

From: Patricia Turner [<mailto:nokilllongbeach@gmail.com>]
Sent: Tuesday, April 21, 2020 3:16 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: E-comment submission for Item 18 for 4/21 City Council meeting

-EXTERNAL-

Dear City Clerk,

Please accept as e-comment the attached letter from No Kill Long Beach. It pertains to Item 18, file number 20-0340, regarding the "Commitment to Adopt Policy" slated for discussion at the the April 21, 2020 City Council meeting.

Best regards,
Patricia Turner, Ph.D.

Working to save all healthy and treatable animals at the Long Beach animal shelter

No Kill Long Beach

www.nokilllongbeach.org



April 21, 2020

Honorable Mayor Robert Garcia and Members of the City Council,

We are writing in reference to Item 18, file number 20-0340, regarding the “Commitment to Adopt Policy.” We support Long Beach Animal Care Services (LBACS) in taking steps to establish policies and guidelines for the transfer of custody of animals from LBACS to rescue organizations in Long Beach.

We are writing to bring to your attention the following concerns we have with the preliminary discussion of the Commitment to Adopt policy as it appears in the associated Memo.

A. (Memo Bullet Point #2) **Regulating spcaLA.** We support giving members of the public the first choice of animals at LBACS. The question remains, however, whether this policy will apply to spcaLA. City staff have said that spcaLA does not always communicate with LBACS staff when spcaLA takes animals from LBACS kennels, nor do they always notify LBACS when an animal “falls out” of their adoption program and is returned to LBACS’ kennels. Furthermore, City staff have stated that spcaLA often “tags” LBACS animals as chosen by spcaLA and subsequently leaves the animal in an LBACS kennel, thereby taking up a kennel that is needed by LBACS for incoming animals. This situation is complicated by the fact that, as has been indicated by City staff, spcaLA apparently has keys to LBACS’ kennels, which enables this behavior. We are concerned 1) that spcaLA continues to take Long Beach animals from LBACS but does not report their outcomes to the City and 2) that spcaLA continues to have the right of first refusal over the public of animals at LBACS. We are especially concerned in light of the revelations of a possibly hostile workplace between LBACS and spcaLA discussed by Councilmembers at the Jan. 21, 2020 City Council meeting. We are asking that any “Commitments to Adopt” explicitly include the establishment of written policies and procedures around how animals are transferred to spcaLA and establish a clear procedure requiring spcaLA to report those outcomes to the City.

B. (Memo Bullet Point #2) **Prioritizing adoptions to the public.** If a member of the public applies to adopt a legally available animal during the period covered by a rescue’s “Commitment to Adopt,” but before the rescue has taken custody, we ask that this would effectively cancel the rescue’s hold so that the animal can go into a home. Prioritizing adoption to the public frees up cage space at LBACS, frees up the rescue to take another animal from LBACS, and prioritizes placement of animals into adoptive “forever” homes.

C. (Memo Bullet Point #7) **Possible violation of Hayden’s Law.** Under California law [Food and Agricultural Code Sections 31108 (b)(1) and 31752(c)(1), as established by Hayden’s Law], a public shelter cannot refuse to transfer custody of any animal to a 501(c)3 rescue organization. It is not clear whether California law allows LBACS to stop a rescue from placing a “Commitment” on an animal. Furthermore, California law is exceedingly clear on the point that a shelter must transfer an animal to a 501(c)3 rescue organization if the organization requests it, with no mention of holds or commitments. We request that the Commitment paperwork that a rescue receives have a clear statement in no smaller than 14-point bolded font at the top of the first page of the paperwork that notifies rescues of their rights under California law: [Food and Agricultural Code Section 31108 (b)(1) and 31752 (c)(1)].

Simply put, it is not known whether LBACS may be able to enforce a “3 strikes and you’re out”-type rule applied to filing Commitments, but legally, California law *clearly prohibits shelters from barring a rescue from pulling an animal after the legal hold period*, which is 3 days under California law and 6 days under LB municipal code. We call attention to this distinction so that rescues do not mistakenly conclude that they cannot request and receive an LBACS animals if they have been denied the ability to place a Commitment hold on an animal.

D. (Memo Bullet #3) **Imposing fees on rescues placing a Commitment on an animal.** The intent of this provision seems to be to discourage rescues that do not follow through from placing Commitments at LBACS. Our concern with this

point is that the imposition of fees will deter rescue organizations from making Commitments to take custody of an animal. Rescue organizations are often underfunded. Imposing fees on rescues may encourage them to commit to animal shelters in other cities. The best way to determine the need for such a fee is to look at data. We ask that the City request LBACS to provide data showing the number and percentage of commitments that go unfulfilled and carefully weigh the need for a fee against the fee's potential for driving away rescues that would otherwise be able to take an animal from LBACS. Also, California law (see letter C above) provides rescue organizations with the right to pull animals from the shelters, and the imposition of a fee in order to hold an animal is not in alignment with the spirit of the law.

E. (Memo Bullet Point #4) **Limits on the number of commitments to adopt by rescue/agency.** It is not clear why a limit on commitments would be placed on local rescue organizations as long as the animals thrive in their care and find homes, both of which LBACS has the ability to monitor. In addition, if one rescue has more resources than another rescue, then the first rescue would understandably be better equipped to take in more animals and would understandably place more Commitments on animals. We would like to see more clarity on this issue.

F. **Legal holding period.** California law only requires a 3-day hold before adoption [Food and Agricultural Code Sections 31108(a)(2) and 31752 (a)(2)(b)]. We ask that LBACS look at kennel data to see how many cats and dogs are retrieved during the third to sixth day that an animal is in LBACS' custody. Our concern is that cats are being held longer than necessary in the hopes that their owners will retrieve them. Cats that are subjected to increased length of stay are more apt to fall ill and be subsequently killed. If a review of LBACS data shows that most cats are retrieved by their owners within the first three days of impoundment, we advocate for cats and kittens to be made available for adoption and/or rescue after 3 days, rather than 6-day hold imposed by current city code. We request that a similar data review be undertaken for dogs.

G. **Unclear use of terminology.** The sheltering industry reserves the word "adoption" only for situations where animals are adopted into permanent homes with members of the public. Furthermore, the use of precise terms to designate animal outcomes is extremely important to effectively communicate the shelter's goals and needs to the public. The term "Commitment to Adopt" is inaccurate and could lead to confusion in data reporting. In the City's memo, the word "adoption" is applied to the TRANSFER of animals to rescue organizations. We recommend the use of a more accurate term such as "Commitment to Take Custody" or "Commitment to Rescue" when the recipient is a rescue or shelter, whereas "Commitment to Adopt" should be used for members of the public who want to place a hold on an animal in order to give it a permanent home.

Thank you for your time and consideration.

Best regards,

Patricia Turner, Ph.D.
Kristie Mamelli
Carol Pedersen

No Kill Long Beach