

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL	DATE:	NO.
FROM: THE CITY MANAGER'S OFFICE	February 18, 1987	
SUBJECT: PETITION RECEIVED REQUESTING THE CITY COUNCIL AND CITY MANAGER TO SUPPORT THE HUMANE OFFICER ENFORCEMENT PROGRAM BY CONTRIBUTING THE \$500 PER MONTH AS ALLOWED BY STATE OF CALIFORNIA CIVIL CODE SECTION 607e.		

PREPARED BY: City Manager

RECOMMENDED ACTION: That the City Council receive the attached petition requesting financial assistance for efforts in the area of prevention of cruelty to animals, and deny the request.

BACKGROUND INFORMATION: The attached petition (Exhibit A) was mailed to the City Clerk. It requests the City Council's support of the prevention of cruelty to animals by appropriating \$500 per month to the City's animal control program. On an annual basis, this totals \$6,000, an approximately 8.5% increase in the current animal control budget of \$70,370. The request is based on State Civil Code Section 607e, which provides that a governmental agency may pay to any society incorporated and organized for the prevention of cruelty to animals within the boundaries of that public agency, a sum not exceeding \$500 per month for the purpose of carrying out such activities. The petition carries 24 signatures.

The title of this code section is "Compensation of Societies for Prevention of Cruelty". This section should most appropriately be interpreted to apply to organizations such as the Delta-Stockton Humane Society and S.P.C.A. (Society for the Prevention of Cruelty to Animals). Last summer we received an invoice from this organization and a letter requesting financial support in accordance with the code section cited herein. A copy of the letter is attached (Exhibit B). Also attached (Exhibit C) is a copy of the City Attorney's reply. The City's Animal Control Officer interprets this code section to apply to public agencies where there exists no public animal control program. In these locations, the animal control program may be performed by a private society and this code section permits a public agency to compensate the society for such services. The fact is, the Delta-Stockton Humane Society and S.P.C.A. does not provide services within the City. These services in Lodi are provided by the City-funded Animal Shelter.

Respectfully submitted,



Thomas A. Peterson
City Manager

TAP:br

(3) Attachments

TXTA.06C COUNCIL55

RECEIVED

We the Citizens of the City of LODI, CALIFORNIA do hereby petition our City Council and City Manager to support the Humane Officer Enforcement Program by contributing \$200.00 per month as allowed by Civil Code Section 607 E. The cost per citizen is 15.1 cents per year based on the population of 39,500.

NAME	ADDRESS
Charles Debra	700 MCCOY CT #46 Lodi 95240
Lyndee Watson	8014 N Alpine Rd. Stockton 95208
Walter Mettler	1017 S. Pleasant Ave, Lodi 95240
Robert H. Mettler	1017 S. Pleasant Ave Lodi 95240
Jerry J. Woodbridge	402 Cedar Ct. Lodi 95240
J + Murriga	543 Colvack St Lodi 95240
Ronald Vandam	142 W. Woodbridge Rd Lodi 95240
Michael J. Schmidt	1412 W. Woodbridge Rd Lodi 95240
Ellen Edwards	331 E. Flora St Lodi 95240
Carole L. Ghezzi	19420 Woodside Dr. Woodbridge 95228
Brian H. Ghezzi	19420 Woodside Dr. Woodbridge Ca 95228
Jessica Sanchez	924 S. Garfield #4 Lodi 95240
Jimie Brown	1714 Scarborough Lodi 95240
The Fed Roadies	317 Acacia St Lodi 95240
Kara Firmann	508 Westwood Lodi 95240
Rashell Baker	727 James St Lodi 95240
Linda F. Baker	727 James St Lodi 95240
Quia Acchoman	933 S. Mayfield Lodi 95240
Jessica Alford	21400 Jack Towered Acampo 95220
Denise Whittington	1512 Burgundy Dr Lodi 95240
Shirley A. Whittington	1512 Burgundy Dr Lodi 95240
Conroy Heagy	1611 Kent Ave Lodi 95240

We the Citizens of the City of LODI, CALIFORNIA do hereby
PETITION OUR City Council and City Manager to support the
Humane Officer Enforcement Program by contributing the \$500.00
per month as allowed by Civil Code Section 606 E. - The cost per
citizen is 15.1 cents per year based on the population of 39,500.

NAME

ADDRESS

SCOTT HERBERT

26 N PACIFIC LODI CA

SHERILL HERBERT

26 N PACIFIC LODI CA



DELTA-STOCKTON HUMANE SOCIETY
and S.P.C.A.

Exhibit "B"

4590 SOUTH HIGHWAY 99
STOCKTON, CALIFORNIA 95205
PHONE 466-0339

April 22, 1986

Mr. Jerry Glenn
City of Lodi
221 West Pine Street
Lodi, CA 95240

Attn.: Finance Department

Dear Mr. Glenn:

In September 1985 the Delta-Stockton Humane Society and S.P.C.A. started to provide a humane law enforcement program to all areas of San Joaquin County. The program also included an active inspection program in private and commercial kennels and animal grooming parlors. Because of limited funding the program has only been part-time to date.

Based upon facts provided by San Joaquin County it was believed that the officer would be required to investigate only about 115 complaints per year. However, since September the officer has been called in to assist animal control agencies throughout the County in many different types of investigations as requested by these agencies. In the period between September and December 1985 he investigated 86 total complaints and in the first three months of 1986 he has investigated 77 complaints. If this rate continues over 300 calls for service will have to be handled in 1986.

It appears that because of the number of calls for service received the program will have to be increased to full time and an additional part-time person may have to be hired. Since the only funding we receive for this program is from San Joaquin County, we find it necessary to bill the other cities in the County at \$500.00 per month, as is allowed by Civil Code Section 607e.

Compensation of Societies for Prevention of Cruelty.

(Civ. 607e.) Every society, incorporated and organized for the prevention of cruelty to animals, or for the prevention of cruelty to children, may, in each city, or city and county, or

county, where such society exists, while actively engaged in enforcing the provisions of laws of state, now or hereafter enacted, for the prevention of cruelty to animals or children, or arresting, or prosecuting offenders thereunder or preventing cruelty to animals or children, be paid as compensation therefor, from the city or county, or city and county general fund, by the board of supervisors or other governing body thereof, a sum not exceeding five hundred dollars per calendar month, in the same manner as other claims against said city or county, or city and county, are paid. (Enacted 1905; last amended 1913.)

The funding which we receive is used for the Humane Officer's salary, training, vehicle, vehicle maintenance, communications equipment, materials, supplies, postage, printing, and other miscellaneous equipment.

We will have to start billing your City for this program within the next couple of months. We will be happy to provide answers to any questions that you may have or you may feel free to contact our Humane Officer, Craig Veteran, at 466-0331.

Cordially,

DELTA-STOCKTON HUMANE SOCIETY

Betty Hubbard
Betty Hubbard

Erlene Price
Erlene Price
Board of Directors

COUNCIL

FRED M. REID, Mayor
EVELYN M. OLSON
Mayor Pro Tempore
DAVID M. HINCHMAN
JAMES W. PINKERTON, Jr.
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

Exhibit "C"

July 29, 1986

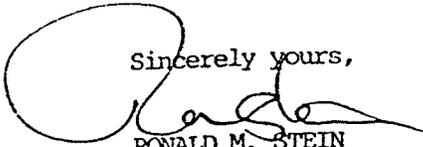
Delta-Stockton Humane Society
and S.P.C.A.
4590 South Highway 99
Stockton, CA 95205

Re: Billing for Services for July 1986

Gentlemen:

Attached hereto is a copy of your invoice for \$500 sent to the City of Lodi for "Fee for Humane Officer Services for the month of July 1986". In reading Civil Code Section 607e, I do not find any mandatory language that would require the City of Lodi to pay the \$500 per month. What I do see, however, is a requirement to pay \$500 per month where the Humane Society is in fact doing the work of the Police Department and Animal Control in this area. If the Humane Society is doing work in the City of Lodi which is not being handled by the Police Department or Animal Control, please advise me at your earliest convenience of what work that is, so that we can pay you for your services.

Sincerely yours,


RONALD M. STEIN
CITY ATTORNEY

RMS:vc

attachment

cc: Police Chief
Animal Control Officer

Cindy Humbert, Deputy City Attorney
Stockton

San Joaquin County currentiy has only one State Humane Officer who covers an area of 1400 square miles. State Humane Officers have the power at all places within the State of California to interfere to prevent the perpatrations of any act of cruelty upon any animal and may use such force as maybe necessary to prevent the same.

State Humane Officers make arrests for the violations of any Penal Code Law in this State relating to or affecting animals in the same manner as a constable or anyother Peace Officer. In addition to Penal Code Law the State Humane Officer also enforces violations of the Administrative Code, Business and Professions Code, Civil Code, Code of Civil Procedure, Corporations Code, Education Code, Fish and Game Code, Food and Agriculture Code, Government Code, Health and Safety Code, Public Utilities Code, United States Code, Vehicle Code, and Public Resorces Code.

In Addition to the enforcement of the above codes, the Humane Officer also inspects Pet Shops, Kennels, Research Labs, Licensed Animals Dealers, Rodeos and Circus.

NUMBER OF HUMANE CASES INVESTIGATED BY THE HUMANE OFFICER FROM SEPTEMBER 1985 TO FEBRUARY 1987 IN LODI

<u>YEAR</u>	<u>CASES</u>
85	5
86	18 *
87	2

ONE INVESTIGATION REQUESTED BY LODI CITY ATTORNEY'S OFFICE PER INFORMATION RECEIVED FROM LODI CITY ANIMAL CONTROL.

DURING THE YEAR 1986, 408 CALLS FOR SERVICE WERE HANDLED IN THE CITY OF LODI WHICH REQUIRED REPORTS BEING MADE THROUGH THE POLICE DEPARTMENT. THESE CALLS REDUCE THE AMOUNT OF TIME THAT A POLICE OFFICER COULD HAVE BEEN AVAILABLE FOR OTHER CALLS.

Compensation of Societies for Prevention of Cruelty.

(Civ. 607e.) Every society, incorporated and organized for the prevention of cruelty to animals, or for the prevention of cruelty to children, may, in each city, or city and county, or county, where such society exists, while actively engaged in enforcing the provisions of laws of this state, now or hereafter enacted, for the prevention of cruelty to animals or children, or arresting, or prosecuting offenders thereunder or preventing cruelty to animals or children, be paid as compensation therefor, from the city or county, or city and county general fund, by the board of supervisors or other governing body thereof, a sum not exceeding five hundred dollars per calendar month, in the same manner as other claims against said city or county, or city and county, are paid. (Enacted 1905; last amended 1913.)

Powers of Officers: Weapons: Training.

Such humane officers after qualifying as above provided, shall have power at all places within the state lawfully to interfere to prevent the perpetration of any act of cruelty upon any dumb animal and may use such force as may be necessary to prevent the same and to that end may summon to their aid any bystander. They may make arrests for the violation of any penal law of this state relating to or affecting animals in the same manner as a constable or other peace officer. Except as otherwise provided by this section, a humane officer shall serve only in the county in which he is appointed. A humane officer may serve in a county other than that in which he is appointed only if he first informs the sheriff of the county that he intends to serve in such county. A humane officer is authorized to carry weapons while engaged in his duties as a humane officer, upon satisfactory completion of training, as approved by the Commission on Peace Officer Standards and Training, in the use of weapons. (NOTE: See *Penal Code Section 832.*)

Compensation paid to a Society by a city can be recovered by the city by giving the Humane Officer the authority to issue Animal control citations as outlined below:

Authority to Issue Animal Control Citations.

(Civ. 607g.) The governing body of a local agency, by ordinance, may authorize employees of public pounds, societies for the prevention of cruelty to animals, and humane societies, who have qualified as humane officers pursuant to Section 607f, and which societies or pounds have contracted with such local agency to provide animal care or protection services, to issue notices to appear in court pursuant to Chapter 5c (commencing with Section 853.5) of Title 3 Part 2 of the Penal Code for violations of state or local animal control laws. Such employees shall not be authorized to take any person into custody even though the person to whom the notice is delivered does not give his written promise to appear in court. The authority of such employees is to be limited to the jurisdiction of the local agency authorizing the employees. (*Enacted 1973.*)

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corporat-

Corporations Code Sections 10404 10405

§ 607d. Pre-existing corporations; applicability of title

The provisions of this title extend to all corporations heretofore formed and existing for the prevention of cruelty to children or animals, but do not extend or apply to any association, society, or corporation which uses or specifies a name or style the same, or substantially the same, as that of any previously existing society or corporation in this state organized for a like purpose.

(Added by Stats.1905, c. 434, p. 590, § 1.)

Historical Note

This section was added by the 1901 re- vision act, Stats.1901, c. 157, p. 383, § 185. However, on the authority of Lewis v. Dunne (1901) 66 P. 478, 134 C. 291, 55 L.R.A. 833, 86 Am.St.R. 257, the 1901 re- vision act was unconstitutional and void.

Cross References

Similar provisions, see Corporations Code § 10406.

§ 607e. Societies for prevention of cruelty; compensation

Every society, incorporated and organized for the prevention of cruelty to animals, or for the prevention of cruelty to children, may, in each city, or city and county, or county, where such society exists, while actively engaged in enforcing the provisions of the laws of this state, now or hereafter enacted, for the prevention of cruelty to animals or children, in arresting, or prosecuting offenders thereunder or preventing cruelty to animals or children, be paid as compensation therefor, from the city or county, or city and county general fund, by the board of supervisors or other governing body thereof, a sum not exceeding five hundred dollars per calendar month, in the same manner as other claims against said city or county, or city and county, are paid.

(Added by Stats.1905, c. 434, p. 591, § 1. Amended by Stats.1909, c. 343, p. 574, § 1; Stats.1911, c. 295, p. 487, § 1; Stats.1913, c. 325, p. 638, § 1.)

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Library References

Animals §39. Infants §17.

C.J.S. Animals §§ 113 to 116. C.J.S. Infants § 9.