



## CITY OF FULLERTON

City Council Office

Mayor, Fred Jung  
Mayor Pro Tem, Bruce Whitaker  
Councilmember, Shana Charles  
Councilmember, Nick Dunlap  
Councilmember, Ahmad Zahra

August 15, 2023

The Honorable Maria Hernandez  
Presiding Judge of the Superior Court  
Orange County Grand Jury  
700 Civic Center Drive West  
Santa Ana, CA 92701

RE: City of Fullerton Response to the 2022-2023 Orange County Grand Jury Report: *Gimmie Shelter and a Pound of Advice, the State of Animal Welfare overseen by the County of Orange.*"

Dear Presiding Judge Hernandez:

The Fullerton City Council and City Manager's Office have reviewed the June 7, 2023 Orange County Grand Jury report "*Gimmie Shelter and a Pound of Advice, the State of Animal Welfare Overseen by the County of Orange.*" We thank the Grand Jury for its interest and consideration of the important matters related to animal welfare. As required by California Penal Code Sections 933 and 933.05, the City of Fullerton is responding to the findings and recommendations included in the report.

### **FINDINGS**

**F4.** *Based upon industry standards and best practices, Orange County Animal Care kennel attendants are understaffed to meet the needs of animals under care.*

**Response: The City of Fullerton disagrees partially with this finding.**

The City relies on OCAC for information on staffing levels, employment, and determining staffing levels that are sufficient enough to meet the needs of the animals under their care. The City is aware that OCAC is currently evaluating staffing levels and plans to follow-up with OCAC to ensure staffing levels are being met sufficiently as the operations move forward.

**F6.** *The Orange County Animal Care Volunteer program was stopped during COVID-19 and restarting the program has been slow, resulting in decreased animal socialization and enrichment.*

**Response: The City of Fullerton agrees with this finding.**

### **THE EDUCATION COMMUNITY**

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The City agrees that during COVID-19 volunteer programs were affected at OCAC and that OCAC has been actively attempting to safely implement their volunteer program again. The City plans to frequently inquire with OCAC about the activity and status of their volunteer program.

**F7.** *Orange County Animal Care's Behavior Evaluation Committee evaluates dogs for euthanasia without written guidelines, policies, or procedures, resulting in inconsistent outcomes over time. Behavior evaluated euthanasia outcomes are dependent on the experience and personal considerations of the individual committee members and management rather than written objective standards.*

**Response: The City of Fullerton disagrees partially with this finding.**

The City's agreement with OCAC does not give the City regulatory control over some of OCAC's internal functions, specifically as it relates to their Behavior Evaluation Committee. However, the City recognizes that it is important to have proper guidelines, policies and procedures in place with a Behavior Evaluation Committee, and supports OCAC having well-trained and experienced individuals serving on the Behavior Evaluation Committee.

**F8.** *The rate of behavioral euthanasia of dogs has increased significantly over the last 2 years.*

**Response: The City of Fullerton agrees with this finding.**

The City recognizes the results listed in Figure 3 which illustrates that there has been an increase of behavior-related euthanized dogs between the second and third quarters in 2021 at OCAC.

**F9.** *Orange County Animal Care does not employ a professional or trained and certified animal behaviorist to oversee the shelter's dog enrichment program, resulting in dogs with declining behavior being placed at greater risk of being euthanized.*

**Response: The City of Fullerton disagrees partially with this finding.**

While the City recognizes that there could be a correlation between not having professional, trained or certified animal behaviorist overseeing the dog enrichment program may result in the declining behavior of dogs. The City also understands that OCAC has various employees in various positions working with the animals at their facility, all of whom could potentially play a role in the behavior of the animals in their care. The City plans to inquire with OCAC to ensure staffing levels within the dog enrichment program are being met sufficiently.

**F10.** *While many county and city animal shelters throughout the state have active Trap, Neuter, and Return programs, Orange County Animal Care stopped its Trap, Neuter, and Return program, reportedly on the basis of the County Counsel's legal opinion that the program violates a California statute related to willful animal abandonment.*

**Response: The City of Fullerton agrees with this finding.**

City staff performed research on TNR programs and found that TNR programs have been shown to help manage feral cat populations better than trapping alone. The City understands this is a current legal matter for OCAC, however, the City agrees with the Grand Jury's report that having an understanding of the reason(s) that led to the decision to terminate the TNR program would be important for considering whether or not the program can and/or should be reinstated.

**F11.** *The termination of the Trap, Neuter, and Return program is correlated with an increase in adult cat euthanasia rate at the shelter.*

**Response: The City of Fullerton disagrees partially with this finding.**

The City recognizes that not having a TNR program can potentially lead to an increase in adult cat euthanasia. The City is currently inquiring with other agencies who participate in TNR programs to learn more about program effectiveness.

**F12.** *There have been public concerns and requests expressed over the years for public programs to include a spay/neuter program by Orange County Animal Care.*

**Response: The City of Fullerton agrees with this finding.**

The City agrees that there might be a need for public programs to include a spay/neuter program by OCAC. The City will work with OCAC to promote any spay/neuter programs that are offered at their facility and will inquire about the potential of offering spay/neuter programs in the City of Fullerton so that they are easily accessible to Fullerton residents.

**F13.** *The current adoption appointment system restricts public access to the dog kennels, thereby limiting potential adopters' access to all available animals.*

**Response: The City of Fullerton disagrees partially with this finding.**

The City is aware that OCAC offers appointments in an effort to create a safer environment for animals and to prevent overcrowding of visitors. Additionally, taking visitors by appointments maintains a calmer kennel environment and provides individual attention to adopters. OCAC does permit walk-ins on certain days of the week. The City will encourage OCAC to make more efforts that provide the public more access to their facility, and specifically to the kennel areas where visitors can see animals more closely.

**F15.** *Internal and community engagement does not adequately communicate the shelter's mission and operating strategy.*

**Response: The City of Fullerton disagrees partially with this finding**

The City has been pleased with internal communication and engagement from OCAC, but the City will advocate for an increase of outreach and engagement within the Fullerton community.

*F16. The information currently on the Orange County Animal Care website for low-cost spay/neuter is not up to date with regard to referrals and prices for spay/neuter procedures.*

**Response: The City of Fullerton disagrees partially with this finding**

City staff reviewed OCAC's website and found that OCAC is partnering with a third-party agency to provide a low-cost cat and spay and neuter clinic at their facility on August 7, 2023. A link to the third-party vendor is also included. However, there was no information seen on the website regarding referrals and/or prices for spay/neuter procedures at OCAC.

**RECOMMENDATIONS**

*R6. By June 30, 2024, the Board of Supervisors should evaluate the strategic option of creating a Joint Powers Authority for the County and fourteen contract Cities to take ownership and shared responsibility for the financial and operating policies and practices of OCAC. (F1 thru F16).*

**Response: The City of Fullerton will not implement this recommendation as it is not warranted or reasonable.**

The City does not believe this is warranted at this time. The City Council can revisit this recommendation as the contract gets closer to 2026. The City's agreement with OCAC expires in 2026, at which time the City will evaluate OCAC's cost model, operations and services. In the meantime, the City will work with OCAC to provide guidance and suggestions on any updates to their policies and/or procedure manuals.

Should you have any questions or need any additional information, please contact Eric Levitt, City Manager, at (714) 738-6310 or via email at [eric.levitt@cityoffullerton.com](mailto:eric.levitt@cityoffullerton.com).

Respectfully,

  
Fred Jung  
Mayor

Cc: Orange County Grand Jury  
700 Civic Center Drive West  
Santa Ana, CA 92701