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JUL 24 2018



Ventura County
Grand Jury

July 16, 2018

Andrew Ludlum, Foreperson
Ventura County Grand Jury
800 South Victoria Avenue
Ventura, CA 93009

Subject: City of Thousand Oaks' Response to the Grand Jury Report entitled "Wild-Animal Regulations in Thousand Oaks"

Dear Foreperson Ludlum:

On behalf of Mayor Andrew Fox, please find attached the City of Thousand Oaks' response to the Grand Jury report entitled "Wild-Animal Regulations in Thousand Oaks" dated May 10, 2018. This response was approved by the City Council at its regularly scheduled meeting of July 10, 2018.

Sincerely,

Ellen Rosa
Executive Assistant

Attachment



Grand Jury
800 South Victoria Avenue
Ventura, CA 93009
(805) 477-1600
Fax: (805) 658-4523

grandjury.countyofventura.org

Response to Grand Jury Report Form

Report Title: Wild-Animal Regulations in Thousand Oaks

Report Date: May 10, 2018

Response by: Andrew P. Fox Title: Mayor

FINDINGS / CONCLUSIONS

- I (we) agree with the findings / conclusions numbered: FA-1, 5, 7-11, 11, 13, 15, 17; C-7
- I (we) disagree wholly or partially with the Findings / Conclusions numbered: FA-2-4, 6, 12, 14, 16; C-1-8
(Attach a statement specifying any portions of the Findings / Conclusions that are disputed; include an explanation of the reasons.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Attach a summary describing the implemented actions and date completed.)
- Recommendations number _____ have not yet been implemented, but will be implemented in the future.
(Attach a time frame for the implementation.)
- Recommendations numbered _____ require further analysis.
- Recommendations numbered R-1, R-2, R-3 will not be implemented because they are not warranted or are not reasonable.

Date: July 10, 2018

Signed: 

Number of pages attached: 8

Grand Jury Report
Report Title: Wild-Animal Regulation in Thousand Oaks
Report Date: May 10, 2018
City Council Responses

FINDINGS

We disagree wholly or partially with the Findings below:

General: Within the report, the Grand Jury refers to the Los Angeles County Department of Animal Control (LADAC). The correct name of this agency, and as it is referred to in the City's response, is the Los Angeles County Department of Animal Care and Control (DACC).

FA-02 *The LADAC views its role for the City as primarily issuing dog licenses and operating animal shelters. However, the City defers to the LADAC for all animal issues, unless a zoning permit is requested or a complaint is filed with the City.*

The City disagrees with Finding FA-02. The Joint Exercise of Powers Agreement, and yearly amendments between the City of Thousand Oaks and Los Angeles County, specifically enumerate the responsibilities between the parties. In the Joint Exercise of Powers Agreement, it states "Except as otherwise provided herein, such services shall be limited to the duties and functions of the type customarily rendered by the County's Department of Animal Care and Control under the Charter of said County and the statutes of the State. The County will provide services in accordance with the provisions of Title 10, Animals of the Los Angeles County Code, and all amendments thereto and under the Thousand Oaks Municipal Code provisions required to be enforced under Attachment A to this Agreement and except as otherwise agreed to by the parties in the attached Service Level request."

In addition to issuing dog licenses and operating the Agoura Animal Care Center (operating as the City's animal shelter), DACC routinely responds to calls for service for a variety of animal control issues including dog attack/bites, aggressive dogs, dogs running loose, animals being maintained in unsafe conditions including animal neglect/abuse, and dead or injured animals. DACC also provides a rabies quarantine service for the City of Thousand Oaks, a responsibility not handled in their other contract cities in Los Angeles County, where such services are handled by the Public Health Department in that county. DACC also conducts vaccination clinics and provides public information to the community.

The City believes both agencies are well aware of the responsibilities under the Joint Exercise of Powers Agreement, and that those responsibilities are more extensive than listed in Finding FA-02.

FA-03 *The agreement between the City and the LADAC limits inspections of facilities and patrolling by the LADAC to specific City requests. (Ref-01)*

The City disagrees with Finding FA-03. There is nothing in the Joint Exercise of Powers Agreement limiting DACC to only inspect facilities and patrolling pursuant to specific City requests. DACC routinely patrols areas based on both City requests and submitted citizen's concerns. In fact, submitted citizen's concerns are the primary point of initiation of DACC's work within the City of Thousand Oaks, not City initiated requests

FA-04 *The agreement between the City and the LADAC excludes animal license enforcement services and the permitting of animal facilities. (Ref-01)*

The City partially disagrees with Finding FA-04. The City agrees that at this time, the City does not require animal facility licensing through DACC. However, the City would like to clarify that animal license enforcement services are routinely conducted by DACC under their standard services provided to the City. The specific notation in the "Annual/Amended Service Request Approval" that notes the exclusion of "No Animal License Enforcement Services" is in regard to a specific program offered by DACC that conducts proactive canvassing of the City during a specified period by a special licensing taskforce. Although the City did not include this proactive service in Fiscal Year 2017/18, it does request targeted canvassing type enforcement approximately every five years. License canvassing under this program was last conducted in Thousand Oaks in 2016.

FA-05 *In the Addendum to the Agreement between the City and Los Angeles County, the City specifically uses an outdated version [August 2012] of the Los Angeles County Code, Title 10, Animals. (Ref 01, Ref-02)*

The City does not disagree with Finding FA-05, but would like to clarify the context of the practice. Although the City does not dispute this Finding, it should be noted that a significant number of cities that are under contract/agreement with the County of Los Angeles for animal control services utilize a similar method of adoption of Title 10, adopting the version in effect at the time of the ordinance adoption. The City adopts Title 10 by reference into the Thousand Oaks Municipal Code as a static document (exactly as the text appears at the time of ordinance adoption, not as a "living" document that changes immediately upon amendments approved by the Los Angeles County Board of Supervisors). The City is currently in the process of bringing the current version of Title 10 for City Council consideration (expected to occur Fall 2018).

FA-06 *The LADAC use the current version [October 2016] of the Los Angeles County Code, Title 10, Animals, rather than the 2012 version used by the City. (Ref-03)*

The City disagrees partially with Finding FA-06. The City does not agree that DACC utilizes the current version for all cities under contract/agreement for animal services. As noted, many cities adopt a static version of Title 10 and have not updated to the current version. The City is currently in the process of bringing the current version of Title 10 for City Council consideration (expected to occur Fall 2018).

FA-11 *In July 2017, officials of LADAC, State Fish and Wildlife and the Ventura County Sheriff's deputies raided a house in a residential neighborhood of Thousand Oaks, finding 84 snakes including cobras, king cobras, at least one monocled cobra, and numerous other wild animals. Animal control officers also discovered a pool full of alligators at the house. (Ref-06, Ref-07)*

The City agrees with Finding FA-11, but desires to clarify the Finding. The City would like to clarify that the "raid" referred to in Finding FA-11 was conducted upon a duly issued search warrant, after DACC presented sufficient evidence to a judge of the Ventura County Superior Court of potential safety hazards due to the keeping of dangerous animals.

FA-12 *The owner of the house with the 84 snakes had permits for some of the reptiles at a facility in unincorporated Ventura County (County). The facility itself was permitted by both the County and State Fish and Wildlife. Information regarding permits in unincorporated parts of the County is not commonly shared with the City by the County Planning Department unless specifically required in the permit or related environmental documents.*

The City disagrees with FA-12. Although a permit was issued to a person residing in Thousand Oaks that was the subject of the recent investigation, issued permits did not allow wild animals to be present at the Thousand Oaks residential location, nor were there valid permits for many of the animals at the location in unincorporated Ventura County. This matter is pending potential criminal trial and any further discussion of potential evidence in this matter will not be provided at this time.

FA-14 *In 2014, the City determined it did not have sufficient cause to search neighboring properties where an albino monocled cobra was caught. The Grand Jury was unable to find any evidence that the State had provided the City with information that one of the neighboring residents had a State permit for the snake at a different address in the County. It was not until a July 2017 incident with another escaped cobra at the same location that the State apparently partnered with the City.*

The City disagrees partially with Finding FA-14, and believes it is incomplete to the facts of the listed incidents. In the 2014 incident, an investigation was conducted by DACC, not the City of Thousand Oaks, regarding the existence/finding of the monocled cobra. It is the City's understanding that the California Department of Fish and Wildlife was also involved with this investigation to a lesser extent. It is further the City's understanding that during the 2014 event, DACC was made aware of State permits for persons under investigation. At that time Animal Care and Control officers secured consent to search properties, including the property of the person suspected of having dangerous animals, and who was suspected as responsible for the escape of the monocled cobra. At the time, insufficient evidence was obtained to support a criminal complaint. DACC was in contact with Fish and Wildlife and information was exchanged during this period. In the incident occurring in July 2017 commencing with the finding of dead cobra in the same vicinity, the City immediately reported this matter to the California Department of Fish and Wildlife. After that report, DACC proactively commenced an investigation into this issue separately from Fish and Wildlife, leading to the issuance of the search warrant and the subsequent actions.

FA-16 *The referral of the case to the District Attorney, in effect, ruled out action being taken against the snake owner for violation of City codes, as the District Attorney does not investigate or prosecute city code violations.*

The City disagrees with Finding FA-16. This investigation was conducted with DACC as the primary investigative agency. DACC coordinated its efforts for obtaining the search warrant with the Ventura County District Attorney's Office. Because of the nature of the violations observed and compiled after DACC's investigation, this matter was referred to the District Attorney for consideration of criminal charges. Although it is true, the District Attorney does not generally prosecute City code violations, it is not precluded from doing so. Under the circumstances of this investigation, the City believes DACC acted correctly by referring this matter directly to the District Attorney for consideration of charges. After consideration of the evidence submitted by DACC, the District Attorney filed both felony and misdemeanor charges against the suspected violator. Despite this action taken by the District Attorney, there is nothing that prevents the City from filing a complaint with the Court regarding alleged Thousand Oaks Municipal Code violations. At this time, the City is satisfied with the current legal action taken by the District Attorney, and is not contemplating a separate criminal filing.

FA-17 *In the July 2017 incident, the LADAC [acting as an agent of the City] did not refer the case to the City Attorney for action under Thousand Oaks Municipal Code. The department did, however, issue a strongly worded statement: "It appears that, despite the multiple levels of permits, approvals, and periodic inspections required, the permit holder was housing deadly*

venomous snakes in an unauthorized, densely populated, residential neighborhood, and in such a manner that they posed a substantial risk to public safety.” (Ref-04, Ref-07)

The City agrees with Finding FA-17, but would like to provide clarification. The City agrees with the fact that DACC did not refer the conclusions of their investigation to the City, but determined that, due to the types and seriousness of observed violations, the District Attorney was the appropriate body for review of evidence for criminal filings. As noted in the City’s response to Finding FA-16, the City is satisfied with DACC’s referral of potential violations to the District Attorney. Additionally, regarding DACC’s comments made in conjunction with the July 2017 incident, they were lead agency of the investigation, and comments made were made by DACC staff, not the City of Thousand Oaks.

CONCLUSIONS

We disagree wholly or partially with the Conclusions below:

- C-01 *The Grand Jury concluded the roles, responsibilities and communication between LADAC are not clearly defined and understood, resulting in confusion and gaps in enforcement. (FA-01, FA-02, FA-04, FA-05, FA-06, FA-07, FA-08)*

The City disagrees with Conclusion C-01. The City does not believe this conclusion is supported by the Findings as written, and in light of the City’s responses to the noted Findings. No specific examples of any gap in enforcement based on actual occurrences or examples is included in the Findings, or elsewhere in the Grand Jury’s report.

- C-02 *The Grand Jury concluded there is a lack of communication between the City, County, and State agencies regarding the permitting of wild and dangerous animals. (FA-12, FA-13, FA-14)*

The City disagrees partially with Conclusion C-02. Although there is not a continuous communication between agencies on wild animal permits, all associated agencies as identified in C-02 know where and how to obtain information from each of the organizations when needed. Based on the recent investigation, government agencies interacted effectively.

- C-03 *The Grand Jury concluded there is no ongoing communication between the City and State except during specific investigations. Even in cases where a specific incident has occurred, information sharing may not be broad or complete.*

The City disagrees partially with Conclusion C-03. The City agrees there is no ongoing communication with the State except during specific investigations. The City disagrees that information sharing was not complete for the purposes of the investigation. The investigation was carried out with the assistance of numerous agencies, the California Department of Fish and Wildlife being one of those agencies. The City is unaware of any information related to the investigation that was requested from Fish and Wildlife that was not provided, or provided in an incomplete manner.

C-04 *The Grand Jury concluded the City appears to request inspections of wild animal sites only when there is unfavorable public attention. There appears to be little will to enforce or prosecute violations of the Thousand Oaks Municipal Code Title 6, Article 2, Wild Animal Control. (FA-03, FA-07, FA-18)*

The City disagrees with Conclusion C-04. There is no basis to this conclusion. As stated previously, the source of DACC's activity in Thousand Oaks is initiated primarily by citizen's reports. In 2014, a citizen initiated concern was submitted to DACC, resulting in the search and finding of a live cobra. In conjunction with this activity, DACC put out press releases to the public warning of the hazard. DACC was the lead agency in this activity, and the City of Thousand Oaks supported their efforts. In conjunction with the finding of the live cobra, an investigation was conducted, but insufficient evidence was obtained to levy any charges at that time. In 2017, DACC responded to a citizen's call of a dead snake in the same general area the cobra was located in 2014. It was determined that the dead snake was also a cobra. Upon confirmation that the snake was a cobra, the City immediately reported this fact to California Department of Fish and Wildlife, and requested they conduct an investigation into the matter. After interaction with the Department of Fish and Wildlife, DACC took the lead investigative role. DACC's investigation (as lead agency) resulted in the issuance of the search warrant after their application to the Superior Court, and future actions leading the Ventura County District Attorney's filing of charges. Again, the public attention during the execution of the search warrant was, in part, due to DACC's press release during the warrant execution. During this investigation, the City supported the investigative efforts of DACC. The facts stated counter this conclusion.

The City requests inspections or initiates investigations of any site or condition it believes to be in violation of established codes, whether that be State regulations, Title 10 violations, or the Thousand Oaks Municipal Code. Although the incidents noted in the Grand Jury's report received significant attention, in both the 2014 and 2017 incidents, investigations were initiated prior to these events receiving media coverage, and in fact DACC press

releases were the source of the public attention, not a response to that attention. The City believes many items in Title 6, Article 2 of the Thousand Oaks Municipal Code do have correlating sections within Title 10. The City may still pursue violations of any appropriate section of the Thousand Oaks Municipal Code, including Title 6, Chapter 2, if warranted. It should also be noted, in Conclusion C-04, there is a reference to Finding FA-18. There is no such Finding number included in this report.

- C-05 *The Grand Jury concluded that when the City has turned cases over to the District Attorney, City codes may not be enforced, as the District Attorney is not responsible for enforcing the Thousand Oaks Municipal Code. (FA-07, FA-09, FA-16, FA-17)*

The City disagrees with Conclusion C-05. The City does not routinely refer cases to the District Attorney. If potential violations of a similar nature are in the process of consideration of legal action by both the City Attorney and District Attorney, the City may temporarily or permanently choose not to pursue a matter. The City Attorney is not obligated to this decision, nor is it prevented from pursuing criminal charges based on the Thousand Oaks Municipal Code, even if a referral is made to the District Attorney. In the matter specific to the issues described in this Report, the investigation details and determinations were submitted directly to the District Attorney by DACC for review based on the nature of the alleged violations. DACC routinely interacts with the City Attorney on citations and request for prosecution for violations of Title 10 that have no involvement of the District Attorney.

- C-06 *The Grand Jury concluded there have been instances where the LADAC has not referred cases to the City when wild animals posed a substantial risk to public safety. (FA-18)*

The City disagrees with Conclusion C-06. The City is unaware of any instance leading to this conclusion. In Conclusion C-06, there is a reference to Finding FA-18. There is no such Finding number included in this report.

RECOMMENDATIONS

Recommendations number R-01, R-02, and R-03 will not be implemented because they are not warranted or are not reasonable.

- R-01 *The Grand Jury recommends the City seek to establish an effective partnership between LADAC and executive management of the City. (C-01)*

The City believes that there is an effective and appropriate partnership between DACC and Executive Management of the City. The City will continue to foster and improve this relationship as warranted based on needs of the community, and the individual organizations.

R-02 *The Grand Jury recommends the City be more proactive in enforcing Thousand Oaks Municipal Code Title 6, Article 2, Wild Animal Control, as lax enforcement poses a substantial risk to public safety (C-04, C-05, C-06).*

The City disagrees with the premise that there is lax enforcement as it relates to wild animals. The City will pursue investigations or legal action in regard to wild animals when warranted. Additionally, if appropriate, the City will refer investigative matters to DACC or California Department of Fish and Wildlife as the lead investigation agency. The City Attorney has full prosecutorial discretion in these matters, and will consider all relative evidence related to an investigation for such violations. The City contends it is less important whether violations are enforced pursuant to Title 10 of the Los Angeles County Code, Title 6-Chapter 2 of the Thousand Oaks Municipal Code, or other codes such as the State Penal Code. The important issue to the City is obtaining compliance with applicable Codes regarding wild animal control, and protecting the safety and welfare of the community.

R-03 *The Grand Jury recommends the City consider establishing a process to obtain information about applications made to State Fish and Wildlife to keep dangerous animals in and around the City (C-02, C-03, C-07).*

City staff contacted the California Department of Fish and Wildlife regarding the Grand Jury's recommendation. A State representative has stated, the City can request permit information pursuant to a submitted Public Records Act request. The State does not support the proactive sharing of information on active permit applications being processed by the State.
