



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 22-224

December 13, 2022

Introduced: 12/2/2022

Current Status: Health Department -
Consent

Version: 1

Matter Type: BoS Resolution

- a. Adopt a Resolution to approve a Joint Powers Agreement (JPA) between the County and the City of Salinas to create the Hitchcock Road Animal Services Agency to administer Animal Services.
- b. Authorize the Chair of the County of Monterey Board of Supervisors, or her designee, to execute the JPA on behalf of the County.

..Report

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Adopt a Resolution to approve a Joint Powers Agreement (JPA) between the County and the City of Salinas to create the Hitchcock Road Animal Services Agency to administer Animal Services.
- b. Authorize the Chair of the County of Monterey Board of Supervisors, or her designee, to execute the JPA on behalf of the County.

SUMMARY/DISCUSSION:

The City of Salinas and the County of Monterey have been working together since 2015 to consolidate Animal Services. The physical location of both shelter facilities being located on Hitchcock Road as well as the paralleled services offered by each entity separately created an opportunity to bring both entities together for the benefit of all: the animals in our communities requiring services, residents, and taxpayers of both entities, as well as being able to employ common equipment, resources, and personnel.

Multiple studies, agreements, and amendments over the past seven years have allowed for shared staffing, facilities, and vendors while work to create a Joint Powers Agreement (JPA) has progressed.

Summary of major activities:

- 2016 - Management Partners Report issued
- 2017 - Original Memorandum of Agreement (MOA) approved between the City of Salinas and County of Monterey
 - o Amendments executed on April 2, 2019, February 25, 2020, and July 1, 2021
- 2018 - Grand Jury Report released
- 2019 - Animal Services Administrator Evaluation and Recommendation Report issued
- 2020 - COVID-19 MOU authorizing both parties to work in one (County) facility
 - o Amendment through December 31, 2021
 - o 2021 - Revised and Restated MOA through December 31, 2022

In 2019, the Animal Services Administrator provided an “Evaluation and Recommendation Report” for the Animal Services Administration Pilot Project. This report and recommendations were based on many sources including the Management Partners and Grand Jury Reports, a review of other existing California Joint Power Agreements, feedback and input from other Animal Services agencies and input from other stakeholders within and around Animal Services. In this report, five phases were provided:

- Phase 1: Pilot Project Animal Services Administrator (Completed in 2017)
- Phase 2: Amendment #1 (April 2019)
- Phase 3: Amendment #2 and #3 (2020 & 2021 and into the COVID-19 MOU)
- Phase 4: New Governance Structure (projected January 2021)
- Phase 5: Capital Campaign (projected 2021-2022)

The COVID-19 pandemic has delayed the overall rollout of this phased plan; however, it has moved forward. Phase 4 of this plan, the “New Governance Structure” is in the form of a Joint Power Agreement. (It should be noted that also before the Board of Supervisors (separately) is the last and final amendment of the existing MOA with the City of Salinas that ensures continuity of staffing and operation in the next six (6) months while the JPA gets going).

California Government Code allows for two or more agencies to create another legal entity or establish a joint approach to work on a common program, fund a project, or act as a representative body for a specific activity. In this case, the common activity is to provide Animal Services. Through a JPA, powers common to each member separately, can now be exercised as one, new entity. Joint Powers Agency’s meetings are open to the public and subject to the Brown Act and other public interest laws that ensure political transparency. Each JPA is unique, reflecting a mutually acceptable agreement among public agencies that have joined together for a common purpose.

The current JPA presented is establishing the Hitchcock Road Animal Services Agency, a new legal entity. In this JPA, the City of Salinas and County of Monterey have consolidated multiple years of agreement, amendments and reports into one document that creates the new governance structure that can carry out the power to provide Animal Services.

This initial JPA has two members: the County of Monterey and the City of Salinas. The overall structure identifies County as the Lead Agency who is directly responsible to the Board of Directors, and which is primarily responsible for the managerial oversight of the operation of the Agency (Section 1.21 and 4.2.1) The County, as the lead agency, will also provide the hiring and management of staff; the construction, management, maintenance, and operation of the Joint facilities; and the provisions of Animal Services in Exhibit B (Section 1.21). There are no changes to staffing and labor with this JPA. Current and future County employees remain as such until the JPA is able to hire and manage direct employees, which is not expected to happen in the near future.

The initial vote for the budget as well as Major Policy Decisions require a three-fourth vote (Section 2.8). The budget and voting structure of this agreement will be based on statistics as developed and approved by the Board of Directors and may include a combination of human population and

workload statistics. This will create a transparent formula for ensuring that contributions are related to services provided. (Section 6.3.2) Prior to approval of the first Annual Budget for the Agency, the Board of Directors shall develop a formula to equitably distribute costs among the Members which shall require the unanimous approval of the Board of Directors. Once developed, the formula shall be reviewed by the Board of Directors every three (3) years. Modification to the formula shall require the unanimous approval of the Board of Directors. The

While initial members of this new Agency will be the County of Monterey and the City of Salinas, this JPA does allow for growth and the addition of other member agencies (Section 2.10). There is interest amongst other jurisdictions, including current contracting cities. It does require the Agency Board to determine budgeting formulas in order provide a cost structure. It should be noted that any additional services to be provided outside of what is currently being provided will require additional resources and will be something for the JPA Board to decide on.

There are three exhibits included with this JPA:

- o Exhibit A identifies current members of the Agency.
- o Exhibit B identifies the Animal Services that will be provided to the Members Agencies. To note, it does not include anything in addition to service that are being provided now.
- o Exhibit C identified the voting formula which will be identified further through the approved budgetary formula.
- o As an example, if it is determined that, for budget purposes, the County of Monterey is responsible for 52% of the budgets expense, then that 52% would be divided between the two Board of Directors as it relates to voting.

In developing this JPA, County staff has worked closely with City staff within the City Manager's Office and the Salinas Police Department.

The AdHoc Committee representing both City of Salinas and County of Monterey has met and reviewed this agreement and timeline.

Animal Services staff has been updated and informed on this process in both larger stakeholders' meetings and in monthly staff meetings. Each agreement and amendment was brought to their attention and the opportunity to ask questions was always provided. On Thursday, November 17th, via Zoom, all Animal Services staff were provided the opportunity to view the draft JPA agreement and ask questions or points of clarification. Included in this meeting was the CAO's Office, Health Administration and Human Resources, County Counsel, Supervisor Phillips and Supervisor Lopez's office and a representative of SEIU. Equal participation from the City of Salinas was also present. There were no significant questions or concerns raised at that time regarding the draft JPA agreement or the timing of this agreement.

The Monterey County Animal Control Advisory Board has been updated and informed on this process in both larger stakeholders' meetings and in regular public meetings. Each agreement and amendment was brought to their attention in the form of a regular Animal Services Managers update. On Thursday, November 17th, at a regular in person meeting, review of the JPA draft and timing was placed on the agenda for discussion. County Counsel was present during this meeting and was able to

provide important clarification on this agreement. There were no significant questions or concerns raised at that time regarding the draft JPA agreement or the timing of this agreement.

After approval of this JPA, the Animal Services Administrator and Health Department staff will continue to work with City staff to roll out the terms of the JPA effective January 1, 2023, to include identifying the initial members of the Board of Directors, approval of the budget/weighted voting formula and designation of the Secretary/Treasury roles. The JPA will work within the noted transition period (Section 2.5) to conduct business that will allow a formal rollout to take effect July 1, 2023. Amendments are expected in the normal part of ironing out the details of the JPA process.

This work supports the Monterey County Health Department 2018-2022 Strategic Plan Goal (4), Engage MCHD workforce and improve operational functions to meet current and developing population health needs. It also supports the following of the ten essential public health services, specifically: (4) Mobilize community partnerships and action to identify and solve health problems; (6) Enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel, Risk Management, and Auditor Controller have reviewed and approved this Agreement as to legal form and fiscal provisions, respectively. Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy, or other implications to the County of Monterey. The AdHoc Committee representing both City of Salinas and County of Monterey has met and reviewed this agreement and timeline. The City of Salinas City Manager's office has reviewed this Agreement and it will be presented to the Salinas City Council for consideration on or around December 13, 2022.

FINANCING:

This Joint Powers Agreement does not contact any fiscal provision; therefore, there is no impact to the General Fund from its approval. A significant initial change to the Animal Services budget is not expected, however, specific details will be available after the Agency Board convenes and begins conducting business. Efforts will be made to transition services from the County to the JPA in order to reduce Countywide Cost Allocation Plan costs.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services;

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promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:


- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Cindy Burnham, Animal Services Administrator, 769-8796

Approved by:

DocuSigned by:

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Date 12/8/2022 | 10:27 AM PST

Elsa Mendoza Jimenez, Director of Health, 755-4526

Attachments:

Board Report

JPA Agreement

Resolution

MOA - Pilot Project, Amendment No. 3 & Board Order (2021)

MOA - Pilot Project, Amendment No. 2 & Board Order (2020)

MOA - Pilot Project, Amendment No. 1 & Board Order (2019)

MOU & Board Order - Pilot Project (2017)

MOU Amd. No. 1 & Board Order (2016)

MOU & Board Order (2015)