:00 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Federal D. Glover, Chair

Supervisor John Gioia, Vice Chair


Agenda Items:

Items may be taken out of order based on the business of the day
and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes)
3. Consider follow-up report from the Animal Services Director regarding the proposal to require the spaying/neutering of impounded dogs in Contra Costa County
4. Consider staff recommendation for policy making relatives of Board of Supervisors members ineligible for appointment to public bodies for which the Board is the appointing authority

The Public Protection Committee will provide reasonable accommodations for persons with disabilities planning to attend Public Protection Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Public Protection Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

 *Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

For Additional Information Contact:

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DISTRIBUTION

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Terry Speiker, Chief Asst. County Administrator
Sharon Anderson, County Counsel
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Rich Seithel, Senior Deputy County Administrator—Municipal Services
David Livingston, Sheriff-Coroner
Ron Jarrell, Undersheriff
Daryl Louder, Chief, Contra Costa County Fire Protection District
Hugh Henderson, Chief, East Contra Costa Fire Protection District
Mark Peterson, District Attorney
Robin Lipetzky, Public Defender
Philip Kader, County Probation Officer
Vincent Guise, Agricultural Commissioner/Weights & Measures Director
Glenn Howell, Animal Services Director
Timothy Ewell, Senior Management Analyst, CAO
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Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HCD	(State Dept of) Housing & Community Development
ABAG	Association of Bay Area Governments	HHS	Department of Health and Human Services
ACA	Assembly Constitutional Amendment	HIPAA	Health Insurance Portability and Accountability Act
ADA	Americans with Disabilities Act of 1990	HIV	Human Immunodeficiency Syndrome
AFSCME	American Federation of State County and Municipal Employees	HOV	High Occupancy Vehicle
AICP	American Institute of Certified Planners	HR	Human Resources
AIDS	Acquired Immunodeficiency Syndrome	HUD	United States Department of Housing and Urban Development
ALUC	Airport Land Use Commission	Inc.	Incorporated
AOD	Alcohol and Other Drugs	IOC	Internal Operations Committee
BAAQMD	Bay Area Air Quality Management District	ISO	Industrial Safety Ordinance
BART	Bay Area Rapid Transit District	JPA	Joint (exercise of) Powers Authority or Agreement
BCDC	Bay Conservation & Development Commission	Lamorinda	Lafayette-Moraga-Orinda Area
BGO	Better Government Ordinance	LAFCo	Local Agency Formation Commission
BOS	Board of Supervisors	LLC	Limited Liability Company
CALTRANS	California Department of Transportation	LLP	Limited Liability Partnership
CalWIN	California Works Information Network	Local 1	Public Employees Union Local 1
CalWORKS	California Work Opportunity and Responsibility to Kids	LVN	Licensed Vocational Nurse
CAER	Community Awareness Emergency Response	MAC	Municipal Advisory Council
CAO	County Administrative Officer or Office	MBE	Minority Business Enterprise
CCHP	Contra Costa Health Plan	M.D.	Medical Doctor
CCTA	Contra Costa Transportation Authority	M.F.T.	Marriage and Family Therapist
CDBG	Community Development Block Grant	MIS	Management Information System
CEQA	California Environmental Quality Act	MOE	Maintenance of Effort
CIO	Chief Information Officer	MOU	Memorandum of Understanding
COLA	Cost of living adjustment	MTC	Metropolitan Transportation Commission
ConFire	Contra Costa Consolidated Fire District	NACo	National Association of Counties
CPA	Certified Public Accountant	OB-GYN	Obstetrics and Gynecology
CPI	Consumer Price Index	O.D.	Doctor of Optometry
CSA	County Service Area	OES-EOC	Office of Emergency Services-Emergency Operations Center
CSAC	California State Association of Counties	OSHA	Occupational Safety and Health Administration
CTC	California Transportation Commission	Psy.D.	Doctor of Psychology
dba	doing business as	RDA	Redevelopment Agency
EBMUD	East Bay Municipal Utility District	RFI	Request For Information
EIR	Environmental Impact Report	RFP	Request For Proposal
EIS	Environmental Impact Statement	RFQ	Request For Qualifications
EMCC	Emergency Medical Care Committee	RN	Registered Nurse
EMS	Emergency Medical Services	SB	Senate Bill
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	SBE	Small Business Enterprise
et al.	et ali (and others)	SWAT	Southwest Area Transportation Committee
FAA	Federal Aviation Administration	TRANSPAC	Transportation Partnership & Cooperation (Central)
FEMA	Federal Emergency Management Agency	TRANSPLAN	Transportation Planning Committee (East County)
F&HS	Family and Human Services Committee	TRE or TTE	Trustee
First 5	First Five Children and Families Commission (Proposition 10)	TWIC	Transportation, Water and Infrastructure Committee
FTE	Full Time Equivalent	VA	Department of Veterans Affairs
FY	Fiscal Year	vs.	versus (against)
GHAD	Geologic Hazard Abatement District	WAN	Wide Area Network
GIS	Geographic Information System	WBE	Women Business Enterprise
		WCCTAC	West Contra Costa Transportation Advisory Committee

2011 PUBLIC PROTECTION COMMITTEE

**PROPOSAL TO ENACT AN ORDINANCE TO REQUIRE THE
SPAYING/NEUTERING OF PIT BULL-TYPE DOG BREEDS IN THE
COUNTY**

On August 10, 2010, the Board of Supervisors referred to the PPC a proposal to enact an ordinance to require the spaying or neutering of pit bull-type dog breeds in the unincorporated area of Contra Costa County. The PPC took this matter up at its August 16, 2010 meeting and received a substantial amount of public testimony. The Committee requested the Animal Services Director to gather and report at a subsequent meeting statistics and other information on the number of impounded, adopted or euthanized dogs by breed, the number of dog bites before and after passage of the County's dangerous dog ordinance passage of San Francisco's ordinance, and the potential costs of a policy requiring spay/neutering of impounded dogs prior to allowing them to be reclaimed.

The PPC received a follow-up report on November 30 and decided to pursue the development of a policy requiring spay/neutering of impounded dogs prior to allowing them to be reclaimed. The PPC requested the Animal Services Director to return in January 2011 with more information about other counties that have similar policies, the amounts/severity of their penalties for non-compliance, and the resources that would be required to implement such a policy in this county.

January 24, 2011

Attached is a report from the Animal Services Director identifying the key elements of a potential policy/ordinance, the resources that would be required to implement a spay/neuter policy for at large dogs, anticipated revenues, and net County cost.

**CONTRA COSTA COUNTY
Animal Services Department**

MEMORANDUM

DATE: January 24, 2011

TO: PUBLIC PROTECTION COMMITTEE

FROM: Glenn E. Howell, Director
Animal Services Department

RE: FOLLOW UP REPORT REGARDING THE PROPOSAL TO REQUIRE
THE SPAYING / NEUTERING OF UNALTERED, IMPOUNDED, AT-
LARGE DOGS AND CATS IN CONTRA COSTA COUNTY

This is a follow up report to the November 30, 2010 Meeting of the Public Safety Committee considering a spay/neuter ordinance for impounded dogs. The Committee requested information on what it would take to implement a mandatory spay/neuter ordinance for at-large dogs and the key points that such an ordinance would contain.

Many cities and counties in California have enacted spay/neuter legislation. Most of these ordinances were broad in their scope because of language that would ultimately regulate breeding. What is being put forth in this report targets and affects only those owners whose dogs are unaltered and at-large in violation of Contra Costa County Code, section 416-4.4 and section 31751.7 of the California Food and Agriculture Code. Further, this ordinance would also encourage pet licensing which is mandated by the State of California and Contra Costa County Code, section 416-6.002.

The thrust of the ordinance would be: **Unaltered dogs running at-large and impounded into the shelter will be spayed or neutered prior to their release.**

The key elements of the ordinance would be:

1. Any unlicensed and unaltered dog at-large will be altered before release;

2. Any licensed and unaltered dog at-large (1st offense in 3 yrs) will be released intact;
3. Any licensed and unaltered dog at-large (2nd offense in 3 yrs) will be altered before release;
4. Dogs that cannot be altered for a medical reason confirmed by a veterinarian would be released with a citation;
 - a. Citations - Two months and proof of correction;
 - b. Forwarded to court with fine if not corrected.

IMPLEMENTATION

Following approval by the Board of Supervisors, I recommend a three month education period before actual implementation. During that time, the Animal Services Department will endeavor to educate the public about the new ordinance. This would be accomplished by utilizing the County Web Site, the Department Web Site, Department Facebook, license mailers (over 5,000 per month), and County newspapers. During that time, violators would be given warning notices and their dogs released intact.

Animal Services would use this period to adjust our internal operations in our spay/neuter clinic to accommodate the additional surgeries. That time period would also be used for CCASD to work with the Human Resources Department to hire the additional personnel needed to implement this ordinance. An RVT, Registered Veterinary Technician, is absolutely essential and the key staffing component required to implement a spay/neuter on release ordinance. Acknowledging the demands on the HR Department, the RVT hiring process would be shorter than most positions. Licensing qualifications by the State would eliminate the need for developing and administering of an exam. The normal process would have to occur for the Animal Technician.

RESOURCES AND COST TO IMPLEMENT A SPAY/NEUTER BEFORE RELEASE FOR IMPOUNDED ANIMALS

Implementing a spay/neuter program for impounded dogs running at-large would require an additional surgery shift, this requiring the aforementioned RVT, Registered Veterinary Technician. The challenge, which we can manage with an additional RVT, is to insure a quick turn-around time on the spay/neuter surgery to avoid a negative impact on our shelter population.

The Committee is reminded that demand for spay/neuter surgeries in our clinic is high and booked out six weeks. In addition to spay neuter surgeries, the medical staff must examine and vaccinate all incoming animals, totaling over 16,000 animals in two locations. A good portion of these animals require treatment during their stay, thus the heavy demand on our RVT's.

Implementing this ordinance adds, at the minimum, one additional day that over 1,000 dogs will be held in the shelter. An additional Animal Technician will be needed to manage this increase in shelter population. Relative to animal care and our current staffing levels, we are already stretched thin managing the increased shelter capacity due

to the increase in animal population caused by the economy and the recent Appellate Court decision disallowing Saturday as a holding day.

The cost of staffing to implement this program would be:

Registered Veterinary Technician	\$ 88,220.00
Animal Technician	<u>\$ 72,994.00</u>
Total	\$161,214.00

The cost would be partially offset by the increase in revenue from surgeries. Based upon Return to Owner numbers over the last few years, we can conservatively estimate revenue of \$94,610. This is revenue that would be gained from the cost of surgeries only. This does not include additional offsetting revenue from rabies vaccinations and licensing from those dogs owners who are required to spay or neuter their pet.

The Committee did not request information in this report about microchips. However, additional offsetting revenue could be had from also requiring all redeemed animals to be microchipped. Currently, less than 1% of dogs and cats in our shelter come in with a microchip. Access to immediate owner information would both reduce the hold time of animals in the shelter and guarantee more animals being redeemed, particularly cats.

Mandatory microchips only for unaltered dogs would generate an additional \$15,000 per year. Mandatory microchips for all impounded animals would generate approximately \$32,415 per year.

STAFFING COSTS

Registered Veterinary Technician	\$ 88,220.00
Animal Technician	<u>\$ 72,994.00</u>
Total	\$161,214.00

OFFSETTING REVENUE

Revenue – Surgeries Only	\$ 94,610.00
Microchips – Unaltered Only	\$ 15,000.00
Microchips – All Impounds	\$ 32,415.00

In summary, the cost to implement a mandatory spay/neuter program can be accomplished with the additional staffing. The bulk of that cost will be offset by the guaranteed revenue from the surgeries. An additional \$66,604 would remain to be covered. A portion of that \$66,604 could be offset by adding microchips.

2011 PUBLIC PROTECTION COMMITTEE

POLICY TO PROHIBIT THE CANDIDACY OF A SUPERVISOR'S FAMILY MEMBER TO PUBLIC BODIES FOR WHICH THE BOARD IS THE APPOINTING AUTHORITY

In July 2010, a vacancy occurred on the Byron-Brentwood-Knightsen Union Cemetery District (BBKUCD) Board of Trustees and, following recruitment, David Piepho, who is the husband of Supervisor Mary Piepho applied. Supervisor Piepho consequently recused herself from the process and, on September 14, 2010, the Board of Supervisors referred the matter to the PPC to discuss the issue of whether to develop a policy regarding the appointment of family members to boards and commissions and to consider the appointment process to fill the current BBKUCD Board vacancy.

The Clerk of the Board's office re-opened a recruitment on September 22, 2010 and extended the application deadline for the seat to October 12, 2010. A total of ten applications were received; two of the applicants withdrew from the process, leaving eight remaining applicants.

The PPC considered the Board of Supervisors' referral at its regular meeting on October 18, 2010. The PPC received a substantial amount of written and oral public testimony on the spirit of the Maddy Act and in support of the various candidates. The PPC limited its discussion to the process to be used to fill the BBKUCD Board vacancy and the broader policy issue of permitting Supervisors' family members to serve on Board advisory bodies, committees, and commissions or other public bodies for which the Board of Supervisors is the appointing authority. There was consensus among the Committee members that Supervisors' family members should not be automatically barred from participating on Board advisory bodies, committees, and commissions, but that nominations for appointment should result from an "arms length" process whenever a Supervisor's family member is a candidate. The Committee determined that, in the case of the Trustee 3 seat on the BBKUCD Board of Trustees, the nomination process should be delegated to a panel made up of subject matter experts from outside of Contra Costa County. The PPC took this recommendation to the Board of Supervisors on October 26, 2010, and the Board directed the County Administrator's Office to convene a panel of three individuals made up of trustees or district managers from cemetery districts outside of Contra Costa County, to evaluate candidates and nominate an individual to the Board of Supervisors, within 30 days, for appointment to the Trustee 3 seat on the BBKUCD Board.

The County Administrator's Office convened the interview panel on November 10 and, on November 23, submitted a recommendation to the Board of Supervisors to appoint Vickey Rinehart for appointment to fill the vacant Trustee 3 seat. The panel also decided to nominate Bailey Neff on a contingency basis in the event that Ms. Rinehart is unable to serve. The Board approved these recommendations.

On November 30, staff suggested some options to the PPC for an impartial screening process for recruitments to public bodies for which the Board is the appointing authority, when a Supervisor's family member is a candidate. The PPC decided it would work to develop a policy to prohibit the candidacy of a Supervisor's family member to public bodies for which the Board is the appointing authority, and requested staff to return in January with suggested policy language and a definition for "family member".

January 24, 2011

Attached is staff's proposed policy for the committee to use as a starting point for its own policy development.

CONTRA COSTA COUNTY BOARD OF SUPERVISORS

POLICY PROHIBITING POTENTIAL CONFLICTS OF INTEREST CONCERNING APPOINTMENTS TO PUBLIC BODY SEATS

- I. **SCOPE:** This policy applies to appointments to any seats on public bodies for which the Contra Costa County Board of Supervisors is the appointing authority.
- II. **POLICY:** To avoid the reality or appearance of improper influence or favoritism, a person will not be eligible for appointment to any seats on public bodies for which the Contra Costa County Board of Supervisors is the appointing authority, if he/she is related to a Board of Supervisors' Member in any of the following relationships:
1. Mother, father, son, and daughter.
 2. Brother, sister, grandmother, grandfather, grandson, and granddaughter.
 3. Great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson, and great-granddaughter.
 4. Adopted child
 5. Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter.
 6. Sister-in-law (brother's spouse or spouse's sister), brother-in-law (sister's spouse or spouse's brother), spouse's grandmother, spouse's grandfather, spouse's granddaughter, and spouse's grandson.
 7. Domestic partner (committed partner with whom a Board Member has resided for at least six consecutive months prior to the date of the partner's candidacy, and with whom the Board Member shares the common necessities of life and is jointly responsible for each other's basic living expenses)
 8. Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103. Financial Interest), such as a business partner or business associate

Candidates shall identify on the standard County application form any of the above-specified relationships with a Board of Supervisors member.

**CONTRA COSTA COUNTY ADVISORY BOARDS, COMMISSIONS, OR
COMMITTEES APPLICATION FORM**

Name of Advisory Body applying for _____

Application Form must be typed or hand printed

Name of Applicant: _____

Home Address: _____

City: _____ State: _____ ZIP: _____

Home Phone: _____ Work Phone: _____

Signature: _____ Date: _____

Personal Experiences, Skills, and Interests

Education/Background:

Occupation/Employer:

Community Activities:

Special Interests:

Relationship to Board of Supervisors Member: No _____ Yes _____

If Yes, please identify the nature of the relationship: _____

Information:

1. File completed application with Clerk of the Board. 651 Pine Street, Room 106, Martinez, CA 94553.
2. Members of some advisory bodies may be required to file annual Conflict of Interest Statements.
3. Address and other contact information provided on this application will be accessible to the general public.
4. Meetings of advisory bodies may be held in Martinez or in areas not accessible by public transportation.
5. Meetings may be held either in the evenings or during the day, usually once or twice a month.
6. Some boards assign members to subcommittees or work groups requiring additional time.
7. If you wish you may attach your resumé.