



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

February 6, 2012

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To: Supervisor Zev Yaroslavsky, Chairman
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From: William T Fujioka
Chief Executive Officer

MOTION TO SEND A FIVE-SIGNATURE LETTER TO GOVERNOR BROWN REQUESTING NOT TO REPEAL THE HAYDEN LAW (SUPPLEMENTAL AGENDA ITEM 40-A, MEETING OF FEBRUARY 7, 2012)

Item No. 40-A on the February 7, 2012 Supplemental Agenda is a motion by Supervisor Antonovich to send a five-signature letter to Governor Brown requesting not to repeal the Hayden Law.

SB 1785 (Chapter 752, Statutes of 1998), also known as the Hayden Law, expanded the minimum impound time that animal shelters are required to hold stray or lost animals to four to six days before animals can be euthanized. Prior to SB 1785, the statutory time-frame for holding animals before euthanasia was three days. SB 1785 also requires public animal shelters to provide services to assist owners locate lost pets, including the posting of lost-and-found lists. Finally, for those shelters that choose to hold animals for only four days, SB 1785 requires that they offer expanded hours, including evenings and weekends, to allow time for owners to locate and pick-up lost pets and to increase potential adoptions.

SB 1785 is considered a State-mandated program and the State allocates an estimated \$23.0 million annually to reimburse local governments through the SB 90 process. Proposition 1A of 2004, the Local Government Protection Act, provides Constitutional protections against the State's imposition of unfunded mandates on local governments. The measure requires the State to either fully fund each mandate affecting cities, counties, and special districts or suspend the mandate's requirements

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for the fiscal year. As a result of the continuing State Budget crisis, most local government mandates have been suspended over the past couple of years, including the Hayden Law which has been suspended since FY 2009-10.

Since the suspension of the mandate, the Department of Animal Care and Control continues to enforce the SB 1785 mandated holding period and estimates that the cost to provide care under the extended time period is approximately \$600,000 annually based on the last full-year claim filed with the State in FY 2008-09. Furthermore, the Department indicates that the extended holding period offers more opportunities for owners to reclaim lost pets and for animal adoptions. In 2011, over 1,100 lost pets were returned to their owners after the third day.

On January 5, 2012, Governor Brown released his proposed FY 2012-13 State Budget which includes the permanent repeal of the SB 1785 mandate. The repeal of the mandate would reinstate the three-day holding period before lost and abandoned animals could be euthanized and would eliminate any State reimbursement to counties for SB 1785 related services or extended holding periods.

While there is Board policy to support legislation to reimburse local governments for the cost of complying with State regulations regarding the impoundment, treatment, care and housing of all stray and owner-surrendered domestic animals at public animal shelters, the Governor's January Budget proposes to repeal SB 1785 which would eliminate the mandate to comply with State regulations related to extended holding periods.

Because there is no specific Board policy to not repeal unfunded State mandates, such as the Hayden Law, **approval of this motion is a matter of Board policy determination.**

We will continue to keep you advised.

WTF:RA
MR:KA:er

c: Executive Office, Board of Supervisors
County Counsel