Animal Care and Control Department

Introduction

The Grand Jury received specific complaints from citizens and past employees of the Animal Care and Control Department (AC&CD). The Grand Jury has oversight of all departments of Mendocino County.

Methods of Investigation

The Grand Jury visited both the inland and coastal Animal Control facilities.

The Grand Jury interviewed the director of the AC&CD, the manager and two employees of the Animal Care Facility, the clerk in charge of licensing, a shelter staff member, and one current and three former Animal Control Officers.

The Grand Jury visited with officials of both the City of Fort Bragg who has a contract for services with the AC&CD, and City of Ukiah officials who explained the relationship between them and the AC&CD.

In addition, the Grand Jury interviewed a citizen who is interested in the care given to the animals kept at the animal care facility, an officer with the local humane society, and the head of the County Human Resources Department.

The Grand Jury made a trip to Healdsburg and was given a thorough guided tour of the Healdsburg Animal Control and Humane Society facility that euthanizes animals, and interviewed the officer in charge. The members of the Grand Jury were also given a complete overview of the microdot device reader and were given a demonstration of how it works.

The Grand Jury reviewed the following legal documents: the Mendocino County Animal Care and Control Policy and Procedures Manual; California State codes relating to how animals are to be handled during capture, care, and disposal by AC&CD's within the state; and legal agreements between the City of Ukiah and Mendocino County. The Grand Jury examined publications by the State Humane Association of California (a non-profit organization) regarding the curriculum and training of euthanasia instructors, the financial report of the AC&CD, and the Care-A-Van pamphlet about the mobile vaccination and neutering service for animals in rural Mendocino County.

Findings

1. The three aspects of the AC&CD are political, humane, and law enforcement.
2. Mendocino County does not have independent mediation services available to county employees. The only suggested alternative is to, "Contact the union."
3. The turnover rate at Mendocino AC&CD is greater, proportionately than in Lake or Sonoma Counties.
4. The County has no exit interview process for departing employees and has no organized way to determine if a department has personnel problems.
5. There is a consensus among field and shelter employees that upper management has failed to provide them with basic procedure guidelines and equipment that would facilitate efficient use of time and energy.
6. AC&CD employs a bilingual animal caretaker who is paid extra for on-call English and Spanish translation.
7. A field officer expressed a need for portable animal ramps for animal transport vehicles.
8. Special protective clothing was not issued to employees during the three months probation period. Yet during that period, they were required to participate in field duties in order to be properly trained.
9. There was evidence of gender discrimination in hiring, training and the issuing of clothing and equipment.
10. No equipment or procedures for prevention of transmitting diseases from animals to humans and visa versa were available to the public in the pet viewing area.
11. The AC&CD charges board and room as part of the adoption fees. It also charges spay and neuter fees and rabies shot fees as part of the adoption process.

12. People at the Humane Societies near Ukiah did not share the characterization by the director of the AC&CD about amiable relations between AC&CD and private animal shelters.
13. There is good working relationship in Ft. Bragg between the county's AC&CD branch office there and private animal shelters.
14. The City of Ft. Bragg is satisfied with the contracted services with AC&CD.
15. The practice of AC&CD charging the same animal room and board fees, charged to the public, before releasing an animal to the Humane Societies, seems to be contrary to the mission statement of "care and control". Humane Societies are charitable institutions with very limited funds.
16. AC&CD has no pro-active policy for adoption or referral to Humane Societies or other animal rescue agencies.
17. All citizens may impound, at their own risk and cost, stray cats or dogs and notify AC&CD for pick up.
18. In order to prosecute animal cruelty cases, there must be at least one witness who is willing to sign a complaint and appear before the court to testify. An officer who witnesses such cruelty can cite the offending person.
19. The surrender fee to accept an animal is $40.00.
20. The AC&CD must abide by state regulations for animal care and handling without state appropriations.
21. The director is planning a program to enhance services for control and care of animals. A volunteer program is planned to involve public participation with the operation of the shelter.
22. A computerized microdot program will be installed and scheduled for operation May 1, 2003. All animals that leave the shelter will be identifiable by means of any microdot reader.

Recommendations

A. The county, through the Department of Human Resources, establish a program to interview employees that are leaving. Exit interviews would provide the County with important information about departmental performance. (Findings 1,2,3,4,8)
B. AC&CD employees need to be properly trained, then delegated to carry out their duties. All employees must have equipment and

clothing for betterment of health, safety, and ergonomic comfort. (Findings 4,6,7)

C. First aid items should always be readily available to the visiting public who may be handling animals at the shelter. Health, safety, and hazard standards must be diligently monitored by management and staff in field and shelter activity in order to minimize County liability. (Findings 8 and 10)
D. AC&CD management needs to acquire and issue field and shelter implements, such as loading ramps, protective gear and first-aid items. These items should be kept within convenient reach of all staff. (Finding 6)
E. The AC&CD management should focus on establishing mutual trust and respect between management and staff. (Findings 3 and 9)
F. The AC&CD must develop a positive working relationship with Humane Societies. The Humane Societies are encouraged to reciprocate. (Findings 11,12,15,23,24)
G. The AC&CD should encourage employees to read this report.

Response Required

Board of Supervisors
Director of the Animal Care and Control Department
Director of the Department of Human Resources
City Manager of the City of Ukiah
City Manager of the City of Fort Bragg

Response Requested

Humane Society For Inland Mendocino County (Redwood Valley)
The Coast Humane Society (Fort Bragg)
Milo Foundation (Willits)

Report Released: 4 June 2003

The Hopland Cemetery District

METHOD OF INVESTIGATION

Acting on a complaint, the Grand Jury has undertaken a review of the operations and activities of the Hopland Cemetery District. In doing so the Grand Jury has spoken with a dozen current and past directors, trustees, secretaries and employees of the cemetery district. In addition the Grand Jury interviewed County Counsel, the County Auditor-Controller and the County employee who for several years had done the cemetery districts annual audit. We have retrieved information from mortuaries in the area. We have examined past cemetery account activity and funds held and disbursed by the County Auditor-Controller. We have examined what records that exist and are held by the current Board of Trustees. We have looked at the records held by the Board of Supervisors office. We have gathered and reviewed California Government Code and California Health and Safety Code with regards to Special Districts and Special Public Cemetery Districts.

BACKGROUND INFORMATION

The Hopland Cemetery has been in use since the mid 1800's. The earliest gravestone is dated 1859. Others, it is reported, were buried before that date. Taking advantage of State Codes, in 1957 the cemetery was organized as a Special Public Cemetery District. This has provided some operational structure and allowed for the cemetery to receive modest annual revenue from assessed property taxes. The governing codes require a Board of three Trustees to be in place. Annual budgets are called for as well as regular financial statements and audits. Records and maps are required to be kept and maintained.

The chartering trustees served 20 to 25 years before retiring but since that time it has been increasingly difficult to seat trustees and keep them involved.

Findings

1. The Hopland Cemetery District has not had in place any written policy, operational procedures, or job descriptions for any officers or workers of the Cemetery District. One exception is a caretaker/secretary job description authorized in 1987 and never implemented.
2. The Grand Jury was unable to locate and obtain all of the original burial maps and most of the records for the period prior to late 1980s. This has created a situation at the cemetery where nobody is certain exactly where everyone is buried.
3. Interviews with past trustees of the District show a pattern of turmoil and conflict between factions of the Hopland community. This same situation has been evident within the Cemetery District itself.
4. With the exception of the Grand Jury, no local government agency has direct oversight responsibility of the Hopland Cemetery District.
5. Most past trustees of the Hopland Cemetery District were not aware of provisions in the California Government Codes and the California Health and Safety Codes that pertain to the District.
6. From the end of 1999 through the beginning of 2002 the Hopland Cemetery District operated with only one trustee. California Health and Safety Codes, section §8950, requires at least three trustees and, after a vacancy exists for 90 days, section 1779 of California Government Codes gives authority to the Board of Supervisors to fill such vacancies. In addition Health and Safety Codes, section §8950.3, gives procedures and authority to the BOS to act as cemetery district trustees. During that period the public was uninformed as to when district business was being conducted, in violation of the Brown Act.
7. For the years 1999,2000,2001 no yearly audit to the Auditor-Controller, no yearly financial report to the Board of Supervisors and no yearly budget to either entity was turned in. State Government Codes, sections §26909 and §53901, and State Health and Safety Codes, section §8970, §8990 and §8991 require such reporting. Pursuant to section §26909 of State Government Code the County Auditor-Controller has authority to compel annual audits.
8. Health and Safety Codes section §8982 requires all District money be deposited with the County Treasurer. In violation the Hopland Cemetery District maintains a separate account with the Savings Bank of Mendocino County. The Grand Jury has been advised that such an account might be acceptable and proper solely as a conduit to transfer money to the County and possibly for use as petty cash. Through 1998,

the county auditor advised the Hopland Cemetery District to better record the activity of this account. From the end of the year 1999 through the beginning of 2002 no deposits other than tax revenue were placed in county accounts. During this period goods and services were paid out of both County and Savings Bank accounts.

9. No endowment care money was deposited from late 1999 through early 2002 in the County-held endowment care fund. California Health and Safety Codes, section §9005, provides that all endowment care revenues shall be deposited with the County Treasurer to be placed in this fund. The Grand Jury was unable to determine how much, if any, of the required endowment care money was collected during that time.
10. County records show from the year 1995 through 1999 a growing positive year-end balance for the Hopland Cemetery District's County-held operating fund. At the end of 1999 this was $4079. By the end of 2001 the balance dropped to a $4000 deficit. This deficit still exists. The Endowment Care Interest fund also has a negative balance.
11. Health and Safety Codes section §8963 requires districts to prepare and maintain an up-to-date map of the cemetery and to keep a record of all remains interred, stating name, age, place of death, date of internment, plot number, and name and address of funeral director. Maps and records are missing.
12. State Government Code §56430 was added in the year 2000 giving LAFCO the responsibility of doing service reviews on Special Districts. Such reviews are to include, "Infrastructure needs and deficiencies", "Evaluation of management efficiencies" and "Local accountability and governance". Locally these reviews have not been implemented for lack of guidelines and funding.
13. Hopland Cemetery District payroll and expenses have been paid for without proper documentation or time cards.

Recommendations

A. The Hopland Cemetery District develop a set of written policy, operational procedures and job descriptions for the operations of their organization. Copies of these procedures be given to each new trustee along with instruction to assure compliance. These procedures include, but not be limited to, job descriptions, accounting practices, officer responsibility, burial record keeping, endowment fund handling, and work and service documentation, i.e. time cards.

All applicable State Gov. Codes and State Health and Safety Codes be made available to trustees along with these operating procedures. (Findings 1,5,8,9,11,13)

B. With regards to the above, the Grand Jury further recommends that a process whereby all documents and records turned over by an outgoing trustee or employee be listed and signed for by the Director of the Cemetery District.

C. The Board of Supervisors and the Auditor-Controller meet and set procedures to take action in the future when self-governing special districts like the Hopland Cemetery District fail to perform as required by State governing codes. (Findings 6,7,8,9)

D. The Board of Supervisors immediately approve an emergency allocation to bring the District's accounts into balance. (Finding10)

Note

In the course of this investigation, the Grand Jury determined that there are indications of possible violations of law. For that reason, and under the authority of Penal Code Section §932, the Grand Jury has forwarded the relevant information to the District Attorney for further investigation and possible prosecution.

Comments

While recognizing that State governing codes do not impose requirements of over-sight upon the County, they do give authorization to both the Board of Supervisors and the Auditor-Controller's office to take action when things are amiss. Because there were so many indications that things were going wrong, the County must take some of the responsibility for the problems and the loss of funds. This sentiment was verbalized by a number past trustees interviewed. In other words the County has let the Cemetery District down.

Responses Required

Mendocino County Board of Supervisors
Mendocino County Auditor-Controller
Hopland Cemetery District Board of Trustees

Report release date: June 13, 2003