



County of Orange

County Executive Office

September 1, 2015

Honorable Glenda Sanders
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: Response to Grand Jury Report, "The Orange County Animal Shelter: The Facility, The Function, The Future"

Dear Judge Sanders:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Board of Supervisors, County Executive Officer, and OC Community Resources Director.

If you have any questions, please contact Jessica O'Hare of the County Executive Office at 714-834-7250.

Sincerely,

Frank Kim
County Executive Officer

Enclosure

cc: FY 2014-15 Orange County Grand Jury Foreman
Mark Denny, Chief Operating Officer, County Executive Office
Jessica O'Hare, Assistant to the COO, County Executive Office
Steve Franks, Director, OC Community Resources



**Responses to Findings and Recommendations
2014-15 Grand Jury Report:**

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

SUMMARY RESPONSE STATEMENT:

On May 21, 2015, the Grand Jury released a report entitled: “The Orange County Animal Shelter: The Facility, The Function, The Future.” This report directed responses to findings and recommendations to the Orange County Board of Supervisors, County Executive Officer, and Director of Orange County Community Resources, which are included below.

FINDINGS AND RESPONSES:

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.

Response: Disagrees wholly with the finding.

The County of Orange has long recognized the need to replace the current Animal Shelter in Orange, which is over 70 years old. Meaningful progress has been made to build a new centralized Animal Shelter:

- In 1995, the Board of Supervisors set aside \$5 million in reserve for the initial contribution toward a new Shelter, with over \$4.4 million still remaining. New Shelter costs are estimated between \$20-25 million excluding the value of the land, the County will contribute 20-25% of the expected total cost of a new Shelter while service to the County unincorporated areas proportionately represents less than 10% of total OC Animal Care costs.
- Between 1995-1999, the County and contract cities reviewed multiple sites, including on County-owned land at the Grand Avenue Complex and rebuilding the Shelter on the current property in Orange.

- In 1999, the Board of Supervisors began pursuing the opportunity to build a new Shelter at the former United State Marine Corps Air Station – Tustin as part of the base closure process. This location was identified as the generally preferred site by the County and the contract cities as it represents the most reasonable and cost-efficient location for a new centralized replacement Shelter. The site is centrally located, freeway accessible, and is being conveyed for public benefit as a new Shelter at no cost to the taxpayers as part of the military base reuse plan.
- Between approximately 2000-2006, the County had conceptual design plans drawn up for a new Shelter. However, these design plans are now of limited value given the passage of time, the uncertainties associated with the conditions of the conveyance of the land by the Navy, and the absence of site-specific detail in the conceptual plans.
- In 2012, the County successfully negotiated a tri-party land swap agreement with the South Orange County Community College District and the City of Tustin to secure the specific parcels of land that will be utilized for the new Shelter upon conveyance of the land by the Navy. This agreement was extended in 2015 to allow for the delays in the conveyance process.
- Over the last eight years since the transfer of OC Animal Care into OC Community Resources, County staff have spent considerable effort consulting with the Navy, City of Tustin (acting as the Local Reuse Agency), and the South Orange County Community College District regarding the conveyance process. County staff have visited the Navy BRAC Program Management Office West in San Diego on multiple occasions to personally consult with the Base Closure Manager and BRAC.
- The current Chair of the Board of Supervisors visited the BRAC offices in San Diego in 2014, and has subsequently sent a letter to the Orange County Congressional Delegation requesting assistance in accelerating the process. A follow-up trip to the BRAC offices in San Diego is tentatively being scheduled for this coming fall.
- In 2015, OC Community Resources completed a draft Business Plan for the new Animal Shelter. This draft outlines the site development, project planning/design, proposed funding, financial projections, operations, and marketing/fundraising elements of the proposed new Shelter. It will be presented to the city manager subcommittee of contract cities in the summer of 2015.

Progress on the acquisition of the property has been much slower than anticipated due to complicated environmental review issues. In 2014, the County, City of Tustin, and South Orange County Community College District offered several proposals to help move the process forward more expeditiously, including

bifurcating the proposed site from the larger Tustin parcels still under dispute and offering use of local resources for sampling and engineering. These proposals were offered but not accepted by the Navy. Although not formally committed in writing, the Navy has suggested a transition timeframe for the property in 2016.

Despite the delays, the Tustin site remains the generally preferred site for the County and the contract cities. Significant efforts on the project continue:

- OC Public Works has assigned a project manager for the replacement Shelter, prepared a preliminary development schedule, is reviewing all available documentation and source material, and is taking site visits to existing animal shelters in Southern California.
- Plumbing and Civil Engineering Design Criteria for the new Shelter are being developed and will be completed by fall 2015 using current on-call contract consultant services.
- Although the contract cities have expressed a desire in writing on multiple occasions to wait on negotiations for funding agreements until the County has secured the land, the contract city sub-committee responsible as the lead in negotiations has agreed to initiate discussions in summer 2015, in hopes of preparing proposed long-term funding agreements in fall 2015. The goal is for formal Memorandums of Understandings regarding Intent to Participate be ready for approval by the respective city councils and the County Board of Supervisors.
- It is anticipated that schematic design work and preliminary conceptual drawings will be completed by fall 2015, to be presented to the contract cities with the proposed long-term funding agreements. The formal RFP process and construction design work will be initiated upon approval of said agreements by the contract cities, thereby allowing for appropriate sizing based upon long-term commitments and growth requirements.
- It is estimated that the completion of a new Shelter using a “Design-Build” type process will take approximately 2-3 years from the point the property is secured. Assuming conveyance of the land in 2016, completion of the new Shelter will be in approximately 2019.
- County Real Estate staff are initiating a review of all properties currently owned by the County to determine potential alternative sites for a new or second Animal Shelter. In the event that a site is deemed economically and programmatically feasible, the option will be presented to the contract cities for consideration.

- In the interim, the Board of Supervisors unanimously approved the allocation of \$150,000 in the FY 2015/16 budget to complete necessary major maintenance and repairs at the current Shelter in Orange.

In summary, the current delays in building a new Animal Shelter are not due to lack of effort, commitment or prioritization by the Board of Supervisors or County staff, but rather primarily to the lengthy process for the Navy to convey lands for public benefit. The replacement of the current Animal Shelter remains a priority of the Board of Supervisors and County staff, as demonstrated by the commitment of disproportionately large financial and staff support toward the project.

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.

Response: Disagrees partially with the finding.

The County concurs with the fact that conceptual plans and/or schematic designs have not been provided with cost estimates to the contract cities. Although formal commitments are not in place, the contract cities and the County continue to work as partners in the development of a new Shelter. Despite the representation to the contrary, the contract cities have had the opportunity to make a contribution at any time for the capital costs of a new Shelter. Extensive discussions have occurred over several years and continue at the staff level regarding siting, timing, general costs estimates, and proportional funding levels among contract cities.

The County has not submitted proposed long-term financial agreements inasmuch as execution of such agreements without an appropriate level of detail would be premature and unacceptable to the contract cities. Site-specific sizing and cost estimates have not been developed. Expenditures for design and architectural work of a detailed nature have been kept at a minimum intentionally until the requirements of the conveyance from the Navy are known. In the absence of such, specific detailed plans may quickly become outdated or no longer applicable should the Navy continue to delay the transfer or impose restrictions on the site.

The contract cities have consistently indicated there is broad support for the construction of a new Shelter at the Tustin site, but that any long-term financing agreements and related contributions need to wait until the County has possession of the land. Further, representatives of the contract cities have stated that development of schematic designs and conceptual drawings are not needed to generate support, nor would they be successful in garnering long-term financing commitments or contributions without possession of the land, or at least a more firm commitment from the Navy at a minimum.

The County recently developed a draft Business Plan for the new Shelter. This draft outlines the site development, project planning/design, proposed funding, financial projections, operations, and marketing/fundraising elements of the project. It includes specific milestones and provides initial cost estimates for each city based upon prior year actual participation levels for OC Animal Care services.

It is anticipated that the draft Business Plan will be presented to the subcommittee of contract cities in the summer of 2015. Discussions regarding the long-term funding agreement are expected to commence at that time. Preliminary schematic design work and conceptual drawings are expected to be completed by fall 2015, in hopes of being presented to the contract cities with the initial proposed long-term funding agreements. Funding for the initial work is being charged against the \$5 million County General Fund reserve set aside by the Board of Supervisors.

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.

Response: Disagrees partially with the finding.

As stated in Finding #2 above, the County concurs with the fact that site-specific conceptual plans and/or schematic designs have not been developed for the Tustin location. Despite the fact that formal commitments are not in place, the contract cities and the County continue to work as partners on the new Shelter.

Site-specific sizing and cost estimates have not been developed. Expenditures for design and architectural work of a detailed nature have been kept at a minimum intentionally until the requirements of the conveyance from the Navy are finalized. In the absence of such, specific detailed plans may quickly become outdated or no longer applicable should the Navy continue to delay the transfer or impose restrictions on the site.

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The County recently developed a draft Business Plan for the new Shelter. This draft outlines the site development, project planning/design, proposed funding, financial projections, operations, and marketing/fundraising elements of the project. It includes specific milestones and provides initial cost estimates for each city based upon prior year actual participation levels for OC Animal Care services.

It is anticipated that the draft Business Plan for the Tustin location will be presented to the subcommittee of contract cities later this summer. Discussions regarding the long-term funding agreement are expected to commence at that time. Preliminary schematic design work and conceptual drawings are expected to be completed in the fall, in hopes of being presented to the contract cities with the initial proposed long-term funding agreements. Funding for the initial work is being charged against the \$5 million County General Fund reserve set aside by the Board of Supervisors.

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.

Response: Disagrees partially with the finding.

Although potentially disrupted, County Animal Care services would not cease any more in the event of quarantine, earthquake or other disaster than at other Shelter facilities located throughout Southern California. While services would be impacted logistically and with respect to capacity in a minor to mild emergency event, OC Animal Care services could be halted in a major event that affected all of the animal shelters, animal hospitals, and veterinary clinics in Orange County.

Animal Care services include both Animal Control Field Services and Animal Shelter Services. Field Services will only be disrupted to the extent that streets and/or freeways were impassible. The County operates a fleet of vehicles that are not dependent upon a specific site or location out of which to operate. To the extent space were available, County Field Officers would take animals to other Shelters in an emergency under mutual-aid agreements, thereby precluding the shutdown of Animal Care services to the contract cities and unincorporated areas.

With respect to Shelter Services, the current County Shelter is over 70 years old. It should be noted that the current facility has withstood all earthquakes experienced over that time-period with little or no structural damage, including the major Whittier and Northridge earthquakes. To the extent that there was significant damage that made the Shelter and kennels inoperable, the County would enact emergency mutual-aid agreements and emergency contract agreements with other local shelters, animal hospitals, and veterinary clinics that had not been impacted and were still operational. The same would be true should the County be contacted under mutual aid requests by other shelters rendered inoperable and capacity at the County Shelter permitted.

In the event of a necessary quarantine, the County would again utilize alternative shelters and execute emergency contracts with private animal hospitals and veterinary clinics to the extent available. Without question, Shelter services would not cease

and the current impounded animals would continue to receive prompt, necessary, and humane care.

County Real Estate staff are initiating a review of all properties currently owned by the County to determine potential alternative sites for a new or second Animal Shelter. In the event that a site is deemed economically and programmatically feasible, the option will be presented to the contract cities for consideration.

Should the County pursue regional Adoption Centers throughout the County or a second Animal Shelter, the County may potentially have the ability to redirect Field and Shelter staff accordingly to assist with the additional intake should the County Shelter be rendered partially inoperable or closed.

RECOMMENDATIONS AND RESPONSES:

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)

Response: This recommendation has been implemented.

As stated above in this report in the response to Finding #1 and repeated below, the Board of Supervisors, County Executive Officer, and Director of OC Community Resources have placed a very high priority on replacing the current Animal Shelter.

The County of Orange has long recognized the need to replace the current Animal Shelter in Orange, which is over 70 years old. Meaningful progress has been made to build a new centralized Animal Shelter:

- In 1995, the Board of Supervisors set aside \$5 million in reserve for the initial contribution toward a new Shelter, with over \$4.4 million still remaining. Assuming that the new Shelter costs approximately \$20 million excluding the value of the land, the County will have set aside 25% of the expected total cost of a new Shelter while service to the County unincorporated areas proportionately represents less than 10% of total OC Animal Care costs.
- Between 1995-1999, the County and contract cities reviewed multiple sites, including on County-owned land at the Grand Avenue Complex and rebuilding the Shelter on the current property in Orange.
- In 1999, the Board of Supervisors began pursuing the opportunity to build a new Shelter at the former United State Marine Corps Air Station – Tustin as part of the base closure process. This location was identified as the generally preferred site by the County and the contract cities as it represents the most

reasonable and cost-efficient location for a new centralized replacement Shelter. The site is centrally located, freeway accessible, and is being conveyed for public benefit as a new Shelter at no cost to the taxpayers as part of the military base reuse plan.

- Between approximately 2000-2006, the County had conceptual design plans drawn up for a new Shelter. However, these design plans are now of limited value given the passage of time, the uncertainties associated with the conditions of the conveyance of the land by the Navy, and the absence of site-specific detail in the conceptual plans.
- In 2012, the County successfully negotiated a tri-party land swap agreement with the South Orange County Community College District and the City of Tustin to secure the specific parcels of land that will be utilized for the new Shelter upon conveyance of the land by the Navy. This agreement was extended in 2015 to allow for the delays in the conveyance process.
- Over the last eight years since the transfer of OC Animal Care into OC Community Resources, County staff have spent considerable effort consulting with the Navy, City of Tustin (acting as the Local Reuse Agency), and the South Orange County Community College District regarding the conveyance process. County staff have visited the Navy BRAC Program Management Office West in San Diego on multiple occasions to personally consult with the Base Closure Manager and BRAC.
- The current Chair of the Board of Supervisors visited the BRAC offices in San Diego in 2014, and has subsequently sent a letter to the Orange County Congressional Delegation requesting assistance in accelerating the process. A follow-up trip to the BRAC offices in San Diego is tentatively being scheduled for this coming fall.
- In 2015, OC Community Resources completed a draft Business Plan for the new Animal Shelter. This draft outlines the site development, project planning/design, proposed funding, financial projections, operations, and marketing/fundraising elements of the proposed new Shelter. It will be presented to the city manager subcommittee of contract cities in the summer of 2015.

Progress on the acquisition of the property has been much slower than anticipated due to complications with environmental review issues. In 2014, the County, City of Tustin, and South Orange County Community College District suggested several proposals to help move the process forward more expeditiously, including bifurcating the proposed site from the larger Tustin parcels still under dispute and offering use of local resources for sampling and engineering. These proposals were offered to no avail. Although not formally committed in writing, the Navy has suggested a transition timeframe for the property in 2016.

Despite the delays, the Tustin site remains the generally preferred site for the County and the contract cities. Significant efforts on the project continue:

- OC Public Works has assigned a project manager for the replacement Shelter, prepared a preliminary development schedule, is reviewing all past documentation and source material, and is taking site visits to existing animal shelters in Southern California.
- Plumbing and Civil Engineering Design Criteria for the new Shelter are being developed and will be completed by fall 2015 using current on-call contract consultant services.
- Although the contract cities have expressed a desire in writing on multiple occasions to wait on negotiations for funding agreements until the County has secured the land, the contract city sub-committee responsible as the lead in negotiations has agreed to initiate discussions in summer 2015, in hopes of developing proposed long-term funding agreements in fall 2015. It is expected that at a minimum, formal Memorandums of Understandings regarding Intent to Participate can be approved by the respective city councils and the County Board of Supervisors.
- It is anticipated that schematic design work and preliminary conceptual drawings will be completed by fall 2015, to be presented to the contract cities with the proposed long-term funding agreements. The formal RFP process and construction design work will be initiated upon approval of said agreements by the contract cities, thereby allowing for appropriate sizing based upon long-term commitments and growth requirements.
- It is estimated that the completion of a new Shelter using a “Design-Build” type process will take approximately 2-3 years from the point the property is secured. Assuming conveyance of the land in 2016, completion of the new Shelter will be in approximately 2019.
- In the interim, the Board of Supervisors unanimously approved the allocation of \$150,000 in the FY 2015/16 budget to complete necessary major maintenance and repairs at the current Shelter in Orange.
- County Real Estate staff are initiating a review of all properties currently owned by the County to determine potential alternative sites for a new or second Animal Shelter. In the event that a site is deemed economically and programmatically feasible, the option will be presented to the contract cities for consideration.

In summary, the current delays in building a new Animal Shelter are not due to lack of effort, commitment or prioritization by the Board of Supervisors or County staff,

but rather primarily to delays by the Navy in the process to convey lands for public benefit. The replacement of the current Animal Shelter remains a priority of the Board of Supervisors and County staff, as demonstrated by the commitment of disproportionately large financial and staff support from the County relative to the total cost of the project.

R2. 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)

Response: The recommendation requires further analysis.

Up to this point in time, the contract cities have not expressed a desire to move forward with additional regional shelters located throughout the County. The additional costs and limited land availability have made the concept of regional Shelters less feasible to the County and contract cities. The County and contract cities rigorously control the costs in Animal Care and staffing for multiple regional shelters would radically alter the cost of operations. Consequently, the general agreement has been to focus on construction of a new Shelter at the Tustin site.

Given the delays experienced in the acquisition of the Tustin site however, County Real Estate staff are initiating a review of all properties currently owned by the County to determine potential alternative sites for a new or second Animal Shelter. In the event that a site is deemed economically and programmatically feasible, the option as an alternative of second site will be presented to the contract cities.

The County is also exploring the concept of regional "Adoption Centers", which involves placement of multiple satellites throughout the County as a complement to the centralized regional Animal Shelter. These Adoption Centers would be run by private entities and would focus on adoption of animals acquired from the OC Animal Shelter, thereby reducing the capacity requirements and number of animals kept at the current or new Shelter. The primary emphasis of the Adoption Centers is to increase the level of positive outcomes of Shelter animals by making adoptions more convenient to local residents, providing additional pet education opportunities, and improving pet licensing compliance. The contract cities have generally expressed conceptual support for this proposed approach.

Funding would be provided in part by the County and contract cities. It is hoped that these entities would be able to leverage additional financial resources locally to expand the level of services provided.

The County is issuing a Request for Proposal to determine potential opportunities and partners in late August, 2015. It is anticipated that the evaluation process will be completed OC Community Resources and a response regarding this recommendation and the feasibility of the Adoption Center concept can be completed for submittal to the Grand Jury by the end of December, 2015. It is expected that a review of the County-owned properties for an alternative or second Animal Shelter site will be completed within that same timeframe.

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)

Response: This recommendation has been implemented.

The responsibility to coordinate the construction of a new Animal Shelter was assigned to the Director of OC Community Resources in 2008 with the formation of that department. The Director of OC Community Resources reports directly to the County Chief Operating Officer, who reports to the County Executive Officer.

The construction of a new Animal Shelter is a significant and complex task that cannot be completed by any one department. The various components of the task have necessarily been assigned throughout County staff and departments:

- Responsibility for negotiating on behalf of the County with the respective current and potential contract cities for the long-term funding agreements is assigned to the Director of OC Community Resources, in consultation with the CEO, County Counsel and the Chief Financial Officer on the respective negotiating points.
- Responsibility for the financing of the project and the related terms and financing conditions offered to the contract cities is assigned to the County Chief Financial Officer.
- Responsibility for the design and construction management for the new Shelter is assigned to the Director of OC Public Works. This responsibility includes releasing the request for proposals and project management for the actual planning and construction of the Shelter. Input will be sought from the Director of OC Animal Care and staff as to the design elements. Additionally, a Design Advisory Panel will be utilized and will consist, at a minimum, of representatives from the contract cities and representatives from various activist/animal advocate groups. General public input will be sought through public outreach workshops.

Upon development of the funding agreements and land acquisition, the Director of OC Community Resources will be charged with the responsibility of providing monthly reports on the overall project status, based upon input from the respective departments, to the Board of Supervisors, CEO, COO, CFO and contract cities. Changes in status, timing, budgetary changes, and any related matters affecting the

outcome of the project or policy matters are to be reported in a timely manner accordingly.