

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 5/11/04
Department Name: Public Health
Department No.: 041
Agenda Date: 6/1/04
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Roger E. Heroux, M.P.A.
Public Health Department Director

STAFF CONTACT: Peggy Langle 681-5252
Deputy Director

SUBJECT: Gardner Ranch Investigation, Mustang Horses - Contingency Fund Transfer

Recommendation(s):

That the Board of Supervisors:

1. Approve the request of the Public Health Department for a transfer of County General Fund Contingency dollars in the amount of up to \$171,000.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with:

- I. Efficient Government: An efficient government able to respond effectively to the needs of the community.

Executive Summary and Discussion:

On April 8, 2003, County Animal Services staff opened an investigation into allegations of neglect of mustang horses on the Gardner Ranch property. Since that time, County Animal Services staff has worked closely with the District Attorney's Office making the decision to seize 167 horses requiring veterinary care. These animals have been treated at County expense. Additionally, continued monitoring of the horses on the Gardner Ranch has resulted in additional veterinary expenses and overtime costs.

At the termination of the seizure operations in September 2003, the County served Mr. Gardner with a "Notice to Comply" directing that he take certain measures to maintain the health of the remaining 400+ wild horses on the property. Observations by Animal Services Staff indicates that feeding of the horses is sporadic, the quality of the feed remains poor, and the animals continue to go for periods of time without adequate water. In addition, the horses are still being fed the stall waste imported from other horse ranches.

Mr. Gardner has also filed for Chapter 11 Bankruptcy protection, stalling his eviction by the owners of the Gardner Ranch, Jelmax LLP. Jelmax served Mr. Gardner with eviction papers on or about April 29, 2004.

With the onset of warmer weather, the depletion of available areas to graze, sporadic water and feed supplies, it is inevitable that the Gardner Ranch horses will deteriorate to the point where intervention is required. In addition, foals are being born on the ranch creating a greater need for adequate diets to be provided to nursing mares that have elevated nutritive requirements.

A dialogue has been initiated with Mr. Gardner's representatives and efforts are being made to resolve the situation in a non-adversarial manner. This request for County General Fund Contingency dollars is to ensure that in the event that the County is not successful in resolution of this ongoing investigation, appropriate action may then be taken, if needed, with the necessary resources to resolve this matter.

Mandates and Service Levels:

Under Penal Code Section 597, County Animal Services is the lead agency in determining whether an animal cruelty case will be referred to the District Attorney's Office for filing of criminal charges. Performance of animal welfare investigations is a mandated responsibility of County Animal Services. The increased service level required to perform this investigation has resulted in increased costs for staff time, other resources and veterinary services costs.

Fiscal and Facilities Impacts:

On September 9, 2003, your Board approved a request for transfer of \$51,795 from the County General Fund Contingency to cover unbudgeted extraordinary expenses for Animal Services for overtime salaries, extra help, and associated costs and veterinary expenses associated with the on-going Gardner Ranch investigation. As of this date, these funds have been fully expended.

In addition, a \$28,000 expenditure that was not included on the original contingency request was incurred by the District Attorney's office for horse wranglers associated with the prior horse seizures on the Gardner property. The County Administrator's Office has asked Animal Services to accept the transfer of this expense and to incorporate it into this new request for additional contingency dollars.

The addition of the \$28,000 horse wrangler expenditure already incurred brings the total request to \$171,000. The request before your Board today, should these contingency funds be needed, will be used primarily for costs associated with staff time, services and supplies, and veterinary care.

Therefore, the total projected unbudgeted costs associated with the Gardner Ranch Investigation for the Animal Services Program for the Gardner Ranch are estimated (*Footnote 1*) at \$222,795. The current request for General Fund Contingency before you is for \$171,000. If approved by your Board, a budget revision request will follow this action.

Footnote 1: These estimated costs do not include costs of the Sheriff or District Attorney's Office and additional costs may be incurred.

Special Instructions: N/A

Concurrence: County Counsel