



**Summary
GreenPrint Committee**

Date: Tuesday, March 3, 2009 11:00 am Location: Council Conference Room 391

Committee Members Present: Nevitt, Chair; Linkhart, Vice-Chair; Lehmann

Committee Members Absent: Brown

Other Council Present: Madison, Robb

Agenda:

- 1) *Environmental Health Department's proposed revisions re: enforcement and fees*
 - 2) *American Human Study of Animal Control final report*
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1) Environmental Health Department's proposed revisions re: enforcement and fees

Committee Discussion

Sherry Purdy, Denver Environmental Health, reported that the agency has been working on evaluating Environmental Health penalties and animal services fees for over one year. She explained that fees are charged for licensing, permitting, etc. and fines (civil penalties) are charges for violating the law (for example, dog off leash). The benchmarking and cost analysis evaluation showed that DEH was not charging sufficiently to cover its costs. Last year, the City expanded its use of the administrative citation process (ordinance) and charged DEH with seeing how they can utilize this process. DEH intended to implement changes and use the administrative citation process to enforce its program and laws. Subsequent to the meetings held at City Council, the City Attorney's Office advised DEH that a charter amendment would be required for DEH to implement the administrative citation law. Since a Charter amendment was not feasible, the city attorney's recommended that DEH propose an ordinance to authorize the DEH Board to assess civil penalties administratively.

Ms. Purdy explained that the civil penalty process would be similar to the administrative citation and court process. She stressed that the importance of this measure was to encourage compliance quicker, promote behavioral changes, and to lessen court caseloads. She noted that the proposed fines will escalate for repeat offenders, similar to Court processes and will align with what DEH already does with other civil penalties such as food and pollution enforcement (see attachment). The civil penalties will not be greater than \$999 for each violation, but a late fee and interest will be assessed. If there are any disputes they will be heard by and Administrative Hearing Officer and final decisions can be appealed to district court. Councilmember Robb asked if the hearings officer would be stricter than a court process and she stated that she has reservations about implementing the civil penalties process for dog off leash penalties, which are too high in her opinion (\$500). Ms. Purdy said

their goals are to get compliance and to change bad behaviors, and stated that in some cases penalties for cruelty to animals, dog attack and bites, to name a few will stay in the judicial system for court discretion on final fines rather than the administrative hearings officer. In addition, there is significant training in these areas for enforcement staff and that enforcement of the dog off lease law can be at the discretion of the DEH officer. Ms. Purdy explained that sometimes dogs just get out of their yards and DEH staff tries to be sensitive in these circumstances. She added that fees go into the General Fund.

Councilmember Madison agreed that the off leash fees were too high and asked for other options and to hold off on this particular proposal. Nancy Severson, DEH, said they have been working with many of the City's stakeholders to propose these recommendations and they are planning more public input opportunities so they can include this issue in those meetings. Ms. Purdy added that in a recent forum, 50% of the attendees supported the dog off leash recommendation. Councilmember Robb asked if DEH has information that reflects how much the number of times constituents are cited for dog off leash violations which could help Council decide on this matter. Ms. Purdy said she would provide the information. Councilmember Robb asked how many enforcement officers work in animal control. Doug Kelley, DEH, reported that the agency employs 19 enforcement officers. There are 3 to 5 officers per shift and there are no plans in 2009 to expand staffing. Ms. Purdy stated that they will be at an INC meeting next Saturday, March 7, to get feedback from registered neighborhood organizations. Councilmember Robb said these decisions are hard on everyone, but she supports the civil penalties (fines) to be set by the DEH board.

Mr. Purdy said that DEH conducted a Market Benchmarking Analysis for the Animal Care & Control Division (ACC) fees. They found that the services (rabies vaccinations, veterinarian treatment, euthanasia fee, etc.) were not cost neutral and that ACC was only recovering 15% of its costs. When compared to six other metro area jurisdictions and six comparable cities in other states, Denver's ACC fees fell below other fees charged by these other jurisdictions.¹ DEH anticipates with the fee increases that it will recover 21% of its costs. DEH is also proposing that their board be authorized to set fees and regulations, similar to Parks & Recreation and Public Works' authority to set fees, after they have conducted public hearings. The proposed fee increases will impact vaccinations, licenses, boarding fees, permits, impoundments, and adoptions. There are no fee changes related to senior citizen's pet and service dog licenses, boarding birds, first impoundment, or micro-chipping.

Councilmember Lehmann said that the changes would require an extensive educational outreach and suggested that when DEH is ready to move forward with the penalties and fees that they provide an information sheet to each Councilmember for their newsletters. Councilmember Linkhart said he is not interested in raising fees now and asked for additional information regarding the comparisons from other counties. (See attachment) He asked staff if they looked at privatizing some of the service components. Ms. Purdy said they did look at how other privately run shelters operate and was included in the final recommendations. Councilmember Nevitt said he could schedule this item back to Committee for final review before DEH implements their fees, penalties, and rules.

¹ Cities surveyed and responding included Aurora, Table Mountain, Adams County, Maricopa County, and Portland.

2) Final Report: American Humane Study of Animal Control (Human Society of the United States/HSUS)

Committee Discussion

DEH – Animal Care & Control Division, contracted with the Humane Society in April 2008 to conduct an onsite evaluation of the ACC facility and processes which cost approximately \$20,000. The report was finalized in January 2009, but early findings were presented at a September Greenprint Committee in 2008, stated Ms. Purdy, DEH. In January 2009, ACC established a HSUS Task Force that will consider 550 recommendations from the final report and the task force will guide the implementation of the recommendations, which will also include identifying funding opportunities. The task force is tasked with the following:

- Review the HSUS evaluation report;
- Prioritize the HSUS recommendations;
- Weigh priorities against available resources;
- Decide as-is or modified implementation schedule;
- Develop working action plan; and
- Specify due dates.

The task force will meet over the next 4 to 6 months to develop an action plan based on the aforementioned tasks. The plan is to schedule periodic reports to Greenprint Committee.

Councilmember Nevitt asked if the new shelter from the Better Denver Bond project is moving forward. Ms. Purdy said the design phase for the new shelter is occurring now and that they are anticipating a move in date early 2011. Councilmember Linkhart asked if the Career Service Authority review of employee positions is completed. Ms. Purdy said the employee issues, including the reclassification of positions is complete. Doug Kelley, ACC, added that a recent adoption event held in the Webb Atrium was successful, noting that 100% of the animals were adopted by employees. He thanked the General Services agency for partnering for this event. Ms. Purdy said that all recommendations and decisions of the task force will be tracked. Councilmember Nevitt said he would schedule the updates to Committee.

Debra Bartleson
Council Legislative Services