

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: 6/9/05
Department Name: Public Health
Department No.: 041
Agenda Date: 6/21/05
Placement: Administrative
Estimate Time:
Continued Item: YES
If Yes, date from: 6/1/04

TO: Board of Supervisors

FROM: Elliot Schulman, MD
Public Health Department Director

STAFF CONTACT: Michael Harris 681-5214
Deputy Director

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

Recommendation(s):

That the Board of Supervisors:

1. Accept report of current status of Gardner Ranch Mustang Investigation.
2. Approve the request of the Public Health Department for a transfer of County General Fund Contingency dollars in the amount of \$83,393 for FY 2004-05, and a projected \$30,500 for FY 2005-06, in accordance with the Board action of June 1, 2004.

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 worked closely with the District Attorney's Office making the decision to seize 167 horses requiring veterinary care. These animals were 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 450+ wild horses on the property. Observations by Animal Services Staff indicated that feeding of the horses was sporadic, the quality of the feed remained poor, and the animals continued to go for periods of time without

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adequate water. Although instructed not to, the horses were still being fed the stall waste imported from other horse ranches.

Mr. Gardner 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 and he was eventually evicted off the ranch.

Mr. Gardner entered into a plea agreement with the County on September 2, 2004. Conditions of the plea agreement included he would agree to adopt out all wild horses. He is not to own or control any wild horses for the period of his probation, 5 years. He has been sentenced to serve 365 days in county jail which he is currently appealing. Mr. Gardner has been ordered to pay \$253,000 to the county, plus additional restitution to the Western Shoshone Defense Project, and all the hay suppliers to which he has bounced checks.

Ongoing care and adoption of the remaining estimated 450 + horses became the responsibility of County Animal Services staff in September of 2003. An extra help employee was retained to assist with the seven-day per week duties. A local expert in the capture of wild animals was retained to assist when the horses needed to be sorted, treated, have blood tests or be loaded for transport to adoption organizations. The County has had very beneficial cooperative relationships with many non-profit organizations helping with this project. Return To Freedom, American Wild Horse Sanctuary, based in the Lompoc area leased a hydraulic chute and operator to ensure safe handling of the horses. The WIN (Wild Horses In Need) organization assisted with adoption of the horses seized in the two seizure operations and assisted in providing food for the horses. National humane organizations assisted with grants to provide resources to help fund the project.

In January of 2005 the Rural Area Veterinary Services (RAVS) team of the Humane Society of the United States (HSUS) assisted with a gelding project (neutering) for the 78 remaining stallions on the ranch, to make them more adoptable. Due to the limitations of the facilities on the ranch and for safety reasons, this project was done after the mares and young horses were placed. Seventy-six (76) horses were gelded in two days (January 15-16) and all recovered well and were ready for adoption within two weeks.

Adoption outreach efforts have been very successful. To date 410 horses have been adopted. Numerous equine rescue organizations, as well as individuals, have provided adoptive homes for the wild horses in locations such as California, Arizona, Texas, Virginia, Georgia, Ohio, Michigan and Indiana. Forty-eight (48) horses are currently remaining on the ranch and commitments are moving forward to finalize adoption of these horses.

A number of equine rescue groups have been referred for potential adoptive homes. These are groups the county has not worked with to date. Applications have been received from some and are in progress with others. A timeline is being developed for release of the horses. In the event these adoptions do not materialize, Animal Services staff will work with the WIN organization to generate additional options for these final placements. It is expected that this process should be completed by 12/31/05.

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

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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 expenditures for Animal Services for overtime salaries, extra help, and associated costs and veterinary expenses associated with the on-going Gardner Ranch investigation for the period of 7/01/03 through 5/31/04. This transfer was made in last Fiscal Year 2003-04.

On June 1, 2004, previous Board action granted an additional request for transfer of up to \$171,000 from the County General Fund Contingency to cover ongoing unbudgeted extraordinary expenditures for the Gardner Ranch investigation. This included an actual \$28,000 expenditure that was not included on the original contingency request that was incurred by the District Attorney's office for horse wranglers associated with the prior horse seizures on the Gardner property, as well as, an estimated additional \$143,000 in new costs for ongoing overtime salaries, extra help, veterinary, and transport expenses to get the horses to their adoptive homes.

Therefore, the total actual unbudgeted costs associated with the Gardner Ranch Investigation for the Animal Services Program for the Gardner Ranch for the period of 7/01/03 through 6/10/05 are \$163,188. \$79,795 has been previously transferred from General Fund Contingency leaving the balance of \$83,393 left as our current request from Contingency for FY 2004-05 (7/01/04 – 6/10/05). A budget revision request for \$83,393 to transfer the dollars is included with this request.

In addition, an amount of \$30,500 is projected to be used from 6/11/05 through 12/31/05. It is our intention to return to your Board with an update on the status of the investigation and a request for the transfer of the projected \$30,500, after 12/31/2005.

Attachment A should detail the historical and current expenditures, along with our projections for costs through 12/31/2005. In addition, it will also detail the amount of contingency used and available, based upon previous Board action.

There are no facilities impacts associated with this request.

Special Instructions:

Please return a copy of the minute order to PHD Contracts Unit, 300 North San Antonio Road, Building 8, Santa Barbara, CA 93110 **Attn: Margaret Granger (805) 681 5367.**

Concurrence:

None required.

PUBLIC HEALTH DEPARTMENT - ANIMAL SERVICES

Attachment A

MUSTANG GARDNER RANCH INVESTIGATION

ACTUAL and PROJECTED EXPENDITURES

	ACTUAL Animal Services Time Period 7/01/03-5/31/04	ACTUAL District Attorney Wrangler Costs 7/01/03-5/31/04	ACTUAL Animal Services Time Period 6/01/04-6/10/05	TOTAL ACTUAL Animal Services Time Period 07/01/03-06/10/05	PROJECTED Animal Services Time Period 6/11/05-12/31/05	TOTAL ACTUAL and PROJECTED Animal Services Time Period 7/01/04-12/31/05
Personnel						
ACO Supv. - Peter Miller						
Regular	\$4,434			\$4,434		\$4,434
Overtime (9/9/03 to 5/31/04)	1,426			1,426		1,426
Overtime			\$14,584	14,584	5,000	19,584
ACO I, Extra Help						
Extra help and Regular (9/9/03 to 5/31/04)	2,445			2,445		2,445
100% time for Gardner Ranch			5,740	5,740	2,000	7,740
ACO I, Extra Help						
100% time for Gardner Ranch			1,009	1,009		1,009
Total Personnel Costs	\$8,305	\$0	\$21,333	\$29,638	\$7,000	\$36,638
Services and Supplies						
Contract Veterinarian:						
Weekly Evaluations	41,562		17,987	59,549	2,000	61,549
Testimony and Consultation (120 Hrs @ \$150 per hour)						
Coggins Test (450 Tests @ \$30 per test)						
Treatment, medications, wormer & vaccinations			3,988	3,988		3,988
Laboratory Costs (Hay Tests)	44			44		44
1 ton 4 WD truck with trailer hitch (Rental for 2 months)						
Flat bed trailer to haul hay (Purchase of Used Trailer)						
Fuel						
Supplemental Feed (\$300 per Week)			14,090	14,090	1,500	15,590
Wrangler Services		28,000	31,423	59,423	6,000	65,423
Less: Grants/Donations			(31,000)	(31,000)		(31,000)
Instruments and Equipment	894		1,100	1,994		1,994
Removal and Burial (3 horses)	895		-	895		895
Other/Incidentals/Out of State Transport	95		24,472	24,567	14,000	38,567
Total Services & Supplies	\$43,490	\$28,000	\$62,060	\$133,550	\$23,500	\$157,050
Total Actual Expenditures	\$51,795	\$28,000	\$83,393	\$163,188		
Total Projected Expenditures					\$30,500	\$193,688 Entire operation costs
Contingency Approved	\$51,795	\$171,000		\$222,795		\$222,795
Contingency Used	\$51,795	\$28,000		\$79,795		\$193,688 (w/\$83,393 & \$30,500)
Contingency Available	\$0	\$143,000		\$143,000		\$29,107 Total 6/1/04 contingency not used.
Date Contingency Approved	9/9/2003	6/1/2004				