



STANISLAUS COUNTY CIVIL GRAND JURY

Post Office Box 3387 • Modesto, California 95353 • (209) 558-7766 • Fax (209) 558-8170

2007-2008

GRAND JURY MEMBERS

JUDITH C. MAHAN, FOREPERSON

March 13, 2008

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Thomas Mayfield
 Chairman
 Stanislaus County Board of Supervisors
 1010 10th Street, Suite 6500
 Modesto, CA 95354

Chairman Mayfield:

Two working days prior to its release to the public, the Civil Grand Jury is providing you and/or your agency the attached copy of the portions of the grand jury report relating to you or your agency. You or other affected people may review this but the Penal Code prohibits you from disclosing any contents of the reports prior to its public release.

Your response to the recommendations must be submitted to Presiding Judge Donald E. Shaver, Superior Court - Stanislaus County, P. O. Box 3488, Modesto, CA 95353. We are enclosing guidelines that may be helpful as you prepare your response. You are asked to submit an original hard copy and an electronic copy.

Sincerely,

Judith C. Mahan
Foreperson

Attachments - Reports 08-07 and 08-12

BOARD OF SUPERVISORS
 2008 MAR 13 A 10:17

**STANISLAUS COUNTY CIVIL GRAND JURY
2007-2008**

CASE # 08-07

**STANISLAUS COUNTY
DEPARTMENT OF ANIMAL SERVICES**

BOARD OF SUPERVISORS
2008 MAR 13 A 10:17

SUMMARY

The Stanislaus County Civil Grand Jury received a citizen complaint prompting it to review and assess the Stanislaus County Department of Animal Services.

Through the following items:

- Memorandum of “Issues and Recommendations Regarding Animal Services Facilities,” dated October, 2007
- The “Needs Assessment and Facility Program for the Stanislaus County Animal Shelter,” dated February, 2007
- Various applicable statutes
- Sworn testimony by county employees
- An unannounced site visit
- Attendance at meetings of the Animal Advisory Board

The Stanislaus Civil Grand Jury has determined that the current Animal Services facilities are being updated, and that the county is clearly and positively addressing other long-standing complaints.

The “Needs Assessment and Facility Program for the Stanislaus County Animal Shelter,” reads, in part:

“The existing facility was designed to accommodate 262 animals... At the present time, an average of 330 animals are held at the shelter daily—68 more than the facility’s daily average. The number of animals held at the facility on peak days may exceed 115% of daily average...”

This recognizes the current pet over-crowding problem in the county Department of Animal Services facility.

The Stanislaus County Civil Grand Jury, through its investigation, has determined that the County and its City partners are on track to build adequate facilities and to improve the Stanislaus County Department of Animal Services.

It is the Stanislaus County Civil Grand Jury’s recommendation that Stanislaus County

and its City partners continue with the process to build adequate facilities for the number of animals accepted into the Stanislaus County Animal Services Shelter and to continue to fund the Spay and Neuter [SCATE] program.

BACKGROUND

The Mission Statement of the Department of Animal Services is as follows:

“The mission of the Department of Animal Services is to strive for community compliance of State and local laws. The Department shall provide a professional level of service along with promoting responsible pet ownership.”

The Department of Animal Services facility was built in the 1970s for the purpose of controlling packs of wild dogs that were affecting local agriculture and the public safety. Subsequent State legislation has broadened the responsibilities of all Animal Services Departments to include other mandated functions, requiring more space for both holding animals and performing medical procedures, and delivering more services to the animals. These mandates come from the 1998 Hayden Act and the Stanislaus County Pet Overpopulation Ordinance, among others.

According to the Department of Animal Services’ website, services provided by the Department include, but are not limited to, the following:

In-House:

- Pet Adoptions
- Spay and Neuter Assistance
- Cruelty Report Investigations
- Education Outreach
- Lost and Found
- Low Cost Rabies Vaccination Clinics
- Micro-Chipping
- Licensing
- Veterinary Care for Animals in the Shelter

Outside:

- Investigate and follow-up on animal-inflicted injuries
- Control rabies and report animal bites
- Leash law and other animal control ordinance enforcement
- Capture and impound stray animals
- Dispose of deceased animals in public access areas
- Enforce dog licensing laws
- Investigate animal cruelty, vicious animal, and nuisance animal complaints

The Department of Animal Services has responsibility for all unincorporated County areas and the Cities that contract with the Department. The Board of Supervisors of the

County of Stanislaus' "Action Agenda Summary," dated March 20, 2007, lists the below percentages of participation by each entity:

Agency	Percentage
Stanislaus County	38.5
Modesto	41.0
Ceres	11.0
Riverbank	3.4
Patterson	2.3
Waterford	1.3
Newman	1.3
Hughson	1.2
Turlock	does not participate presently
Oakdale	does not participate presently

The Stanislaus County Board of Supervisors approved an Architectural Study in order to begin the building of a new Department of Animal Services facility, and is moving forward with plans for an adequate facility.

METHOD OF INVESTIGATION

The Civil Grand Jury conducted its investigation using the following methods:

- Interviews with County employees who have day to day and oversight responsibilities for the Department of Animal Services.
- An unannounced site visit included inspection of all areas of the Department of Animal Services facility.
- Attendance at meetings of the Stanislaus County Animal Advisory Board
- A review of the following documents:
 - The memorandum "Issues and Recommendations Regarding Animal Services Facilities," dated October 5, 2007, by the former Director of the Stanislaus County Department of Animal Services, and given to the following:
 - Stanislaus County Animal Advisory Board Members
 - Board of Supervisors
 - County Executive Assistant
 - County Executive
 - Chief Operations Officer
 - Management Consultant
 - The Stanislaus County Board of Supervisors and Administration's, "Needs Assessment and Facility Program for the Stanislaus County Animal Shelter," dated February, 2007, by George Miers & Associates.

- Stanislaus County Civil Grand Jury Final Report of 2003-2004.
- Stanislaus County Civil Grand Jury Final Report of 2004-2005.
- Various ordinances and statues that apply to animal control.

FINDING 1

The Stanislaus County Department of Animal Services is operating within the constraints of an inadequate facility.

RECOMMENDATION 1

It is the Stanislaus County Civil Grand Jury's recommendation that Stanislaus County and its City partners continue with the process to build adequate facilities for the number of animals accepted into the Stanislaus County Department of Animal Services Shelter and that they fund this project without delay.

FINDING 2

The Stanislaus County Board of Supervisors is moving ahead with plans to complete an adequate animal shelter.

RECOMMENDATION 2

It is the Stanislaus County Civil Grand Jury's recommendation that the Stanislaus County Board of Supervisors, through the Department of Animal Services, continues to support the community in its efforts to improve services to its animals and continues to fund the Spay and Neuter (SCATE) program.

RESPONSE REQUIRED

Stanislaus County Department of Animal Services
Stanislaus County Board of Supervisors

REFERENCES

McFarland, M. *Memorandum of Issues and Recommendation Regarding Animal Services Facilities*. (October 5, 2007) attached to this report.

Miers, G. and Associates. (February 22, 2007) *Needs Assessment and Facility Program for the Stanislaus County Animal Shelter*. Commissioned by the Stanislaus County Board of Supervisors. Available for public inspection upon notification of the Stanislaus County Chief Executive Office, 209-525-6333.

Stanislaus County Department of Animal Services. Retrieved January 29, 2008 from <http://www.stancounty.com/animalservices/index.shtm>

The Board of Supervisors of the County of Stanislaus, "Action Agenda Summary," (March 20, 2007) Retrieved January 29, 2008, from <http://stancounty.com/bos/minutes/2007/min03-20-07.pdf>

Stanislaus County Civil Grand Jury Final Report, 2003-2004. Retrieved January 28, 2008, from <http://www.stanct.org/court/Courts/grandjury/reports2003-2004/reports2003-2004.htm>

Stanislaus County Civil Grand Jury Final Report, 2004-2005. Retrieved January 28, 2008, from <http://www.stanct.org/court/Courts/grandjury/reports2004-2005/reports2004-2005.htm>

Additional Information may be found from the following sources.

APPENDIX

California Civil Code Section 1834. Retrieved January 28, 2008, from <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1833-1840>

California Civil Code Section 1846. Retrieved January 28, 2008, from <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1844-1847>

California Food and Agriculture Code Section 17005. Retrieved January 28, 2008, from <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fac&group=17001-18000&file=17001-17006>

California Food and Agriculture Code Section 31108. Retrieved January 28, 2008, from <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fac&group=31001-32000&file=31101-31109>

California Food and Agriculture Code Sections 31752-31754. Retrieved January 28, 2008, from <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fac&group=31001-32000&file=31751-31754>

California Food and Agriculture Code Sections 32001-32003. Retrieved January 28, 2008, from <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fac&group=31001-32000&file=32000-32003>

California Penal Code Sections 597.1(l), 599d. Retrieved January 28, 2008, from <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=594-625c>

California Senate Bill 1785, Chapter 752 (1998), Hayden Act. Retrieved January 28, 2008, from http://www.leginfo.ca.gov/pub/97-98/bill/sen/sb_1751-1800/sb_1785_bill_19980923_chaptered.html

Stanislaus County Code Title 7, Chapter 7.54. "Breeding, Transferring, Licensing, and Spaying and Neutering of Dogs and Cats (Chapter 7.54) Ordinance." The Board of Supervisors of the County of Stanislaus, "Action Agenda Summary," (December 5, 2006) Retrieved January 29, 2008, from <http://www.co.stanislaus.ca.us/BOS/Agenda/2006/20061205/B12.pdf>

STANISLAUS COUNTY CIVIL GRAND JURY
2007-2008

CASE # 08-12

STANISLAUS COUNTY HAZARDOUS
MATERIALS/SITUATIONS NOTIFICATION

BOARD OF SUPERVISORS

2008 MAR 13 AM 10:11

SUMMARY

The purpose of this investigation was to determine the adequacy of Stanislaus County's handling of a variety of situations that could be hazardous to the citizens of the county. This investigation was undertaken by Stanislaus County Civil Grand Jury's initiative as a public safety measure.

Specific focus points of the investigation were:

- Identification and notification of the presence of seismically unsafe buildings located within the County.
- Identification and notification of the presence of lead in structures located within the County.
- Identification and notification of the presence of asbestos in structures located within the County.

These three distinct issues were studied from the viewpoint of the responsibility of Stanislaus County to notify the public or to handle or enforce abatement of these hazards. Stanislaus County agencies, State of California agencies, and federal-level agencies were contacted and their regulations and authorities studied regarding these responsibilities and their discharge.

As there are appropriate regulatory mechanisms in place, at the state and federal levels, this investigation finds that Stanislaus County has no responsibility in the identification and notification of seismically unsafe buildings, or lead or asbestos hazards, because these specific responsibilities are all charged to state and federal agencies.

INTRODUCTION

The matter of regulation and notification of the presence of seismically unsafe buildings, and asbestos and lead, in structures located in Stanislaus County, was considered by the Stanislaus County Civil Grand Jury as a public safety measure. The matters were brought to the Stanislaus County Civil Grand Jury's attention through the general publicity that surrounds the issues of seismically unsafe structures, and asbestos and lead in structures. In this particular situation, no specific instances of improper handling of the regulation of these issues at the County level were brought to the attention of the Stanislaus County Civil Grand Jury to prompt an investigation into these matters.

As the citizens of Stanislaus County are subject to frequent exposure to many substances

that can affect their lives and health, the 2007-08 Stanislaus County Civil Grand Jury – under its mandate to oversee the operation of County-level agencies that concern the public welfare – decided to evaluate the position of the county and its effectiveness in regulating citizens’ exposure to these harmful elements.

Authority to investigate these matters is located in the California Penal Code §888, as it relates to “county matters of civil concern.”

METHOD OF INVESTIGATION

The majority of the research and information gathered was from telephone conversations, government websites, and public documents, all relating to the activities of the pertinent public agencies charged with the responsibility for regulating the three hazards studied.

Information was gathered on the following occasions:

- Personal conversation with a realty agent at a Modesto realtor’s office, November, 2007, regarding the residential aspects of hazard notification [including lead, asbestos, and earthquake safety].
- Telephone and e-mail communications with a Senior Hazardous Material Specialist at the Stanislaus County Department of Environmental Resources, November, 2007, regarding the County’s responsibility for reporting or tracking lead, asbestos or earthquake hazards.
- Telephone conversations with clerks at the Modesto City Building Inspection Department and Stanislaus County Building Inspection Department offices, October, 2007, regarding the County’s tracking of earthquake-sensitive structures.
- Online searches of Environmental Protection Agency [EPA], Housing and Urban Development [HUD], and Occupational Safety and Health Administration [OSHA], websites, December, 2007.

Earthquake Hazards

The first hazard studied was the identification and notification of the presence of seismically unsafe buildings located within the County. A seismically unsafe building is generally thought of as a public building constructed prior to the adoption of certain building codes designed to mitigate the effects of earthquakes on such buildings. Stanislaus County is in Seismic Safety Zone 3. [*Homeowner’s Guide to Earthquake Safety*, p. 7] Most of the state regulations covering identification of and accountability for safety within seismically unsafe structures cover only structures within Seismic Zone 4. [1979 Health and Safety Code 19160, 1986 Government Code 8875, 1992 Government Code 8875.8 all apply only to Seismic Zone 4.] HUD Handbook 4930.3 contains a Seismic Zone Map of the United States of America [USA], in cases where the seismic conditions of a particular area are not known. Other sources offer California seismic maps. Thus, there is no Stanislaus County responsibility for identifying or cataloguing such structures within the County.

Lead

The second hazard studied was the identification and notification of the presence of lead in structures located within the County. Lead, usually in paints and coatings [banned by the Consumer Product Safety Commission in residential use in 1978], is required to be disclosed to new property owners upon transfer of title. This activity is regulated by the State of California. Title 10 Code of Federal Regulations [10 CFR Residential Lead-based Paint Hazard Reduction Act of 1992] sets the focus at the federal level for the handling of the lead situation. HUD Office of Lead Hazard Control has the federal level responsibility for lead hazard abatement. The EPA's Lead-and-Copper Drinking Water Rule [40 CFR 141] sets standards for municipal water testing and notification. EPA's 40 CFR 50 covers lead levels in the air and the responsibility of governments to respond to the situation. California's Safe Drinking Water and Toxic Enforcement Act of 1986 [Proposition 65] covers lead as a contaminant in drinking water. There is no Stanislaus County responsibility for the identification and notification of the presence of lead in buildings.

Asbestos

The third hazard studied was the identification and notification of the presence of asbestos in structures located within the County. Most asbestos disclosure and abatement requirements are handled at the federal level [U.S. Dept of Housing and Urban Development or the Environmental Protection Agency]. The use of asbestos in varying forms of insulation was phased out in the 1970's. The use of asbestos [in paints and patching compounds] was banned in 1977. The EPA recommends that only persons who have undergone EPA-approved training do removal or handling of asbestos. HUD recommends that EPA or OSHA be contacted for specific information in dealing with asbestos. There is no Stanislaus County-level responsibility for the identification or notification of the presence of asbestos in buildings.

FINDING

This investigation finds that Stanislaus County has no responsibility in the identification or notification of seismically unsafe buildings, or lead or asbestos hazards, because these specific responsibilities are all charged to state and federal agencies.

RECOMMENDATION

As there are regulatory mechanisms in place, at the state and federal levels, the 2007-08 Stanislaus County Civil Grand Jury makes no recommendations regarding the County of Stanislaus' handling of these matters.

RESPONSE

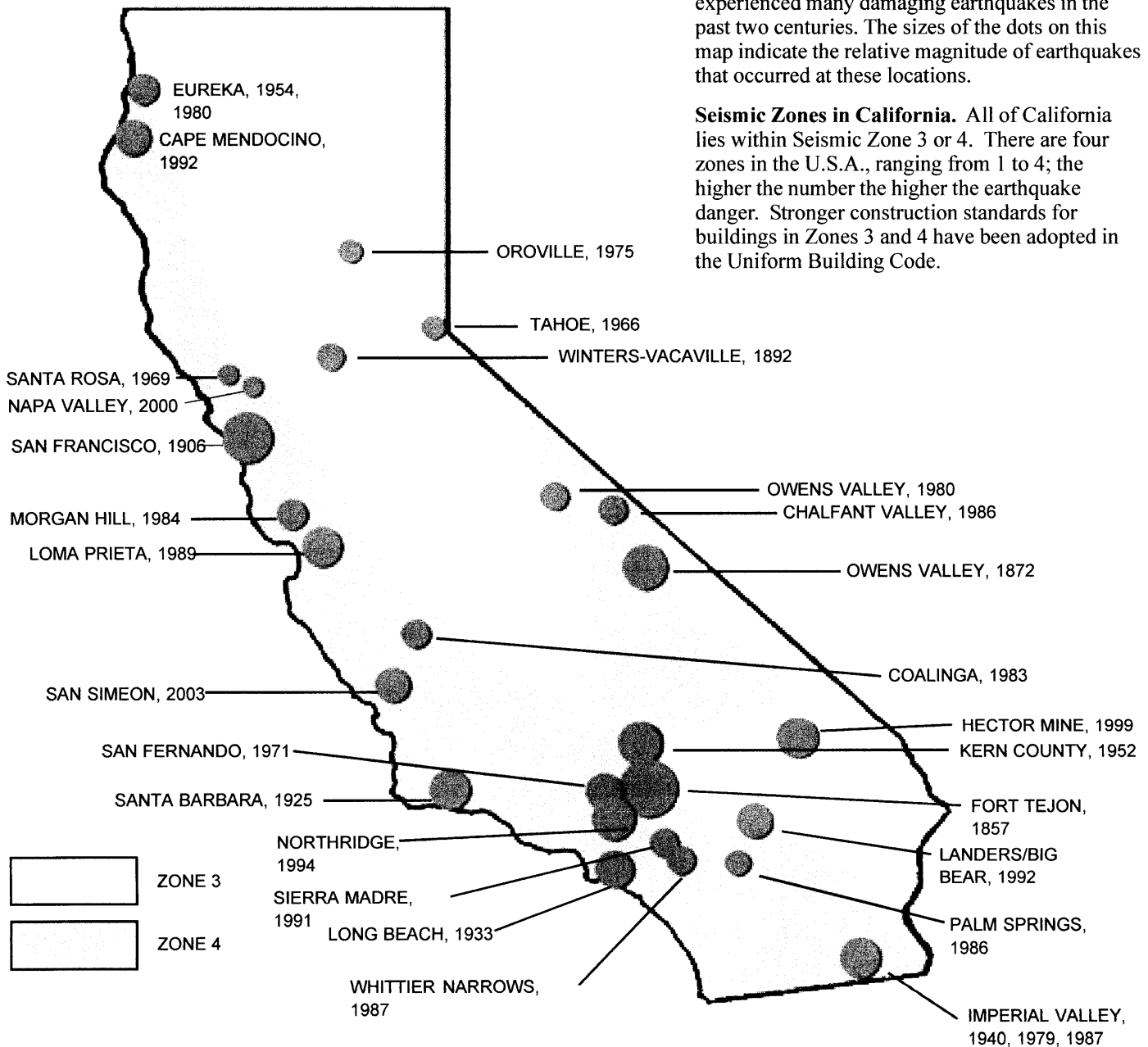
As there are no recommendations to this finding, the Stanislaus County Civil Grand Jury makes no requests for response from any Stanislaus County agency.

EARTHQUAKE MAPS OF CALIFORNIA

DAMAGING EARTHQUAKES IN CALIFORNIA

Figure 7—Earthquake history. California has experienced many damaging earthquakes in the past two centuries. The sizes of the dots on this map indicate the relative magnitude of earthquakes that occurred at these locations.

Seismic Zones in California. All of California lies within Seismic Zone 3 or 4. There are four zones in the U.S.A., ranging from 1 to 4; the higher the number the higher the earthquake danger. Stronger construction standards for buildings in Zones 3 and 4 have been adopted in the Uniform Building Code.



Source: California Geological Survey, 1986; Earthquake History of the U.S., U.S. Department of Commerce and Interior, 1982; Records of California Office of Emergency Services; compiled and revised by California Seismic Safety Commission, 2004; International Code Council, Uniform Building Code 1997 Edition.

REFERENCES

Earthquake/Seismic Safety

California Seismic Safety Commission. (2005). *Homeowner's Guide to Earthquake Safety*. San Jose State University, San Jose. Retrieved January 29, 2008, from http://www.seismic.ca.gov/pub/CSSC_2005-01_HOG.pdf

California Seismic Safety Commission, Publications Index. (2008) Retrieved January 29, 2008, from <http://www.seismic.ca.gov/pub.html>

California Seismic Safety Commission. (2007) *Frequently Asked Questions*. Retrieved January 29, 2008, from <http://www.seismic.ca.gov/faq.html>

California Seismic Safety Commission. (2005) *Status of the Unreinforced Masonry Building Law, 2004 Report to the Legislature, SSC 2005-02*. Adopted June 9, 2005. Retrieved January 29, 2008, from http://www.seismic.ca.gov/pub/CSSC_2005-02_URM.pdf

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US Department of Housing and Urban Development. (1992) Title X, Residential Lead-Based Paint Hazard Reduction Act. *The Lead Disclosure Rule for Homes and Communities*. Retrieved January 29, 2008, from <http://www.hud.gov/offices/lead/enforcement/disclosure.cfm>

Stavroudis, C. (1988) California's Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). WAAC Newsletter, Vol. 10, No. 2, May 1988, pp. 5-8 plus insert. Retrieved January 29, 2008, from <http://palimpsest.stanford.edu/waac/wn/wn10/wn10-2/wn10-203.html>

California Environmental Protection Agency. (November 2007). Lead Paint Abatement Resource Locator. State Lead Paint Abatement Tool. Retrieved January 29, 2008, from <http://www.envcap.org/statetools/lead/pb2001.cfm?st=CA>

California Childhood Lead Poisoning Prevention Branch website. Retrieved January 29, 2008, from <http://www.dhs.ca.gov/childlead/>

California Childhood Lead Poisoning Prevention Branch. Lead Accreditation & Certification Program Overview. Retrieved January 29, 2008, from <http://www.dhs.ca.gov/childlead/html/GENoverv.html>

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US Environmental Protection Agency. (February 2008) *Asbestos in Your Home*. Asbestos and Vermiculite. Retrieved February 14, 2008, from <http://www.epa.gov/asbestos/pubs/ashome.html>

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Environmental Protection Agency [EPA]. Retrieved January 29, 2008, from <http://www.epa.gov>

Housing and Urban Development [HUD]. Retrieved January 29, 2008, from <http://www.hud.gov>

Occupational Safety and Health Administration [OSHA]. Retrieved January 29, 2008, from <http://www.osha.gov>

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Title 10, Code of Federal Regulations. *Residential Lead-based Paint Hazard Reduction Act of 1992*. Retrieved January 29, 2008, from <http://www.nyenvlaw.com/Course/Chapter16.htm>

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California Government Code Section 8875-8875.10. Retrieved January 29, 2008, from <http://caselaw.lp.findlaw.com/cacodes/gov/8875-8875.10.html>

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Other sources

California Department of Toxic Substances Control. (2005) *Combined Hazards Book*. Distributed by the California Association of Realtors.

California Seismic Safety Commission. (2005). *Homeowner's Guide to Earthquake Safety*, Earthquake Map of California, p. 7.

Personal conversation with a realty agent at Matel Realtors, Modesto, November 13 2007, regarding the residential aspects of hazard notification [including lead, asbestos, earthquake safety].

Telephone and e-mail communications with Senior Hazardous Material Specialist at the Stanislaus County Department of Environmental Resources, November 2007.

Telephone conversations with clerks at the Modesto City Building Inspection Department and Stanislaus County Building Inspection Department offices, October 2007.

HOW TO RESPOND TO RECOMMENDATIONS

Responses

The California Penal Code §933(c) specifies both the deadline by which responses shall be made to the Civil Grand Jury Final Report recommendations, and the required content of those responses.

Deadline for Responses

All agencies to which recommendations are made are directed to respond to the Presiding Judge of the Stanislaus County Superior Court,

- Not later than 90 days after the Civil Grand Jury submits a final report on the operations of a public agency, the governing body of that agency shall respond to the findings and recommendations pertaining to the operations of that agency.
- Not later than 60 days after the Civil Grand Jury submits a final report on the operation of a County agency, the elected head governing that agency shall respond to the findings and recommendations pertaining to the operations of their agency.
- Information copies of responses pertaining to matters under the control of a county officer or agency are to be sent to the Board of Supervisors.
- A copy of all responses to the Civil Grand Jury reports shall be placed on file with the clerk of the public agency and the Office of the County Clerk, or the city clerk when applicable.
- One copy shall be placed on file with the applicable Civil Grand Jury by, and in the control of, the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

Content of Responses

For each Civil Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame if it is to be implemented later.
- The recommendation will not be implemented because it is unwarranted or unreasonable, with supportive explanation.

2009 MAR 13 PM 10:25

BOARD OF SUPERVISORS