



**Item Number: 2**

**City Council / Board of Directors**

**Public Hearing(s)**

**Meeting of: June 6, 2023**

**Submitted By:**

Jorge Duran, Code Enforcement Official  
Tara Taguchi, Deputy City Attorney

**Subject:**

Urgency Ordinance No. 2439 and Ordinance 2440 Amending and/or Temporarily Suspending Certain Provisions of Chapters 7.04 And 7.05 of Title 7 (Animals) of the Victorville Municipal Code for the Purposes of Addressing an Imminent Lack of Animal Sheltering Capacity and Facilities on the City, Revising Fee Provisions, Updating References to Responsible Personnel, and Declaring the Urgency Thereof

**Recommendation:**

That the Honorable City Council:

- (1) Open, conduct, and close a public hearing to receive citizen comments regarding Urgency Ordinance No. 2439 and the Municipal Code Amendments included therein;
- (2) Make the Environmental Exemption Finding relative to Urgency Ordinance No. 2439 based on Sections 15060(c)(2), 15378(b)(5), and 15301 of the CEQA Guidelines;
- (3) Make the Finding of Urgency;
- (4) Waive full reading and adopt (by four-fifths vote) Urgency Ordinance No. 2439;
- (5) Open, conduct, and close a public hearing to receive citizen comments regarding Ordinance No. 2440 and the Municipal Code Amendments included therein;
- (6) Make the Environmental Exemption Finding relative to Ordinance No. 2440 based on Sections 15060(c)(2), 15378(b)(5), and 15301 of the CEQA Guidelines;
- (7) Introduce Ordinance No. 2440 for adoption and first reading by title only; and
- (8) Waive further reading in full of proposed Ordinance No. 2440.

**Fiscal Impact:**

Due to the fee waivers and temporary suspension of certain fees contained within the proposed Ordinances, a decrease in revenues is expected and reflected in the proposed Fiscal Year 2023/2024 budget. Except as specifically called out as fee waiver or temporary suspension, Animal Care and Control fees will adhere to the master fee

schedule created by the City-Wide Comprehensive User Fee Study and adopted under Resolution No. 22-055 on June 7, 2022, or as updated by subsequent Council resolution.

**Strategic Goal:**

This item aligns with Goal B: Public Safety – Transition the focus of animal services to include active public information and outreach and increase services to reflect higher needs of the community. The proposed amendments and temporary suspensions will help increase animal licensing and the implementation of a City animal shelter to meet community needs.

**Background:**

On April 1, 2023, the City of Victorville (“City”) was served with a notice from the Victor Valley Animal Protection League (“VVAPL”) permanently terminating animal shelter services effective April 30, 2023. For over three decades, the City had relied on VVAPL to provide animal shelter and animal adoption services to City residents. On average, VVAPL processed 5,000-6,000 stray, seized, or relinquished cats/dogs annually and provided adoption services to all Victor Valley residents, including processing licensing, spay/neuter, and shelter veterinarian services for adopted animals residing within the City of Victorville. According to VVAPL, the decision to terminate shelter services was based on needed business operation changes. Service performance and contractual obligations from VVAPL and the City were consistently fulfilled and remained satisfactory. The Animal Care and Control Division of the City’s Code Compliance Department has begun to establish a temporary animal shelter and pet adoption center at our existing Animal Care and Control facilities. Concurrent efforts are underway to identify a long-term location for the City Animal Shelter.

City Staff are proposing amendments to certain provisions of Chapters 7.04 and 7.05 of Title 7 of the Victorville Municipal Code (“VMC”) to mitigate the sudden and unexpected loss of the VVAPL shelter in two main ways. The first is to temporarily suspend certain animal control tasks in order to prioritize limited shelter space for animals requiring quarantine and/or impoundment for human-related dog bite incidents or in connection with law enforcement or animal cruelty investigations. The second is to temporarily waive certain animal licensing and shelter impound fees to incentivize animal owners to license, vaccinate, microchip, and reclaim their stray cats and dogs and ease economic hardship. These measures will help avoid over-crowding and unhealthy conditions from developing in the City’s temporary emergency shelter and permit lost pets to be more quickly be reunited with their owners, which will in turn reduce the length of shelter stays.

**Discussion:**

Proposed Urgency Ordinance No. 2439 (Attachment A) and proposed Ordinance No. 2440 (Attachment B) will revise sections: 7.04.050(9), 7.04.060, 7.04.065, 7.04.100, 7.04.130, 7.04.140, 7.04.150, 7.04.160, 7.04.280, 7.04.290, 7.04.300, 7.05.040, 7.05.050, 7.05.060, 7.05.110, 7.05.120, and add a new Section 7.04.055 to Title 7 of the VMC to establish an animal license fee waiver for newly licensed dogs willing to be microchipped. The changes proposed to be made to the VMC by each of these ordinances are identical; however, passage of Urgency Ordinance No. 2439 (including

the findings of urgency contained therein) would make the VMC changes effective immediately, instead of approximately forty-five days from now. Attachment C contains a blackline comparison showing the proposed VMC changes.

Immediately upon receiving notice of service termination from VVAPL, Animal Care and Control Staff began to explore alternatives and options to establish an emergency animal shelter and pet adoption center. Staff began to assess animal shelter operations operated by public entities to identify operational support systems, priority equipment, and service needs. Staff also reached out to non-profit animal advocacy groups, such as Best Friends, for emergency shelter guidance, assistance with prioritizing needed equipment, establishing animal kennel cleaning best practices, managing sheltered animal inventory, public messaging, establishing pet adoption practices, and coordination with animal rescues.

The City's auxiliary equipment and processing facility located at 14154 Palmdale Road, which until recently provided space for 16 dog kennels and six catteries, has long been used by the City as an overflow facility to safely hold and quarantine animals. Animals at this facility are cared for by Animal Care and Control Staff and kennels are cleaned daily. This facility will be used to operate the City's emergency animal shelter until a long-term location is identified. To date, Animal Care and Control staff have expanded this facility adding 46 kennels and six additional catteries bringing the total animal shelter assets to 62 dog kennels and 12 catteries, respectively. Additional room is available for 12 more kennels. Each kennel can safely accommodate one large dog or 2-3 good tempered small to medium dogs.

Animal adoption operations are an important part of any animal shelter as they provide an opportunity to rehome pets and create space within shelter areas for additional animals. Our emergency animal adoption center will operate from the City's Animal Care and Control field operations office located at 14206 Amargosa Road. Efforts are underway by City facility maintenance staff to repair the rear awning and set up kennels that will be accessible to the public on an appointment basis. The adoption area will feature 12-16 dog kennels, six catteries, and will be supported by existing Animal Care and Control support staff. Support staff will process pet adoptions, clean adoptable animal kennels, market available adoptable pets and assist with logistical needs to ensure all adoptable animals have exposure to the public for adoption.

Currently, many shelters in the region are experiencing a high frequency of relinquished and stray animals and a lack of veterinarians, which conditions are straining animal shelters beyond their capacity and service limits. As such, adoption of Urgency Ordinance No. 2439 would immediately provide needed flexibility with managing available kennel space at the emergency animal shelter by eliminating the mandatory pick up of unwanted animals from pet owners until the City has found a new sheltering location and/or increases its current sheltering capacity significantly. The need to reserve critical space is related to the influx of stray animals picked up by Animal Care and Control Officers, or animals that require quarantine due to a bite to a human, or at the request of law enforcement or fire personnel.

The proposed urgency ordinance will also temporarily suspend the majority of “return to owner” fees for certain impounded animals that were found loose or stray, and fees for new animal licenses, subject to pet owners agreeing to microchip their animals. Increasing the number of microchipped pets is necessary and provides substantial benefits by boosting the ability of Animal Care and Control Officers to identify animal owners and reunite them with their lost pets and reduce the number of sheltered animals.

As is common practice when adopting urgency ordinances, staff is also taking steps to ensure that a virtually identical regular “back up ordinance” will be adopted through the standard ordinance process by requesting introduction and first reading of Ordinance No. 2440. This back up ordinance provides protection in case the urgency ordinance fails to secure the required 4/5 vote or is subsequently challenged.

The proposed urgency ordinance and back up ordinance also contain certain clean up edits identified when reviewing the subject sections of the VMC. These include replacing references to the “director of public works” with “Victorville City Manager, or his/her designee” and updating fee references to be consistent with the master fee schedule created by the City-Wide Comprehensive User Fee Study and adopted under Resolution No. 22-055 on June 7, 2022.

As noted in Section 21 of Ordinance Nos. 2439 and 2440, these ordinances are exempt from the requirements of the California Environmental Quality Act (CEQA) as set forth in the CEQA Guidelines in Title 14 of California Code of Regulations (“Guidelines”), because their adoption will not result in a direct or reasonably foreseeable indirect physical change in the environment (Guidelines §15060(c)(2)). They are also exempt as governmental administrative activity und Guidelines Section 5378(b)(5)), as the ordinances amend and establish temporary fee waivers with respect to existing animal control provisions of the VMC. Finally, the City’s expansion of its temporary emergency shelter facilities, while not a direct or indirect result of the passage of these ordinances, is categorically exempt from CEQA under Guidelines Section 15301, which permits minor alterations of existing public structures and facilities where the expansion of the current use is negligible.

Staff is recommending adoption of Urgency Ordinance No. 2439 and Ordinance No.2440 to facilitate the care and intake of animals at the City’s emergency animal shelter.

Staff remains available for any questions or comments the City Council may have.

**Attachments:**     A. Urgency Ordinance No. 2439  
                              B. Ordinance No. 2440  
                              C. Proposed changes to the VMC (blackline)