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OAKLAND

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# AGENDA REPORT

**TO:** JOHN A. FLORES  
INTERIM CITY ADMINISTRATOR

**FROM:** Karen Boyd

**SUBJECT:** OAS Community Advisory Commission

**DATE:** January 23, 2015

City Administrator  
Approval

Date

1/28/15

**COUNCIL DISTRICT:** City-Wide

## **RECOMMENDATION**

Staff recommends that the City Council adopt an ordinance creating the Oakland Animal Services Community Advisory Commission and specifying the membership categories, terms and responsibilities of its commissioners.

## **OUTCOME**

Approval of this ordinance will create a seven-member Oakland Animal Services Community Advisory Commission appointed by the Mayor and approved by the City Council, as set forth in the City Charter.

## **BACKGROUND/LEGISLATIVE HISTORY**

On June 10, 2014, the City Council's Public Safety Committee accepted staff's recommendation to create a standalone Animal Services Department in the City Administrator's Office that would be responsible for the animal care and shelter functions. The Committee also asked staff to continue developing a short-term Community Advisory Committee and help the Committee create an ordinance to establish a permanent Oakland Animal Services Community Advisory Commission by December 15, 2014. These recommendations were adopted by the full City Council on June 17, 2014.

As the City Administrator's Office embarked on the transition of Oakland Animal Services (OAS) to a standalone department, staff recognized the importance of establishing a Community Advisory Committee (CAC) to provide professional advice, technical assistance, guidance, insight and recommendations for best practices regarding the Oakland Animal Shelter and to help ensure a smooth transition. Convened in July 2014, the Advisory Committee has focused on three, key operational areas:

1. Animal health, care and welfare

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2. Animal rescue: operational improvements, approaches to increase rescues and live release, potential partnership opportunities
3. Euthanasia: reductions and operational improvements

The scope and duration of this Committee is finite. Members were asked to:

- Commit to participate for a minimum of six (6) months;
- Attend regular meetings anticipated to be held on a monthly basis, with the specific frequency and schedule to be determined by the Committee chairperson and members;
- Prepare and submit quarterly reports to the City Administration which summarize the Committee's work and present recommendations; and
- Create the ordinance for the permanent OAS Community Advisory Commission.

The scope of the Committee's work and recommendations is limited to addressing policy development or changes, operational improvements, and facility and equipment/technology enhancements. The Committee does not address personnel-related matters or provide specific management direction. The Community Advisory Committee has developed policy and procedure recommendations regarding shelter operations to ensure that they reflect best practices in the animal welfare industry. These recommendations have been presented to the new OAS Director, who will evaluate the proposals and develop and implement final policies.

Participants on the Community Advisory Committee include experienced professionals and seasoned volunteers with expertise in animal welfare and shelter operations who possess specific understanding of local animal welfare trends and challenges as well as issues facing public or municipal shelters. The eight (8) members of the Committee include representatives from Berkeley Animal Care Services (the City of Berkeley's animal shelter), the East Bay SPCA (a nonprofit animal welfare organization based in Oakland), the Power of Chi (Chihuahua rescue organization), Cat Town (cat rescue organization), a veterinarian and animal control officer from Contra Costa Animal Services, and a long-time OAS volunteer.

To date, the Committee has addressed the following areas:

- Animal intake and public processing
- Behavior assessment
- Euthanasia decision-making policy
- Procedures for releasing animals through adoption and rescue
- Medical care and quality of life
- Volunteer program
- Animal Control

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The Committee has presented recommendations in each of these areas which will be reviewed and analyzed by the new OAS Director for approval and implementation of final policies and procedures.

Per City Council direction, the Community Advisory Committee also drafted an ordinance creating a permanent OAS Community Advisory Commission, which is presented here to the City Council for consideration and potential adoption.

### **ANALYSIS**

The Oakland Animal Services Community Advisory Commission (Animal Services Commission) will replace the interim Community Advisory Committee, which concluded its work in January 2015. The permanent Commission will advise the City Administrator and the Director of Animal Services on matters affecting the care and control of animals at Oakland Animal Services, including reviewing and making recommendations on policies and procedures to ensure that they reflect best practices in the animal welfare industry. The Animal Services Commission will receive and evaluate monthly reports on Oakland Animal Shelter statistics for animal intake and outcomes as defined by the national standard of the Asilomar Accords, and make yearly reports and recommendations to the City Council regarding the operations of Oakland Animal Services. It will also provide an analysis of pending state and local legislation that may affect animals in Oakland or Oakland residents around animal-related issues.

The Commission will consist of seven (7) members, at least three of whom are Oakland residents or do business in Oakland, appointed by the Mayor and approved by the City Council, as set forth in the City Charter.

To be considered for appointment to the Animal Services Commission, individuals must have demonstrated their compassion for animals and have experience in animal welfare. Members of the Animal Services Commission will represent the following animal welfare categories; no more than two (2) Commission members may represent any particular category:

- a licensed veterinarian, preferably one with public shelter experience;
- an individual with significant experience volunteering at a public animal shelter;
- an individual representing a public animal shelter;
- an individual representing a private animal shelter;
- an individual representing private, not-for-profit or non-profit animal rescue organizations;
- an Oakland resident who is representative of the Oakland community and who can provide outreach within the areas of Oakland with the highest concentration of need for animal shelter care and services.

No member may be employed by Oakland Animal Services or have any financial interest, employment, or policy making-position in any commercial or for-profit animal care facility, research center, or other organization that sells animals, including breeding, sales and research; or profit from decisions made by the Commission. Veterinarians are excluded from this prohibition.

The Commissioners shall be appointed to overlapping two-year terms or until a successor is appointed and confirmed. To ensure that terms overlap, initial appointments shall be as follows: three (3) initial Commission members will serve one-year initial terms; and the other four (4) initial members will serve two-year terms.

### **PUBLIC OUTREACH/INTEREST**

The ordinance to create a permanent Oakland Animal Services Community Advisory Commission was drafted by members of the short-term OAS Community Advisory Committee, which is made up of eight community members with experience and expertise in animal welfare and sheltering. The meetings where the draft of this ordinance were reviewed and revised were publicly noticed in compliance with the Brown Act and provided an opportunity for public input.

### **COORDINATION**

This report was reviewed by the Animal Services Director, the Budget Office and the Office of the City Attorney.

### **COST SUMMARY/IMPLICATIONS**

Staff anticipates that the Commission will require about 10-15 staff hours per month to support a monthly meeting of the OAS Community Advisory Commission. This support would include: assisting the chairperson in preparing the meeting agenda, developing and distributing the meeting agenda packet and supporting materials, posting meeting notices in accordance with the Brown Act and Sunshine Ordinance, responding to informational requests from Commission members and developing monthly shelter statistics and reports. This time would be absorbed by existing staff, so there is no additional cost implication.

### **SUSTAINABLE OPPORTUNITIES**

*Economic:* This information presented in this report presents no economic impact.

*Environmental:* There are no environmental opportunities identified in this report.

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**Social Equity:** The guidance, recommendations and support provided by OAS Community Advisory Committee members will improve the lives of the animals and humans in our community and improve operations at OAS.

For questions regarding this report, please contact Karen Boyd, Assistant to the City Administrator at (510) 238-6365.

Respectfully submitted,



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KAREN L. BOYD  
Assistant to the City Administrator  
City Administrator's Office

**Reviewed by:**

Chantal R. Cotton Gaines  
Assistant to the City Administrator

Rebecca Katz  
Animal Services Director

Kiran Bawa  
Budget Director

Amadis Sotelo  
Deputy City Attorney

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APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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### AN ORDINANCE ESTABLISHING THE OAKLAND ANIMAL SERVICES COMMUNITY ADVISORY COMMISSION, PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF, AND DEFINING THE DUTIES OF SAID COMMISSION

**Whereas**, on June 17, 2014, City Council voted to establish an Interim Community Advisory Committee to draft an ordinance creating a permanent community advisory body to provide professional advice, technical assistance, guidance and recommendations to the City about best practices in animal welfare and shelter operations, approaches to increase live release rates, and strategies to enhance community partnerships at Oakland Animal Services; and

**Whereas**, also on June 17, 2014, the City Council accepted staff's recommendation to transition the management and operation of Oakland Animal Services out of the Oakland Police Department and create a standalone Animal Services Department in the City Administrator's Office by the end of 2014; and

**Whereas**, Section 601 of the City Charter entitled "Boards and Commissions," reserves to the City Council the authority to create boards and commissions by ordinance, and to prescribe their function, duties, powers, jurisdiction and the number of board and commission members, their terms, compensation and reimbursements for expenses, if any; now, therefore

**The Council of the City of Oakland does ordain as follows:**

**Section 1.** Pursuant to Section 601 of the Charter of the City of Oakland, there is hereby created an Oakland Animal Services Community Advisory Commission (hereinafter referred to as "Animal Services Commission" or "Commission").

**Section 2.** It shall be the function and duty of the Animal Services Commission to:

a. Advise the City on matters affecting the care and control of animals at Oakland Animal Services, including but not limited to reviewing and making recommendations on policies and procedures to ensure that they reflect best practices in the animal welfare industry.

b. Receive and evaluate monthly reports on Oakland Animal Shelter statistics for animal intake and outcomes as defined by the national standard of the Asilomar Accords.

d. Make yearly reports and recommendations to the City Council regarding the operations of Oakland Animal Services

e. Provide an analysis of pending state and local legislation that may affect animals in Oakland or Oakland residents around animal-related issues

f. Perform such other functions and duties as may be directed by the Mayor, City Council, or City Administrator or City Administrator's designee.

In prescribing the above duties and functions of the Animal Services Commission, it is not the intent of the City Council to duplicate or overlap the functions, duties, or responsibilities heretofore or hereafter assigned to any other City board or commission or to a City department. As to such functions or responsibilities of another board or commission or of a department of the City, the Animal Services Commission will render assistance and advice to such board, commission or department as may be requested.

The City Administrator shall have the power to review and approve, disapprove, or modify the Commission's recommendations. Recommended actions shall be carried out by the City Administrator's office unless the City Administrator disapproves or modifies such action. Nothing herein is intended to limit the City Administrator's authority and duties as provided under the Oakland City Charter

**Section 3.**

a. The Commission shall consist of seven (7) members, at least three (3) of whom are Oakland residents or do business in Oakland. Pursuant to Section 601 of the Charter, members of the Commission shall be appointed by the Mayor subject to confirmation by the affirmative vote of five members of with the Council.

b. Four (4) members shall constitute a quorum

c. The members shall be appointed to overlapping terms of two (2) years, or until a successor is appointed and confirmed pursuant to Section 601 of the City Charter. A member's term will start upon the date of his or her appointment, except that an appointment to fill a vacancy shall be for the unexpired term only. To assure that terms overlap, initial appointments shall be as follows: three (3) initial Commission members will serve one-year initial terms; and the other four (4) initial members will serve two-year terms.

A Commission member whose term has expired may remain as a "holdover" Commission member for up to one year following the expiration of his or her term or until a replacement is appointed, whichever is earlier. While on holdover status a Commission member may fully participate in all decisions and such decisions are valid because of the Commission member's holdover status.

e. All members of the Animal Services Commission shall be persons who have demonstrated their compassion for animals and who have experience in animal welfare. Members of the Animal Services Commission shall represent the following animal welfare categories, with no more than two (2) members representing any particular category:

(1) a licensed veterinarian, preferably one with public shelter experience;

(2) an individual with significant experience volunteering at a public animal shelter;

(3) an individual representing a public animal shelter;

(4) an individual representing a private animal shelter;

(5) an individual representing private, not for profit or non-profit animal rescue organizations;

(6) an Oakland resident who is representative of the Oakland community and who can provide outreach within the areas of Oakland with the highest concentration of need for animal shelter care and services.

f. No member may be employed by Oakland Animal Services or have any financial interest, employment, or policy-making position in any commercial or for-profit animal care facility, research center, or other organization that sells animals, including breeding, sales and research; or profit from decisions made by the Commission. Veterinarians are excluded from this prohibition.

**Section 4.**

a. A vacancy on the Animal Services Commission will exist whenever a member dies, resigns, or is removed, or whenever an appointee fails to be confirmed by the Council within 60 days of appointment. Vacancies shall be filled for any unexpired term provided, however, that if the Mayor does not submit for confirmation a candidate to fill the vacancy within 90 days of the date the vacancy first occurred, the Council may fill the vacancy. If the Mayor does submit for confirmation a candidate to fill a vacancy within the 90-day time frame and the Council does not confirm the candidate, the 90-day period shall commence anew. For purposes of this Section, a seat filled by a holdover appointment will be considered vacant as of the expiration of the holdover's prior term of office.

b. Pursuant to Charter Section 601, a member may be removed for cause, after a hearing, by the affirmative vote of at least six (6) Council members

**Section 5.** At the first regular meeting of each year, members of the Animal Services Commission shall elect a chairperson and a vice chairperson to serve for one (1) year terms. The Animal Services Commission shall meet at an established date, time and location suitable for its purpose. Such meetings shall be designated regular meetings. Other meetings called by the Mayor or City Administrator and meetings scheduled for a time or place other than for regular meetings shall be designated special meetings. Written notice of special meetings shall be provided to the Animal Services Commission members and all meetings of the Commission shall comport with the Ralph M. Brown Act and the City's "Sunshine Ordinance" (Chapter 2.20 of the Oakland Municipal Code).

**Section 6.** The Animal Services Commission shall, in consultation with the City Administrator, establish bylaws, rules and procedures for the conduct of its business by a majority vote of the members present. Voting shall be required for the adoption of any motion or resolution. The Animal Services Commission shall make reports, findings and recommendations either to the City Administrator or the City Council, as appropriate. An annual report will be presented in writing to the City Council. Recommendations from the Animal Services Commission shall be carefully and fully considered by the City Administrator. If rejected by the City Administrator, the Animal Services Commission may submit recommendations to the Council for consideration, as appropriate

**Section 7.** Staff assistance may be provided to the Animal Services Commission as determined by the City Administrator pursuant to his authority under the Charter to administer all affairs of the City under his jurisdiction.

**Section 8.** The City Clerk shall codify this ordinance upon approval of the code numbering as to form by the City Attorney.

**Section 9. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**Section 10. Effective Date.** This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes, otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2015

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN,  
KALB, KAPLAN, REID, AND PRESIDENT GIBSON  
MCELHANEY

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the  
Council  
of the City of Oakland,  
California

Date of Attestation.

# NOTICE AND DIGEST

## AN ORDINANCE ESTABLISHING THE OAKLAND ANIMAL SERVICES COMMUNITY ADVISORY COMMISSION, PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF, AND DEFINING THE DUTIES OF SAID COMMISSION

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This Ordinance establishes the Oakland Animal Services Community Advisory Commission in accordance with the requirements of Oakland City Charter section 601, which provides that the City Council shall create all advisory boards and commissions by Ordinance and that the Mayor shall appoint all board members subject to confirmation by the City Council.

This ordinance establishes the jurisdiction, duties, and powers of the Commission to provide advice, recommendations, and technical assistance to the City about best practices in animal welfare and shelter operations. It further provides for the appointment, term, composition, membership qualifications, and the general rules and procedures for the Commission's meetings and deliberations.

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