

Your **PUBLIC SAFETY COMMITTEE**

reports as follows:

PUBLIC SAFETY COMMITTEE REPORT relative to the development and implementation of an administrative citation program for the Department of Animal Services.

Recommendation for Council action:

DIRECT the City Administrative Officer (CAO), Chief Legislative Analyst (CLA), and the Department of Animal Services, in consultation with the City Attorney, prepare recommendations for the development and implementation of an administrative citation program for the Department of Animal Services or other City Departments.

Fiscal Impact Statement: The Department of Animal Services reports that in Fiscal Year 2008-2009, animal control officers issued 1,435 Notices to Comply for Distance and 1,141 Notices to Comply for Leash Law violations. If those were first-time administrative citations at \$100, that could have yielded \$257,600 if all were valid and could be collected. From a more aggressive perspective, if all 19,351 Notices to Comply issued in 2008-2009 for barking, cruelty, distance, leash law, and permits were translated to first-time administrative citations that were valid and collectible, revenue could be nearly \$2 million annually.

Community Impact Statement Submitted: None

SUMMARY

In a report to the Mayor dated August 10, 2009 (attached to the Council file), the Department of Animal Services recommends that Council direct the CAO and CLA to undertake the development and implementation of an administrative citation program for the Department of Animal Services or other City Departments.

The Department of Animal Services reports that numerous jurisdictions nationally, and in California, use administrative citations to assist in effective enforcement of public ordinances, including animal-related laws. Based on suggestions made by the public at previous Board and Council meetings, Department staff initiated a review of the use of an administrative citation program. The preliminary conclusion presented to the Board was that the program would be an excellent method for reinforcing the seriousness of complying with laws relating to humane treatment of animals and human-animal safety. It would provide Animal Control Officers with a vigorous tool to motivate changes in behavior and afford the Department a mechanism by which the persons drawing on the resources of the Department to respond to violations are the same persons underwriting the cost of the enforcement through payment of administrative penalties.

The Department goes on to report that other jurisdictions assess administrative fines of \$100 to \$300 for first and recurrent offenses such as leash law violations, tethering, and failure to provide care.

The Board approved the Department's recommendation to develop an administrative citation program. The Mayor transmitted the Department's report to Council for consideration.

At its meeting held April 27, 2010, the Public Safety Committee discussed this matter with a representative of the Department of Animal Services. At that time, the Department representative stated that an administrative citation program would provide animal control officers with a strong enforcement tool and a revenue stream for the City. During the public comment period, support for the proposal was expressed. It was stated that administrative citations would be a more effective means for dealing with persons who persistently violate animal care laws due to the lengthy legal process to adjudicate such violations. After concluding its consideration of this matter, the Public Safety Committee recommended that Council direct the CAO, CLA, and the Department of Animal Services, in consultation with the City Attorney, prepare recommendations for the development and implementation of an administrative citation program for the Department of Animal Services or other City Departments.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

- NOT OFFICIAL UNTIL COUNCIL ACTS -

<u>MEMBER</u>	<u>VOTE</u>
SMITH:	YES
CARDENAS:	YES
PERRY:	YES
REYES:	ABSENT
ZINE:	YES

JAW
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