



August 15, 2023

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

**RE: California Penal Code Section 933 - Response to the Orange County Grand Jury Report, "Gimme Shelter and a Pound of Advice"**

Dear Judge Hernandez,

The City of Yorba Linda has reviewed the Orange County Grand Jury Report entitled, "Gimme Shelter and a Pound of Advice" and has formulated a response to each of the required findings and recommendations. The original Grand Jury findings are repeated below in italics. The City's responses are in bold, with additional explanation and commentary in regular typeface. References to the "City" or the "respondent" refer to the City of Yorba Linda, and "OCAC" refer to Orange County Animal Care.

**Findings:**

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

**The respondent disagrees wholly or partially with the finding.**

The City's services agreement with OCAC requires OCAC to operate pursuant to all governmental laws and legal regulations that apply to animal care services. It is the City's understanding that OCAC is working to fill all vacancies and will further evaluate staffing levels once fully staffed.

*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.*

**The respondent disagrees wholly with the finding.**

The City is aware that certain volunteer programs were restricted and/or suspended during the COVID-19 pandemic. Based on information provided by OCAC, "The restart of the [volunteer] program has been careful and measured in light of COVID public health restrictions but in the last year has hosted monthly volunteer trainings to recruit and train new recruits."

*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.*

**The respondent disagrees wholly or partially with the finding.**

The City lacks knowledge and information sufficient to reach this conclusion and will defer to the City’s animal care services provider, OCAC. It is the City’s understanding that OCAC *Behavior Evaluation Committee* (BEC) evaluates dogs per euthanasia guidelines to ensure consistency in the decision evaluation process.

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

**The respondent disagrees partially with the finding.**

Based on the information provided by OCAC, “a potential increase may be correlated to the significant increase in the population of unsocialized dogs with behavior/aggression issues that have been abandoned or surrendered by their owners in the last two years in the wake of the pandemic.” Although data from the report indicates dog behavior related euthanasia increased, OCAC has stated that the “dog save rate has remained stable over the past 2 years and well above the 90% referenced in [OCAC’s] Strategic Plan.”

*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.*

**The respondent disagrees wholly with the finding.**

It is the City’s understanding that all OCAC employees working with animals are hired based on their experience and training, and that ongoing training and certifications are a critical part of OCAC’s employee development and provide consistent evaluation of animals at the shelter.

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

**The respondent disagrees wholly or partially with the finding.**

The City has not independently assessed the prevalence of TNR programs throughout the State, and relies on OCAC’s expertise in this subject area.

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

**The respondent disagrees wholly with the finding.**

Based on the information provided by OCAC, a direct correlation has not been established between Trap, Neuter, and Return (TNR) and adult cat euthanasia at OCAC.

*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.*

**The respondent disagrees wholly or partially with the finding.**

While the City appreciates the availability of such services, it is unclear how this program would be funded or subsidized.

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

**The respondent disagrees wholly or partially with the finding.**

There has not been any data available to prove or disapprove potential adopters' access to all available animals. It is the City's understanding that OCAC's adoption model has restricted unescorted access, but all adoptable animals have always been accessible to the public through online viewing and in-person visits.

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

**The respondent disagrees wholly with the finding.**

The Grand Jury Report does not support this finding. Moreover, OCAC hired a full-time Public Information Officer in October 2022 to focus on external communication.

*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.*

**The respondent disagrees wholly with the finding.**

It is the City's understanding that prices have never been posted on the OCAC's website as they are set by independent practices. The low cost spay/neuter information posted on the OCAC website is supplied solely for informational purposes, to provide information for privately owned pets.

**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)*

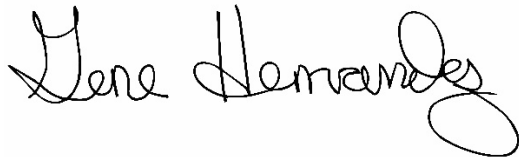
**The recommendation will not be implemented because it is not warranted or is not reasonable.**

The current agreement with Orange County Animal Control for animal control and shelter services expires in 2026. This is a policy choice left to the County Board of Supervisors, over which the Grand Jury and the City do not exert control. At this time, the City of Yorba Linda has no desire of creating or participating in a Joint Powers Authority.

Should you have any questions or need any additional information, please contact our City Manager Mark Pulone at (714) 961-7110.

Respectfully,

City of Yorba Linda

A handwritten signature in black ink that reads "Gene Hernandez". The signature is written in a cursive style with a large, looping "G" and "H".

Gene Hernandez, Mayor

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