

**ATTACHMENT A**

**TO:** Rick Robinson  
Chief Executive Officer  
Stanislaus County

**FROM:** Michael A. Rodriguez  
Director of Animal Services  
Stanislaus County

**DATE:** July 8, 2005

**SUBJECT: ANIMAL SERVICES RESPONSE TO THE 2004 – 2005 GRAND JURY (CASE # 05-11)**

**Violation of State and Euthanasia Laws  
Complaint under Findings of the Grand Jury Report page 3 – 4  
Response – Disagree in part**

The Departments policies and procedures regarding stray animal holding periods has always met the State mandates. The State Law (Food and Agricultural Code 17006) allows for animals that are irremediable suffering from a serious illness or injury shall not be held for the owner's redemption or adoption. I have attached a copy of the State Mandate. The Grand Jury investigation fell short of their investigation and their findings were based on inaccurate testimony.

Pre Hayden Law owner surrender animals, found adoptable, were place in our Adoption Center and held until adopted or rescued. We have held some dogs and cats for over 2 months waiting for a new home or for rescue groups to help. If the animals are found unadoptable, because of behavior, cage space or health issues, the owners were given other options including rescues, behavior training, etc. Owners were made aware, at the time the animals were left, if they would be placed for adoption.

When the Hayden Act was passed, many shelters were unable to house all the animals, and it became the industry norm, including premier shelters such as Marin Humane Society, to euthanize aggressive and unadoptable animals, at the owners request, at the time of entry, as a service to the customer.

At the end of the stray holding period, or with an owner surrender dog, a standardized temperament test was done on each animal. The Grand Jury did not interview me or the County Veterinarian on this procedure or come to the shelter to see how this procedure is conducted. The tests are done by several employees, and

## ATTACHMENT A

thus are subject to interpretation. The test is written in detail in the Training Manual for all employees to refer to and follow. The mandate required shelter to extend the holding periods, however, to this day the mandate remains unfunded.

It is our desire to reclaim and adopt animals that are most likely to acclimate to a new environment and home, thereby reducing the risk of problems with a new owner. Many behaviorists recommend those animals showing signs of fear or unsocial behavior not be adopted by the general public. Rescue organizations are asked to step in and help with these special needs pets. In fact, in March 2006, our Department has been invited to present a workshop at the Humane Society of the United States annual Expo Seminar.

This would also be the case with dogs that are too large or too old. If a dog is so large that it would have difficulty living in the Adoption Center, we would leave it in the kennel and/or call a rescue to help. Many extra large dogs have been helped and adopted this way. Older dogs (8+ years) often are difficult to adopt, as people are looking for puppies or younger dogs. So for our seniors we have two helping arms – one is rescue and two is a reduced adoption fee.

An animal being “not cute” or “did not play with a ball” is not protocol for failing the temperament test. We do have a rescue group that asks specifically for “ball crazy” dogs, so it may be noted in the record that a dog does not play with a ball, but that is not grounds, by itself, for not being placed for adoption.

“Too many animals of the same color or gender” is not accurate. When you have limited space and too many dogs, you often have to look to other factors. For instance, if we have 2 or 3 black Labrador or lab mix dogs available in the Adoption Center, we may be reluctant to place more in the Adoption Center as they are difficult to get adopted. We will use other resources, such as Sacramento SPCA. Our lab rescue groups, such as Central California Lab Rescue will not take black labs, especially males, because they say they can not place them.

At the time of my interview, it was our policy to euthanize owner surrender animals, not suitable for adoption, at the time the owner brought the animal into the shelter. If the animal was adoptable, we made every effort to avoid euthanasia. The incidents presented are both too vague to research.

The reasons cited for early euthanasia were inaccurate. We do not euthanize early because an animal is scared. If the animal is being temperament tested, it has been here its stray time and can legally be euthanized, if not placed for adoption. If they are referring to owner surrenders animals, there must be a set criteria that each dog is judged by to determine its adoptability. With our new owner surrender policy, it should be noted that we hold all dogs 4 days, not including the day of impound. So the last reason cited, “upon demand” is no longer valid.

## ATTACHMENT A

The Department has been seeking to meet compliance with holding periods of owner surrendered animals for a number of years. The Department alerted the Board of Supervisors of the need to expand and remodel the animal shelter so we can meet the State mandate. This project was requested in April 2002. The Board of Supervisors approved funds for the remodeling along with additional kennels at the Animal Services Facility. The project was completed in February 2005 and the Board of Supervisor approved the extended holding periods, for owner surrendered dogs in order for the Department of Animal Services to meet compliance with the State mandate. I have attached the Department of Animal Services 2002/2003 Proposed Budget (see exhibit 1, page 7). In this document we had requested funds specifically in order to meet the requirement of the Hayden Law. I have also attached the Board's Agenda dated February 6, 2005 (see exhibit 2) along with a videotape (see exhibit 3) pertaining to the Overcrowding of California Animal Shelters and the Stanislaus County Policy & Procedure Manual (see exhibit 4).

**Department Managerial Issues  
Complaint under Findings of the Grand Jury Report page 5  
Response – Disagree  
Section A**

The Director of Animal Services reports to the Chief Executive Officer and not to the Board of Supervisors as indicated in the report findings. This is indicated in the Director of Animal Services job description that was submitted in the Grand Jury Report. The Director of Animal Services does oversee the Department, however, he is not or has ever been in charge of the Animal Advisory Board. The Department of Animal Services website currently does not list the Animal Advisory Board as stated in the finding. The Animal Advisory Board is listed on the Board of Supervisors Website under Boards, Commissions and Special Districts. This document was also included in the Grand Jury report.

The Director of Animal Services attends the monthly meetings and updates the Animal Advisory Board of current issues and is available for any questions regarding the Department of Animal Services. The Director of Animal Services is not involved in the selection process. The Board of Supervisor website does list current vacancies and provides an application form. The Director is well aware of the functions of the Animal Advisory Board and its members. As previously mentioned the Stanislaus County Animal Services Website does not list any information regarding the Animal Advisory Board, as stated in the findings of the Grand Jury Report. The Department of Animal Services does have future plans to display the Animal Advisory Board on its website.

The Director is well aware of how he was appointed to his position and provided the information to the Grand Jury. The finding indicated in the report is incorrect. The Director provided the Grand Jury with information on salary range and notified them that this information can be obtained by anyone who requests it from the

## ATTACHMENT A

Personnel Office. The Director was open and direct about submitting an application to Stanislaus County for position of Director through a published advertisement.

A panel of staff and private citizens interviewed the Director. The Chief Executive Officer and the Board of Supervisors also interviewed the Director of Animal Services. The Director was placed through a background check performed by the Stanislaus County Sheriff's Department and drug screening.

**In regard section B, C, and D – Testimony of Staff  
Complaint under Findings of the Grand Jury Report page 5  
Response – Disagree**

I have no personal knowledge what these staff members testified to but it alleges that staff was guarded in testimony to the Grand Jury in fear of jobs. I do not have any knowledge if this was testimony or the opinion of the Grand Jury. I do know that in no way did I cause or influence any staff member to guard their testimony.

**Pet Owner's extended periods for adoption  
Complaint under Findings of the Grand Jury Report page 5  
Response – Disagree  
Section E**

The public is not the 'pet owner' until they have legally adopted the pet. This is indicated in the Hayden Law that was submitted in the Grand Jury report. The Hayden Law states we must hold stray animals a minimum of 4 days, not counting the day of impound, before the animal can be placed for adoption. If someone places a prepay deposit on an animal, they could wait a week or more before the animal can be adopted.

For example, a dog comes in on Sunday, and the potential owner sees the dog in the kennels and places a prepay deposit on the dog. We will hold the dog for 4 days, not counting the day of impound for the owner to reclaim. In this case, that would be through Thursday. On Friday, the dog would be evaluated and put on the surgery schedule for Monday. The prepayer would be able to pick up the dog on Tuesday. This would mean a 10-day wait. However, it is not uncommon for the prepay to be done on the day they become available, in this case Friday, so the prepayer could pick up the dog on Saturday. This helps to make room for more dogs.

If this animal has an owner, and is a 'hold' dog, the prepayer may have to wait 8 to 20+ days just for the hold issue to be resolved or the previous owner to reclaim their dog.

If the animal is a nursing puppy or too young or injured, it may be placed into foster care for 2 to 8 weeks before it can be altered and then sent home with the new owner.

## ATTACHMENT A

Our goal is to provide a healthy animal for adoption, that to the best of our ability, will be a valued member of that family for many years to come. We want to protect the animal and not jeopardize its health and we want to make sure any previous owner has every opportunity to reclaim their pet. Perspective new owners are made aware of any wait period and are notified of any changes that arise.

**Extended periods of payment for service  
Complaint under Findings of the Grand Jury Report page 5  
Response – Disagree  
Section F**

This section indicates, from testimony the Grand Jury received, that the County payments due to private facilities for contract services can take up to five months to be paid. This statement is vague and provides no supporting documentation to review. Our normal turn-around time that our contract for services is 30 to 60 days. The process is initiated by our Department and passes through our Auditors Office for payment. The process can take longer if the right documentation is not submitted or delays in providing the department with a bill.

**The DVM  
Complaint under Findings of the Grand Jury Report page 6  
Response – Disagree  
Section A**

The County Veterinarian was not interviewed regarding this incident. These incidents refer to a partnership Animal Services has with Alley Cat Guardians for the spaying and neutering of feral and stray cats, at a very reduced rate. These surgery days are open to the public, on first come, first service basis and do not involve ANY shelter animals. These surgery days usually occur on alternate Wednesdays. On these days, as many as 30 – 40+ cats may show up for surgery. Currently, Animal Services has 20 sterile surgical packs, allowing us to spay 20 female cats' maximum. Male cats do not require a surgical pack. The owners or caregivers do not always know the sex, age or health status of their cat. If the cat is not handleable, it is sedated, sexed, evaluated for body condition, fleas, earmites, wounds, teeth, abscesses or any other obvious health condition. When blood tests are available, the cat or colony is tested for FeLV/FIV, two common cat diseases. If found to be in reasonable health, the cat is altered.

If it is determined that there are too many female cats, the overflow is directed, by an Alley Cat Guardian member, to alternate veterinary offices for surgery. Feral cats are very difficult to trap a second time, so every effort is made to get the cats altered that day. The County Veterinarian did not speak to, and has never spoken to the veterinary clinics or their staff on behalf of Alley Cat Guardians. Alley Cat Guardians or the cats' caregiver pays for all costs. These cats are feral and are treated for earmites, fleas, vaccinated with a 3-way vaccine, and vaccinated for

## ATTACHMENT A

Rabies (if old enough) prior to surgery. I have attached a letter from Alley Cat Guardians (see exhibit 5) organization that will verify this information. The Grand Jury investigation failed to verify the information provided by the expert witnesses' testimony.

In addition, it would be common practice that during surgery, a cat would be placed on a gas anesthetic to maintain the surgical plane of anesthesia. The gas anesthesia would, in no way, cause harm to the cat, however, it would prevent the premature "waking" of the patient.

The testimony of the expert witness indicated that the cats were flea infested and dirty when presented to the outside spay and neuter clinic. Once again, these are feral cats, and a feral cat is an unsocialized cat. They are either born outside and never lived with a human family, or they were a house cat that has strayed from home, and over time, has thrown off the effects of domestication and reverted to a wild state. Feral cats avoid human contact and thus do not get the same level of care that a house cat would get. It is not unexpected that these cats may have fleas and their coats may be dirty. Many pet cats have fleas. If fleas are found at the time of the surgery, the cats are treated for them. However, in this case, these particular cats were not seen by the County Veterinarian and therefore, they would not have been treated for fleas and dirty coats. I have attached a copy of Alley Cats Allies information sheet describing feral cats and the physical conditions they are commonly found in (see exhibit 6).

### Complaint under Findings of the Grand Jury Report page 6 Response – Disagree Section B

The County Veterinarian was not interviewed regarding this incident. It is unclear if this is referring to animals discussed in part A, or if these are shelter animals. The County Veterinarian is not personally aware of any post-op problems other than perhaps some tissue separation at the surgery site. The County Veterinarian has received calls from adopters about perceived problems. She has made herself available to see any pet adopted from this shelter when:

- The adopter is unhappy with veterinary services provided to them from outside veterinarians,
- When the cost is larger than they are able to pay
- When they perceive the problem an emergency and they can not get into see their veterinarian right away.

With regards to improper suturing, the problem is usually some minor tissue separation from the tissue adhesive prematurely dissolving due to moisture from bathing or licking. New owners are instructed to keep the area dry, no bathing and keep the pet from licking. They are encouraged to take advantage of the free

## ATTACHMENT A

veterinary exam to encourage them to establish a relationship with a veterinary professional. All post-operative instructions are given in writing and explained to new owners by staff. I have attached a copy of the post-operative instructions to this report (see exhibit 7).

### Complaint under Findings of the Grand Jury Report page 7 Response – Disagree Section C

The County Veterinarian was not interviewed regarding this incident. All microchip information is maintained in the computer software program "(Chameleon)". When animals are microchipped, owners are given a brochure and are instructed to notify the office of any changes in address, phone or ownership, so records will remain accurate. The Grand Jury investigation did not visit the shelter to review the microchip program. All microchips are recorded in our database, as well as the manufacturer database. To retrieve this information takes less than 60 seconds and will allow us to locate the owner information. Our microchip program has been benchmarked throughout the United States by other agencies. The microchip manufacturer has selected our microchip program as one of the top programs in the nation. We have partnered with other valley animal shelters from Sacramento to Merced to display animals from each participating shelter on a kiosk located in our lobby. This was a result of being proactive with our microchip manufacturer and other animal shelters throughout the valley. I have attached our microchipped information that we provide our customers (see exhibit 8).

### Complaint under Findings of the Grand Jury Report page 7 Response – Disagree Section D

The County Veterinarian was not interviewed regarding this incident. We utilize 4 veterinary offices for after hours and weekend emergency care and treatment. It is very uncommon for the outside veterinary office to contact Animal Services regarding this care. We have a good working relationship with these veterinary hospitals and through years of partnering with them they are aware of our desires regarding injured animals and treatment. Field staff provide the veterinary offices with a 'Veterinary Transfer Medical Record' authorizing services for emergency stabilization (see exhibit 9). If euthanasia is needed, they are authorized by the Penal Code 597.1(c) (see exhibit 10) "... For a determination of whether the animal shall be immediately and humanely destroyed or shall be hospitalized under proper care and given emergency treatment".

The County Veterinarian continues to be contacted on weekends and after hours by these veterinary offices regarding treatment, but this is not common. When it has happened, it usually resulted in the animal not being euthanized, but instead treated and rehabbed or rescued. Finally, if the animal is euthanized, Animal Services is billed for euthanasia and disposal – we do not pick up the bodies. I have

## ATTACHMENT A

attached the County Veterinarian phone records that clearing show she is in contact with staff after normal business hours (see exhibit 11)

**Complaint under Findings of the Grand Jury Report page 7**  
**Response – Disagree**  
**Section E**

The County Veterinarian was not interviewed regarding this incident. I know of no incident that the County Veterinarian has placed fear or intimidation with staff or volunteers.

**Complaint under Findings of the Grand Jury Report page 7**  
**Response – agree**  
**Section F**

The County Veterinarian was not interviewed regarding this incident. The incident was investigated by the Stanislaus County Sheriff's Department and Chief Executive Office and found no wrong doing on the part of the County Veterinarian. The matter was closed as the report indicates.

**Complaint under Findings of the Grand Jury Report page 7**  
**Response – Disagree**  
**Section D**

The County Veterinarian cannot answer or investigate '50 documents' that were not presented to her nor attached to the report for a response.

**Response to Examples given (Grand Jury Report, page 8):**  
**Response to first bulleted item**

Burn dog in January 2005. The Department did not receive and was unable to locate any reference in our database about a burn dog in January 2005. We did have a burn dog in 2001, however, that dog was treated and rescued. The County Veterinarian did treat the dog during its stay with Animal Services and I have attached a statement from a staff member that indicates this. (See exhibit 19)

**Response to second bulleted item**

Spaying the tomcat – most veterinarians have, at some time, 'spayed a tomcat' during their career. In this case, a long time employee who worked almost exclusively with cats sexed the cat. The employee who prepped the cat for surgery did not verify the sex. When the cat is placed on the surgery table, all you see is a shaved abdomen through a 2 inch slit in a drape covering the entire cat. Unlike dogs, cats penis and genitalia are to the rear and not visible from the abdomen. The County Veterinarian approached the surgery believing it was a spay, when she did not find any female internal organs the County Veterinarian started to close the



## ATTACHMENT A

incision. Believing the employee could not make such an error, the County Veterinarian immediately reopened the same incision. Again finding no female internal organs, the County Veterinarian then looked to the rear and discovered it was indeed a male. The County Veterinarian closed the incision, and then performed a cat castration. The cat recovered from surgery without complications and is doing well in a private home. When the employee was interviewed said she did not look, but took the owners word for the sex of the cat. The County Veterinarian used this as a training tool – to emphasize to staff to always check the age, sex, breed and color when processing animals as indicated in the policy and procedure manual.

### **Response to third bulleted item**

Cat certified as spayed – the County Veterinarian could only recall one incidence that involved checking several cats for spay scars – 2 or 3 were spayed and 1 or 2 were not. The employee helping told the County Veterinarian that she would take care of the paperwork. She mistakenly marked the wrong cat as spayed. It subsequently came back to the shelter and was altered at no charge to the new owner.

### **Response to fifth bulleted item**

Dog in June of 2000 - It is difficult to respond to a five-year-old incident without additional information. Possibly an error was made, possibly it was taken as owner surrender spayed dog in which we accepted previous information from the former owner. There is no way to determine the specifics. Also, adoption fee includes the surgery, however if the animal is already altered, the adopter still pays the same fee.

### **Response to fifth bulleted item**

This refers to Cats/Kittens with upper respiratory disease. Kittens with upper respiratory disease can become very ill quickly. Depending on the severity of the symptoms, we may be able to treat the cats, or it may be humanely euthanized to protect the rest of the population. The shelter maintains 300 to 400 animals per day and to know which Cat & Kittens we are referring to is unknown. To quote shelervet.org "...to an extent not common in companion animal practice, the veterinary must rely on numerous others to be the eyes and hands that monitor conditions..." (see exhibit 12)

### **Response to fifth bulleted item**

The County Veterinarian interviewed Animal Services staff and a Modesto Animal Control Officer, who had an interest in this dog, and was told there were no outward signs of any health issues and therefore, the County Veterinarian was not

## ATTACHMENT A

alerted to any problems in order to treat the animal. This is indicated on a statement provided by staff and I have attached this document to the report (see exhibit 13).

**Complaint under Findings of the Grand Jury Report page 9**  
**Response – Disagree in part**  
**Section H**

The County Veterinarian was a member of the Animal Advisory Board in 1998. The Animal Advisory Board had discussed and recommended, with the Chief Executive Officer, an additional position to assist the Department Head. The County Veterinarian did propose hiring a veterinarian instead of manager position which would provide the Department Head someone for both managerial support and to perform veterinary tasks in a more timely manner than what was currently available. The County Veterinarian did apply for the job. The County Veterinarian did not write the job description. The County Veterinarian was appointed to the position.

**Complaint under Findings of the Grand Jury Report page 9**  
**Response – Disagree**  
**Section I**

The County Veterinarian does not remember being interviewed on this subject. The County Veterinarian has a cell phone and is available 24 hours a day, 7 days a week. A normal day for the County Veterinarian begins at 7:00 am and ends at 5:00 pm. As previously mentioned, I have attached a copy of her cell phone bill that verifies this (see exhibit 11). It should be noted this also does not contain telephone calls she has received on her home phone. The staff routinely calls her after hours and on weekends/holidays and she does work from time-to-time on weekends. However, she certainly can't be assigned to work at the shelter 7 days/week 24 hours a day. We do utilize emergency veterinary services, as the animals injured will usually require monitoring during the night when we do not have staff available.

**Complaint under Findings of the Grand Jury Report page 9**  
**Response – Disagree**  
**Section J**

The County Veterinarian was not interviewed regarding this incident. In 1998, when she was hired, the field of Shelter Veterinarian, as such, was uncommon and in most areas did not exist. It has grown significantly over the last 7 years. She has attended annual conferences with an emphasis on shelter medicine for the past 7 years. We have been in contact with many veterinarians who are familiar with shelter medicine, including Dr.'s Kate Hurley, Robert Ford, Wes Jones and Bob Mackey, to name a few, to get insight on shelter management and problems unique to this field. Again to quote sheltervet.org "... the scope of the discipline is grossly underappreciated even among other veterinarians.". This is a field where we learn

**ATTACHMENT A**

to deliver the best quality care possible in a low tech, low touch and low cost environment. This is in almost complete contrast to a veterinarian in private practice (see exhibit 12). Our shelter does provide proper procedures to stop the spread of disease. This is clearly outlined in our policy and procedure manual along with our shelter-training manual (see exhibit 14). We also provide staff with numerous in house training along with outside training to address this very issue.

The new surgical procedure the witness spoke of was actually just a different suturing pattern that the veterinarian stated would be quick and cheap. The County Veterinarian was not comfortable with using that suture pattern in the shelter environment. Unlike private practice, where the owner is there to monitor any problem, our animals do not get the same level of daily scrutiny. She felt it could actually put an animal's life at risk. As such, the County Veterinarian modified his suggestion to something she felt was safe and in the best interest of the animal.

We did have Dr. Kate Hurley, from U.C. Davis School of Veterinary Medicine, come to the shelter and review our programs and processes. She and the people she brought with her were very impressed with what we have done and are doing.

**Rexelle Cat Case  
Response – Disagree – In part  
Section A**

The donations for the Rexelle Cat Case were collected by Stanislaus County Auditor's Office. The account was set up for donations to be received by the Auditor's Office as indicated in several Modesto Bee Articles that I have attached to this report. The funding for this incident was transferred to Animal Services in June 2005. The funds were then used for our SCATE program. The Grand Jury reports that they could not receive the exact amount of donations in their investigations. This statement is false, the Grand Jury did receive all receipts and a list of donations (see exhibit 15). I attached several Modesto Bee articles advising the public to make their cash donations to our County Auditors Office and not to Stanislaus County Animal Services (see exhibit 16).

**Response – Agree  
Section B**

We agree with the finding that there was no evidence that excessive funding was used for property improvements.

**Response – Disagree- in part  
Section C**

The owner of the property was a member of the Animal Advisory Board. The Director was not part of finding a building to hold the Rexelle cats. This was assigned to the Stanislaus County Capital Improvement Project Division of the

## ATTACHMENT A

Chief Executive Office. The Capital Improvement Project Staff was able to find only one vendor that would lease to the County. The reason given is no vendor wanted to take on placing over two hundred cats in a building for several months.

Our County Counsel drew up the contract with the vendor. The County Building Maintenance Staff made the improvements and this consisted of a roll of chicken wire. The Animal Services Staff including the County Veterinarian provided care for the Rexelle Cats during their holding period. The Director is not head of the Animal Advisory Board as stated in the Grand Jury report, the members report to the Board of Supervisors.

**Spay and Neuter Fund  
Complaint under Findings of the Grand Jury Report page 10 - 11  
Response – Disagree Section A**

The Stanislaus County Department of Animal Services does maintain two checking accounts. The Grand Jury describes one these checking accounts as being maintained by the County Auditors Office. These checking accounts are not maintained through the County Auditors Office. They are both maintained through a local credit union. This has been in place since 1990 and has been audited by the Stanislaus County Auditors office since 1992 which means that the Auditor's office was aware of the accounts and the Grand Jury report was not accurate nor investigated thoroughly. I have attached copies of the past audits of these checking accounts since 1992 to this report (see exhibit 17).

The Grand Jury investigation also indicates that the Department of Animal Services is not allowed to maintain an outside checking account that does not have the signature of the County Auditor. I received a memorandum for the Auditor Controller and the Treasure Tax – Collector in December 2002, which allows the County Departments to maintain outside checking accounts providing they have the Treasure – Tax Collector as a signer on the account, which our checking accounts do. I have attached the memo from both the County Auditor Controller and the County Tax – Collector (see exhibit 18).

**Spay and Neuter Fund  
Complaint under Findings of the Grand Jury Report page 10 - 11  
Response –Disagree  
Section B**

## ATTACHMENT A

The Department of Animal Services used a check in the amount of \$150 for the purpose of paying a professional membership. The organization would only accept a check for payment, we have reimbursed the account through a separate account, which we are allowed to do providing we reimburse the account according to guidelines set by the Auditor Controller and the Treasure Tax – Collector (see exhibit 18).

### **Quarantine Facility Complaint under Findings of the Grand Jury Report page 11 Response – Disagree**

The selection of this property was not inhumane or unacceptable and the Grand Jury was advised that the facility was set up for temporary housing. The report states the facility was clean but smelled. This facility was selected with the assistance of Capital Improvements Staff with the understanding we needed to house a few animals in a temporary location until the kennel expansion was completed so that Stanislaus County Animal Services would be able to comply with the Hayden Law. As mentioned previously, the project was completed in February 2005 and the Board of Supervisor approved the extended holding periods, for owner surrendered dogs in order for the Department of Animal Services to meet compliance with the State mandate. During the two short months we used the facility, animals were care for properly.

### **Recommendations**

#### **Response to first bulleted item**

The Stanislaus County Department of Animal Services currently is in compliance with all laws and regulations.

#### **Response to second bulleted item**

As previously mentioned, the Director of Animal Services reports to the Chief Executive Officer and the decision is his to terminate the Director of Animal Services.

#### **Response to third bulleted item**

The recommendation to terminate the veterinarian based on the Grand Jury Report would be unreasonable. The investigation was not thorough and provides several inaccurate findings.

#### **Response to fourth bulleted item**

## ATTACHMENT A

The Stanislaus County Department of Animal Services no longer uses the Ceres Memorial Hospital. The Grand Jury was informed of the facility being used as a temporary substitute for our quarantine animals during our kennel expansion. All animals and employees were in no danger during this period.

### Response to fifth bulleted item

The Department of Animal Services welcomes any review to compare the cost of in house veterinarian and contracting for outside services. The Director of Animal Services has over 25 years of experience in shelter management. The County Veterinarian has over 22 years of experience practicing veterinarian medicine. Both of these positions are extremely vital to any successful organization and with the numerous and varied responsibilities, the suggestion to combine the two positions shows a lack of understanding of the profession of Animal Services.

### Response to sixth bulleted item

The Department of Animal Services welcomes any "whistle blowing policy" that is implemented. The statement the employees were in fear of providing testimony is unknown if this is an opinion. I have never intimidated any staff member nor was I interviewed about this accusation.

## ATTACHMENT A

### GENERAL STATEMENTS AND OBSERVATIONS

- I believe my response accurately and fully addressed each finding and conclusion that has in any way stated or suggested that I acted or improperly managed the Stanislaus County Department of Animal Services.
- I believe that the Grand Jury, chaired by Foreperson Cheryl M. Merritt, failed to conduct an objective, impartial and complete investigation.
- I believe the report contains false and inaccurate findings and unsupported conclusions.
- I believe in the Civil Grand Jury system and in the importance of having Civil Grand Jurors perform a “ watchdog function” over the operations of local government activities. However, it is equally important that a Civil Grand Juries conduct objective and impartial investigations and accurately report on information, documents and testimony provided during an investigation.
- A Civil Grand Jury committee that does not conduct an objective investigation and a Grand Jury that does not sufficiently review or interview all parties involved with the investigation to insure accuracy and fairness, does a disservice to the community which it serves.
- I believe that the numerous inaccuracies and misstatements contained in this report partially result from the testimony of certain witnesses who have personal vendettas against the County Veterinarian and myself.
- Based upon the report, I know the Grand Jury Committee failed to call witnesses that I believe had information relevant to the Grand Jury investigation, or request documents, or even visit the Animal Shelter. This allows me to conclude the Grand Jury Report is based on an incomplete investigation.

## ATTACHMENT A

### EXHIBITS

1. Copy of the 2002 – 2003 proposed budget dated April 24, 2002 regarding the need to expand are cage space in order to comply with the Hayden Law (see page 7).
2. Copy of the agenda brought to the Board of Supervisors regarding owner-surrendered animals dated January 25, 2005.
3. Copy of the video labeled the Overcrowding California Animal Shelter.
4. Copy of the Stanislaus County Animal Services Policy & Procedure Manual.
5. Copy of letter from Alley Cat Guardians clarifying the TNR program.
6. Copy of Alley Cat Allies information on feral cats
7. Copy of post-operative instructions given to customers who adopt animals.
8. Copy of microchip information that is given to our customers.
9. Copy of Veterinary Transfer Medical Record used by field Animal Services Officers.
10. Copy of Penal Code 597.1 (c).
11. Copy of County Veterinarian cell phone records for the past year.
12. Copy of sheltervet.org “Skills and expertise needed for a shelter veterinarian.
13. Letter from shelter staff member
14. Copy of Shelter Training Manual.
15. Copy of donations received by the Grand Jury.
16. Modesto Bee articles advising citizens to donate to the County Auditors Office.
17. Past Audits of Animal Services Checking Accounts.
18. Memorandum from Auditor – Controller and the Treasure Tax – Collector
19. Letter from Shelter Staff Member.