



Legislation Text

File #: 24-0184, **Version:** 1

Health and Human Services Agency (HHS) recommending the Board:

- 1) Make findings that the provision of Animal Services Hearing Officer services provided by William Wright, doing business as The Wright Law Office (The Wright Law Office) are in the public's best interest and that there are specialty skills, qualifications, and equipment not expressly identified in County classifications involved in the performance of the work in accordance with El Dorado County Ordinance Code, Chapter 3.13.030(b);
- 2) Approve and authorize the Chair to sign Agreement for Services 8437 with The Wright Law Office, in the amount of \$20,000, and for a retroactive term of September 1, 2023, through December 31, 2024;
- 3) Authorize the HHS Director, or Chief Assistant Director, to execute further documents relating to Agreement 8437, contingent upon approval by County Counsel and Risk Management, including amendments which do not increase the maximum dollar amount or term of the Agreement; and
- 4) Authorize the HHS Director, or Chief Assistant Director, to execute programmatic, administrative, and fiscal documents relating to Agreement 8437.

FUNDING: 15% Fees for Services, 9% Licensing/Permit Fees, 7% Public Health Realignment, and 69% General Fund, and in some cases, 100% Pet Aid Special Revenue Fund.

DISCUSSION / BACKGROUND:

Within the County of El Dorado's (County) jurisdiction, HHS Animal Services Division administers control of potentially dangerous or vicious dogs to protect the safety and welfare of the public. In accordance with Food and Agriculture Code Section 31602 et seq., a potentially dangerous or vicious dog is one that engages in aggressive behavior without provocation, including attacking, biting, or inflicting injury to a human or domesticated animal, or harassing people or other animals.

Animal Services may request a formal hearing, conducted by a Hearing Officer, to determine if a dog should receive the designation of "potentially dangerous" or "vicious." The owner(s) or keeper(s) of the dog must be notified and have the right to present evidence at the hearing. The Hearing Officer acts as an impartial party to ensure hearings are efficient and that due process is provided when adjudicating disputes to make judgments for the good of both the dog and the public.

Since July 1, 2020, The Wright Law Office has performed "as requested" Hearing Officer legal services for the Animal Services Division to resolve dog control disputes through Agreement 4580, which expired on June 30, 2023. This proposed Agreement 8437 is a new contract with The Wright Law Office, with the retroactive term effective September 1, 2023, through December 31, 2024, to ensure continuation of necessary Hearing Officer services, including facilitating pre- and post-seizure hearings and appeals to impound hearings. The retroactive term is being requested due to the previous Manager of Animal Services determining that Agreement 4580 would not be renewed, following his plan that Hearing Officer services would be transitioned and conducted by HHS staff (said Hearing Officer services would not require a licensed attorney to perform if the County had in-house staff trained that are removed from the case and can act as a neutral 3rd party). Animal Services staff were not notified or aware that Agreement 4580 had expired or did not get renewed.

Further, no HHSA employees were trained to conduct these hearings. Beginning in September 2023, not realizing that there was not an active contract in place, Animal Services staff utilized the services of The Wright Law Office to adjudicate active dog dispute cases. Following said service delivery, it was later discovered that there was no active agreement in place with this Contractor. Subsequently, Animal Services attempted to piggyback off of Code Enforcement's contract with this vendor, which delayed the contract renewal request process, and got eventual confirmation that their contract was specific to Code Enforcement needs and could not be utilized for Contractor payment. Initially, the expiring contract was overlooked as a result of a shift in Animal Services staff 's focus on ensuring day to day operations were covered due to the scheduled retirement of the long-time Manager of Animal Services.

HHSA is recommending the Board approve Agreement 8437 with the retroactive start date of September 1, 2023, as this would allow HHSA to pay for the services rendered by The Wright Law Office in September and October 2023, and will ensure continuity of these services throughout the term of this new Agreement.

ALTERNATIVES:

Should the Board decline to approve this recommendation, HHSA would not have a Hearing Officer available for dog control issues that arise under the jurisdiction of County's Animal Services Division, delaying pre- and post-seizure hearings. A delay in pre-seizure hearings could negatively affect the wellbeing of the impacted dog and the public. A delay in post-seizure hearings would burden the Animal Services Division with increased costs due to caring for animals for an extend period until a Hearing Officer is identified.

PRIOR BOARD ACTION:

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT:

Approved by County Counsel, Human Resources, and Risk Management.

CAO RECOMMENDATION:

Approve as recommended.

FINANCIAL IMPACT:

Sufficient appropriations were included in the Fiscal Year 2023-24 Budget and will be included in future budgets for the term of the Agreement.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Clerk of the Board to obtain signature of Chair on one original Agreement for Services 8437.

STRATEGIC PLAN COMPONENT:

Good Governance

CONTACT

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