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7 *Exempt From Filing Fees Pursuant to Gov't Code § 6103*

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

11 ELIZABETH HUEG, an individual;) Case No. 30-2022-01282419-CU-WM-CJC
SAFE RESCUE TEAM, a California)
12 501(c)(3) non-profit corporation; CATS IN NEED) ASSIGNED FOR ALL PURPOSES TO
OF HUMAN CARE, a California 501(c)(3) non-) JUDGE MATHA K. GOODING
13 profit) DEPT. C-31
corporation)

14) **DECLARATION OF MONICA SCHMIDT**
15) **IN SUPPORT OF RESPONDENTS'**
16) **OPPOSITION TO PETITIONERS' EX**
17) **PARTE APPLICATION FOR A**
18) **TEMPORARY RESTRAINING ORDER**
19) **AND ORDER TO SHOW CAUSE RE:**
20) **PRELIMINARY INJUNCTION**

17 OC ANIMAL CARE, OC COMMUNITY)
RESOURCES and DOES 1 through 25, inclusive,)

18)
19 Respondents)

20) **Ex Parte Hearing:**
21) Date: November 1, 2022
22) Time: 8:45 a.m.
23) Dept: C-31
24)
25)
26)
27)
28)

23 **DECLARATION OF MONICA SCHMIDT**

24 I, Monica Schmidt, declare:

25 1. I am employed by Orange County Community Resources, OC Animal Care ("OCAC") as
26 an Assistant Director. I have personal knowledge of the following, except in those matters that are
27 stated upon information and belief, in which case I believe them to be true. If called upon as a witness,
28 I could and would testify competently to the facts stated herein.

1 2. I have been the Assistant Director of OCAC since November 2020. The Assistant
2 Director of OCAC is the operational manager accountable for planning, organizing, developing, and
3 directing the daily services and activities provided to the community based on program objectives and
4 priorities with the balance of public safety and animal welfare in mind. Operational scope of
5 responsibilities includes administrative management of staff and managers for animal control, shelter,
6 clinic, adoptions, licensing, and community outreach as well as coordination and professional
7 management of staff and resources. Developing, promoting, and maintaining effective relationships and
8 morale both internally and externally for continuity of program effectiveness and efficiency is critical
9 for positive leadership.

10 3. As Assistant Director, I along with my staff, based on our experience and applicable law,
11 determine what operational measures are necessary to ensure the health and safety of our animals and
12 the visiting public.

13 **Healthy, Adoptable Animals are Not Being Euthanized**

14 4. Despite taking in some of the most challenging dogs, OCAC is proud to report the save
15 rate for 2021 was 94.81% for dogs, which is above the animal care industry standard. Attached hereto
16 as Exhibit A is a true and correct copy of OCAC's Shelter Animals Count for January to December
17 2021.

18 5. OCAC's save rate of 94.2% for the first three quarters of the year - January – September
19 2022 exceeds the benchmark called for in the Strategic Plan and means that OCAC adopts, transfers,
20 transports and returns dogs to their family 94.2% of the time. The other 5.8% consist of dogs which are
21 irremediably suffering, died in care, or pose a public safety risk. Attached hereto as Exhibit B is a true
22 and correct copy of OCAC's Shelter Animals Count for January to September 2022.

23 6. Public safety is a top priority at OCAC. As such, the shelter does not turn away any
24 behaviorally challenged animal even if another shelter has. Our intent is to find responsible placement
25 for the animals in our care if possible. To do this, we have a consistent behavior evaluation process in
26 place to help find the most successful placement possible for the animals in our care.

27 7. OCAC is committed to finding responsible, life-saving outcomes that benefit the
28 community and pets we serve whenever possible. We focus on balancing safety in the community with

1 programming that assists some of our most vulnerable and at-risk animals with finding a positive path
2 out of the shelter. Programming includes our rescue adoption partner program, foster program,
3 volunteer program, daily enrichment initiatives, and so much more. We are truly in this together for the
4 animals.

5 8. While OCAC regrets the need to euthanize, OCAC accepts that this is a responsibility of
6 a municipal shelter charged with the priority of public health and safety. It is critical we keep in mind
7 the safety of the animal, shelter staff, and the community.

8 9. Our nearly 95% save rate for dogs exceeds the benchmark called in the OCAC Strategic
9 Plan and employs a behavioral dog review process that considers the individual circumstance of high-
10 needs dogs that come to the shelter.

11 10. OCAC acknowledges that it has a mandatory duty under Food and Agriculture Code
12 (“FAC”) § 31108(b)(1) to release adoptable animals to an animal rescue organization prior to
13 euthanasia. However, FAC § 17005(a) describes adoptable animals as (1) those eight weeks of age or
14 older which (2) have not manifested behavioral or temperamental defect which could pose a health or
15 safety risk or (3) which have not manifested signs of medical conditions that adversely affect the health
16 of the animal in the present or future. OCAC also maintains that it has the discretion not to release an
17 animal that is not adoptable under FAC §17005(a). As such, OCAC’s operation is consistent with these
18 requirements. Animals which have presented serious behavioral or temperamental defects may be
19 euthanized and those with less serious behavioral histories or medical concerns that could reasonably
20 treated are offered to rescue groups through OCAC’s Rescue Track system.

21 11. Before performing euthanasia for behavioral reasons, every dog is reviewed by the
22 Behavior Evaluation Committee (“BEC”). The BEC is comprised of knowledgeable and experienced
23 animal care team members throughout OCAC’s program sections and is generally rotational in nature.
24 The BEC’s role is to evaluate behavior and medical information as reported by shelter, field and
25 veterinary staff, as well as documented history provided by the owner or the public to determine the
26 best option for the animal in consideration of safety for the public and safety for the animal itself.

27 12. All impounded animals are held at minimum, for the legal retention period pursuant to
28 FAC § 31108, except those animals that may be underage and/or irremediably suffering, pursuant to

1 FAC § 17006. Without proper Animal ID numbers, OCAC is unable to substantiate any of Petitioners'
2 claims about the animals.

3 13. The BEC determines the availability of special needs animals to be promoted for rescue
4 placement. The determination is largely based on public safety and adoptability. Animals deemed
5 unsafe behaviorally by the BEC due to history and/or patterns of aggression are not promoted to rescue
6 partners. FAC § 17005(a) describes adoptable animals as (1) those eight weeks of age or older which
7 (2) have not manifested behavioral or temperamental defect which could pose a health or safety risk or
8 (3) which have not manifested signs of medical conditions that adversely affect the health of the animal
9 in the present or future. OC Animal Care also maintains that it has the discretion not to release an
10 animal that is not adoptable under FAC § 17005(a). As such, OC Animal Care's operation is consistent
11 with these requirements.

12 **OCAC Shelter Is Open to the Public and Adoptions are Facilitated Daily**

13 14. Contrary to Petitioners' allegations, OCAC is not closed to the public and public access
14 to the animals is not being prevented by OCAC. OCAC's doors are open to the public seven days a
15 week from 8:00 a.m. to 5:00 p.m. Adoption appointments and walk-ins are available seven days a
16 week from 11:00 a.m. to 5:00 p.m.

17 15. The OCAC animal shelter serves 14 contract cities, unincorporated areas of Orange
18 County, provides temporary shelter and medical care for lost or stray animals and promotes adoption of
19 these animals. It is critical but challenging work as the animals that come to the shelter are lost,
20 frightened, injured or ill. The shelter's responsibility is to serve as a temporary waystation, to assess
21 and stabilize these animals and, as quickly as possible, to find them adoptive homes when appropriate.
22 To do this, staff must learn as much as they can about the animal and the potential adopter, to ensure it
23 is a good match that will result in a stable and safe placement.

24 16. Prior to implementation of the Adoption by Appointment system, a potential adopter
25 would come to the shelter, wander unattended through the kennels, oftentimes trying to pet the animals
26 in their cages and then search for an attendant to visit a pet. The high volume of foot traffic in the
27 kennels agitated the animals, making many of them seem aggressive or fearful and most pet visit
28 requests were based on pet appearance not personality.

1 17. OCAC did its best to accommodate pet visits in a timely manner but it was not
2 uncommon for there to be long lines with wait times of more than an hour. If a pet visit was not
3 successful, there was no opportunity to extend it and often visits were shortened due to the number of
4 visitors in queue. Frequently there were customer altercations regarding a uniquely desirable animal
5 and lengthy wait times compounded this further.

6 18. Finally, the high volume of visitors waiting to see an animal created a crowded
7 environment at the shelter making it difficult for staff and volunteers to keep the public a safe distance
8 away from the dogs they were walking. Animals both in kennels and on walks were subjected to
9 visitors approaching them rapidly and unexpectedly and, unfortunately, bites to visitors were not
10 uncommon.

11 19. Adoption by Appointment originally came about in response to COVID-19 to ensure
12 compliance with social distancing requirements and pandemic protocols, while not impacting adoption
13 levels. As a municipal animal shelter, OCAC did not have the option of stopping business. With a
14 steady flow of animals coming to the shelter it was critical to pivot to a new adoption system that
15 would ensure animals continued to be placed in the community. Once this initial pivot took place, staff
16 began to notice subtle improvements to the adoption system. To ensure the change was not anecdotal,
17 data was gathered to validate staff's experience. Initial review of common shelter statistics such as
18 shelter save rates, length of stay metrics and capacity levels indicated that OCAC was implementing a
19 better practice for facilitating adoptions which lead to OCAC formalizing the Adoption by
20 Appointment system in early 2021.

21 20. The Adoption by Appointment system is based on improving the adoption experience for
22 the community, the animals and OCAC staff. To accomplish this, it was determined that the following
23 objectives must be met:

- 24 a. *Community:* Improve the customer service model to reduce the time it takes to adopt
25 while maximizing the potential for the adopter to be matched with an animal that fits
26 their lifestyle.
- 27 b. *Animal:* Decrease the amount of stress the animal experiences in the kennel to give it the
28 best opportunity to demonstrate its true personality and traits and avoid accidentally

1 provoked bites.

- 2 c. *Staff*: Increase the uninterrupted time staff has to dedicate to adoption counseling and to
3 care for and interact with the animal so they are well versed in the animal's habits and
4 personality.

5 21. While these are the chief individual objectives for each stakeholder group, the most
6 prevalent overall objective and responsibility for OCAC is to maintain and/or increase the safety
7 associated with the appointment visits and the adoption placements. While animal welfare is a core
8 component of OCAC's mission, public safety is a fundamental responsibility of OCAC and one that
9 ultimately drives all programming. Given these potentially competing priorities, a working group of
10 OCAC staff was formed to design a single workflow to serve as the backbone of a new adoption
11 system. This collaboration and hard work resulted in the Adoption by Appointment system.

12 22. *How Adoption by Appointment works*: When a community member is interested in
13 adopting a new family member from OCAC, they are encouraged to visit the OCAC website
14 (www.ocpetinfo.com) and view the animals available for adoption. While new animals come to the
15 shelter daily, the website gives a good representation of the numbers and types of animals currently
16 available. Once a potential adopter has browsed the website, they are asked to make an appointment to
17 come visit specific dogs for matching purposes in a play yard with a trained Animal Care Attendant, or
18 for cats and other species, potential adopters are asked to set a time to visit with available animals.
19 Over 400 appointments are available weekly, and appointments can be made online or via phone with a
20 limited number of walk-ups still available each day based on staffing availability.

21 23. When requesting a visit/appointment with a dog, staff have a conversation regarding what
22 type of animal they are hoping to adopt. The OCAC team asks a series of questions intended to help
23 the adopter consider what type of pet would fit best in their home, family and lifestyle. However, the
24 questions are not a screening application as animal care industry research has demonstrated that pre-
25 adoption vetting of applicants for economic or lifestyle qualifications does not consistently produce
26 better adoption matches. Additionally, adoption application models make it difficult to quantify the
27 impact and importance of the human-animal bond.

28 ///

1 24. The OCAC's adoption team is made up of customer service adoption counselors and
2 animal care attendants who serve as the primary contact during the appointment, augmented by OCAC
3 support staff and volunteers. For dog visits, the team reviews information about the selected dogs with
4 the potential adopter to evaluate if the animal is a potential candidate and fits the description of what
5 the adopter is looking for. OCAC animal care attendants are the primary caretakers for the animals and
6 are most familiar with their behavior, temperaments, and preferences. They serve as an excellent
7 resource for a potential adopter. The adopter is greeted by an OCAC adoption counselor, their
8 appointment information is confirmed and then they are escorted by an animal care attendant to a
9 private play-yard to meet the pet they have selected. This process, which used to be first-come first-
10 serve, could routinely require waiting in line for hours on the weekends, now takes approximately 15
11 minutes from time of arrival to the animal visit.

12 25. Additionally, members of the public with appointments are free to walk with their
13 adoption counselor through cat kennels and exotic pet kennels because cats and exotic pets are of
14 different temperaments and pose a far lower level of risk to potential adopters than dogs.

15 26. While the adopter visits with the animal in the play-yard, the animal care attendant takes
16 the opportunity to discuss what they know about the animal and to engage in conversation about what
17 they understand the adopter is looking for. This affords the adopter the one-on-one opportunity to ask
18 their specific questions and to learn about the history of this potential furry friend. Oftentimes the
19 match is a good one and the adopter and the animal have a chance to get to know each other. In other
20 cases, this time is spent learning the valuable lesson that the match is not a good one for the animal or
21 the adopter. OCAC staff is trained to guide these important conversations and to encourage honest
22 evaluations. If the animal in question is not a good fit, the adoption team often has other pre-identified
23 animals in queue that may be a better match, based on information the adopter has provided and the
24 visit has indicated.

25 27. The appointment concludes with the potential adopter either completing the adoption or
26 leaving with good information about what type of animal they are well suited to and how to monitor
27 future OCAC inventory. Either outcome is not stressful for the animal as it simply has had extra out-of-
28 kennel, monitored playtime guided by staff that is familiar with them and their specific needs. The

1 entire adoption appointment usually is completed within 30-60 minutes and both the campus and main
2 lobby are characterized by a calm and cheerful (free from conflict) atmosphere which is pleasant for the
3 potential adopter. Finally, the entire Adoption by Appointment system is structured with safety in
4 mind, eliminating unsupervised visits and unintentional provocation of animals in OCAC's care.

5 28. The Adoption by Appointment system is funded with existing resources and no additional
6 costs are incurred. Ironically, the Adoption by Appointment system actually avoids costs associated
7 with the overtime that results from long lines and fluctuating, unpredictable service demand.
8 Additionally, the system has significantly reduced risk and the associated claims related to
9 unsupervised shelter visitors. Finally, since the match of animal to adopter is much more likely to be a
10 good fit, fewer animals are returned to the shelter and fewer dollars are dedicated to repeat adoptions of
11 the same animal.

12 29. The success of the Adoption by Appointment system is remarkable. Without additional
13 allocation of funds, this single workflow adjustment meets the needs of the community, the animals and
14 OCAC staff. It has improved the customer service model for potential adopters, reducing the time it
15 takes to adopt while maximizing the potential for the adopter to be matched with an animal that fits
16 their lifestyle. The customer experience is individualized to their specific needs and visiting the
17 campus is a calm and pleasant experience. With regards to the animals, it significantly decreases the
18 amount of stress the animal experiences and it gives the animal the best opportunity to demonstrate its
19 true personality and traits. It is designed to avoid unanticipated or unsupervised interactions and avoid
20 accidentally provoked bites. Perhaps best of all, the Adoption by Appointment system increases the
21 uninterrupted time staff has to dedicate to adoption counseling and to care for and interact with the
22 animals. OCAC staff take pride in their jobs and this gives them the time and opportunity to be well
23 versed in the animal's habits and personality in order to find their forever home.

24 30. At the core of these successes is one common and critically important theme - safety.
25 Animals are placed in homes that they are well suited for, decreasing the chance of in-home incidents
26 and reducing the overall adoption return rate (from 2019 to 2021) by 18.6% percent. On campus,
27 animals are guarded from unsupervised stimulation and from visitors putting fingers into their kennels.
28 What may be meant by a visitor as a friendly gesture is often seen by an animal as provocation, and it is

1 not uncommon for bites to occur. When a dog bites for whatever reason, even in shelter, that becomes
2 part of their history and can dramatically impact the animal’s chance of adoption. Additionally, when
3 in-shelter bites occur, claims are filed, and lawsuits launched. Adoption by Appointment has reduced
4 in-shelter bites (from 2019 to 2021) by 87 percent, promoting safety and managing financial exposure.
5 The safety of the community, the animals, and OCAC staff is prioritized in this model putting the focus
6 where it should be on - animal welfare and public safety.

7 31. This process has increased the rate of animals staying in their new home and not being
8 returned. It also supports OCAC’s amazing save rate of 94.8% for dogs and 81.05% for cats.

9 32. Any changes to the current procedures would cause significant disruption to the
10 operations at OCAC and be detrimental to the health and safety of our animals and the visiting public.

11 **OC Rescue Track**

12 33. OCAC is proud to serve as a way station for sick, stray, injured, or aggressive animals.
13 Furthermore, OCAC does not turn away any behaviorally challenged animal even if another shelter has.

14 34. To ensure that placement is a good fit for animals with special needs, OCAC relies on
15 trained staff who have years of experience in finding positive placements for special needs animals.
16 The placement of these animals takes time, consideration, and the collaboration of OCAC staff, rescue
17 partners, and the community at large.

18 35. One program used to find responsible, positive pathways out of the shelter for the
19 animals with special medical and/or behavioral needs is OC Rescue Track.

20 36. OC Rescue Track, a networking program that is well-known in the shelter world and
21 considered to be an excellent networking system, is used daily to facilitate communication between the
22 shelter and adoption potential partners.

23 37. While OCAC strives to identify special needs animals at intake, behavior and medical
24 issues may be noted or arise at any time, which may cause an animal to be placed on the OC Rescue
25 Track lists any time after impounding.

26 38. These lists are intended to help OCAC’s Adoption Partners identify animals that may
27 have special medical and/or behavioral needs that may prevent them from being available for adoption
28 by the general public. These pages are live and provide the most current information on special needs

1 animals at OCAC and Adoption Partners are encouraged to check the page frequently for any updates.

2 39. In addition to medical notes, written documentation, pictures, and videos, once placed on
3 OC Rescue Track, Adoption Partners will see the following designations for each animal:

4 a. Status

5 i. RESQ-BHV (behavior)

6 ii. MEDICAL (animals with special medical conditions or needs)

7 iii. RESQ (animals may be animals too young for adoption or animals that have
8 special circumstances.)

9 b. Level of Urgency

10 1. Alert!

11 1. These pets are being promoted to find rescue interest but may be available
12 for public adoption.

13 2. High Alert!

14 2. These pets are currently at risk of euthanasia. They are urgent and need
15 rescue assistance.

16 3. Euth Alert!

17 3. These pets are currently set for euthanasia and have set deadlines. They
18 are in need of rescue commitment.

19 40. Through OC Rescue Track, anyone interested in adopting an animal with special needs is
20 given the opportunity to express their interest at any time. Those who want to inquire about an animal
21 listed can use the Take Action button displayed next to each shelter pet.

22 41. By clicking the Take Action button, interested Adoption Partners can request additional
23 information, commit to adopt, request for an extension should the animal have a set deadline for
24 euthanasia, submit a comment, and share the animal's information with fellow Rescue Members.
25 These entries are directly forwarded to the appropriate OCAC staff.

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1 **All Shelter Animals Are Receiving Proper Care**

2 42. All animals at the OCAC shelter are receiving proper care, food, water, medical attention,
3 exercise and socialization. OCAC’s shelter kennels are designed to provide a larger than average
4 footprint for each animal to ensure primary enclosures provide sufficient space to allow each animal to
5 make normal postural adjustments, e.g., to turn freely and to easily stand, sit, stretch, move their head
6 without touching the top of the enclosure, lie in a comfortable position with limbs extended, move
7 about and assume a comfortable posture for feeding, drinking, urinating, and defecating. The shelter
8 kennels allow animals to see out, but also provide at least some opportunity to avoid visual contact with
9 other animals, thereby reducing kennel stress. Cat kennels feature a divided space for litter pans as well
10 as perching shelves. Large dog kennels feature indoor/outdoor living areas which allow for fresh air,
11 maximizes living space, and provides room to freely move around.

12 43. OCAC has 3 full time veterinarians, multiple contract veterinarians, 1 Supervising
13 Registered Veterinary Technician, 5 licensed Registered Veterinary Technicians, and 1 Veterinary
14 Assistant providing daily evaluations and medical care. In addition, OCAC contracts with an after-
15 hours emergency veterinary clinic for additional support services. As a municipal shelter, OCAC is a
16 waystation for animals, and as such, the trained veterinary team is experienced and knowledgeable in
17 operating at a high volume, high quality level of care. An emphasis is placed on working with every
18 team across the shelter to find quickest, positive pathway out of the shelter when humanely appropriate.

19 44. All animals in the shelter receive responsible and individualized care. Animal Care
20 Attendants thoroughly clean every kennel each morning and continue to spot clean throughout the day.
21 Animals are fed a minimum of twice per day, with individualized meal plans for those that have special
22 needs. OCAC provides in-kennel enrichment daily for all animals. OCAC strives to have every
23 eligible dog receive out-of-kennel time every other day. Not all dogs are eligible or safe to be handled
24 outside of the kennel except for medical evaluation. Enrichment is critical for the dogs, but our staff
25 and volunteer safety are a priority. OCAC staff is experienced in dog handling. Every effort is made to
26 enhance a dog’s stay at the shelter and place it quickly into an adoptive home.

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28 //

1 **Staffing Levels**

2 45. Like so many organizations across the County and nation, OCAC is experiencing a
3 staffing shortage. OCAC consistently experienced a 23%+ vacancy rate all summer that can be
4 exacerbated at times by COVID quarantining of impacted staff and leave of absences. OCAC is in the
5 selection phase for Animal Care attendants (Kennel Attendants) and recently hired one from our current
6 list. OC Animal Care has been focused on filling vacancies despite the challenges faced by many
7 employers over the last year in doing so. In the Animal Care Attendant classification, the program had
8 several candidates who initially accepted an offer of employment, but after some time of going through
9 background and pre-employment medical clearance, those candidates became unresponsive to
10 communications regarding the position. Ultimately, other candidates had to be considered. The
11 program has recently filled one (1) permanent position and one (1) temporary Extra-Help position in
12 the Animal Care Attendant classification. The program is waiting for two (2) additional candidates who
13 have accepted offers of employment in this classification to complete background and pre-employment
14 medical clearance before start dates can be established. In addition, a custodial temporary agency
15 contract has been utilized to provide contingent employees to assist with non-animal handling cleaning
16 tasks.

17 46. Attached hereto as Exhibit C is a true and correct copy of OCAC's Summer 2022 Fact
18 Checker document which was released to address concerns and misperceptions about OCAC.

19 I declare under penalty of perjury of the laws of the State of California that the foregoing is true
20 and correct.

21 Executed this 31st day of October 2022, at Tustin, California.

22
23 
24 Monica Schmidt, Declarant

EXHIBIT A



Shelter Animals Count

National Shelter Statistics Project Data Matrix

Jan - Dec 2021

SPECIES BY AGE		DOG					CAT		ALL		
		ADULT	JUVENILE 0-5 Months		ADULT	JUVENILE 0-5 Months		TOTAL			
INTAKE	A	BEGINNING SHELTER COUNT: 01/01/2021			123	0		33	18	174	
	B	Stray/At Large			2,309	203		815	3,545	6,872	
	C	Relinquished by Owner			409	28		117	115	669	
	D	Owner Intended Euthanasia****			4	0		6	0	10	
	E	Transferred in from Agency			0	0		0	0	0	
	F	Other Intakes (Includes Confiscates resulting from bites or cruelty investigations and Disaster related impounds)			455	30		127	77	689	
	G	TOTAL LIVE INTAKE (B+C+D+E+F)			3,177	261	3,438	1,065	3,737	4,802	8,240
	H	ADJUSTED TOTAL INTAKE (G-D)			3,173	261	3,434	1,059	3,737	4,796	8,230
LIVE OUTCOMES	I	Adoption			1,159	139		382	1,874	3,554	
	J	Returned to Owner			1,260	43		105	17	1,425	
	K	Transferred to another Agency			522	54		361	1,084	2,021	
	L	Returned to Field (TNR Program)			0	0		0	0	0	
	M	SUBTOTAL: LIVE OUTCOMES (I+J+K+L)			2,941	236	3,177	848	2,975	3,823	7,000
OTHER OUTCOMES	N	Died in Care			21	4		26	124	175	
	O	Lost in Care			1	0		2	2	5	
	P	Shelter Euthanasia			135	9		293	441	878	
	Q	Owner Intended Euthanasia****			4	0		6	0	10	
	R	SUBTOTAL: OTHER OUTCOMES (N+O+P+Q)			161	13	174	327	567	894	1,068
	S	TOTAL ASILOMAR OUTCOMES (M+P)			3,076	245	3,321	1,141	3,416	4,557	7,878
	T	ENDING SHELTER COUNT: 12/31/2021			207	4		26	33	270	
		ASILOMAR LIVE RELEASE RATE/PERCENTAGE (I+J+K+L)/S*			95.61%	96.33%	95.66%	74.32%	87.09%	83.89%	88.86%
	SAVE RATE/PERCENTAGE M/(M+R)**			94.81%	94.78%	94.81%	72.17%	83.99%	81.05%	86.76%	
		Adult Dogs	Juvenile Dogs	All Dogs	Adult Cats	Juvenile Cats	All Cats				

*Live release rate was calculated by dividing the Live Outcomes by the Total Asilomar Outcomes. Note that owner surrender for euthanasia (owner intended euthanasia) and died/lost in care were removed from totals per the Asilomar accords formula.

**Save rate includes animals surrendered for euthanasia as well as animals which were lost or died in care.

****Proof of animal suffering impacting life quality or aggressive behaviors presenting a risk to public safety are required by owners requesting this service.



1630 Victory Road, Tustin CA 92782
www.ocpetinfo.com

EXHIBIT B



Shelter Animals Count

National Shelter Statistics Project Data Matrix

January - September 2022

SPECIES BY AGE		DOG					CAT		ALL		
		ADULT	JUVENILE 0-5 Months		ADULT	JUVENILE 0-5 Months		TOTAL			
INTAKE	A	BEGINNING SHELTER COUNT: 01/01/2022			231	8		49	367	655	
	B	Stray/At Large			2,034	247		701	3,859	6,841	
	C	Relinquished by Owner			306	51		94	91	542	
	D	Owner Intended Euthanasia****			1	0		1	0	2	
	E	Transferred in from Agency			0	0		0	0	0	
	F	Other Intakes (Includes Confiscates resulting from bites or cruelty investigations and Disaster related impounds)			431	26		94	66	617	
	G	TOTAL LIVE INTAKE (B+C+D+E+F)			2,772	324	3,096	890	4,016	4,906	8,002
	H	ADJUSTED TOTAL INTAKE (G-D)			2,771	324	3,095	889	4,016	4,905	8,000
LIVE OUTCOMES	I	Adoption			1,159	209		340	1,509	3,217	
	J	Returned to Owner			1,074	38		75	38	1,225	
	K	Transferred to another Agency			365	59		250	929	1,603	
	L	Returned to Field (TNR Program)			2	0		0	0	2	
	M	SUBTOTAL: LIVE OUTCOMES (I+J+K+L)			2,600	306	2,906	665	2,476	3,141	6,047
OTHER OUTCOMES	N	Died in Care			20	3		33	175	231	
	O	Lost in Care			0	0		0	5	5	
	P	Shelter Euthanasia			144	11		229	881	1,265	
	Q	Owner Intended Euthanasia****			1	0		1	0	2	
	R	SUBTOTAL: OTHER OUTCOMES (N+O+P+Q)			165	14	179	263	1,061	1,324	1,503
	S	TOTAL ASILOMAR OUTCOMES (M+P)			2,744	317	3,061	894	3,357	4,251	7,312
	T	ENDING SHELTER COUNT: 9/30/2022			219	3		47	166	435	
		ASILOMAR LIVE RELEASE RATE/PERCENTAGE (I+J+K+L)/S*			94.75%	96.53%	94.94%	74.38%	73.76%	73.89%	82.70%
		SAVE RATE/PERCENTAGE M/(M+R)**			94.03%	95.63%	94.20%	71.66%	70.00%	70.35%	80.09%
			Adult Dogs	Juvenile Dogs	All Dogs	Adult Cats	Juvenile Cats	All Cats			

*Live release rate was calculated by dividing the Live Outcomes by the Total Asilomar Outcomes. Note that owner surrender for euthanasia (owner intended euthanasia) and died/lost in care were removed from totals per the Asilomar accords formula.

**Save rate includes animals surrendered for euthanasia as well as animals which were lost or died in care.

****Proof of animal suffering impacting life quality or aggressive behaviors presenting a risk to public safety are required by owners requesting this service.



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EXHIBIT C



OC Animal Care

OC Animal Care Fact Checker – *Summer 2022*

Addressing concerns and misperceptions raised about the OC Animal Care Shelter

General Questions

- ***Is OCAC responsible for every animal in Orange County?***
 - No - OC Animal Care is fortunate to be part of a vibrant and caring network of municipal animal shelters, non-profit organizations, and animal rescues that meet the needs of un-homed animals in Orange County.
 - OCAC serves 14 cities and the unincorporated area, sharing the responsibility of caring for Orange County animals with 20 other jurisdictions.
 - For a list of cities OCAC serves, please visit ocpetinfo.com/about-us.
- ***Do all shelters have the same operational model?***
 - No. Just like each animal has its own story, each shelter has its own pathway to success. The operational model at OCAC is based on a compilation of industry best practices and the efficacy of this model is reflected in our metrics and the dedicated work of our staff.
- ***Why does OCAC euthanize healthy dogs?***
 - Public safety is a top priority at OC Animal Care. As such, the shelter does not turn away any behaviorally challenged animal even if another shelter has. Our intent is to find responsible placement for the animals in our care if possible. To do this, we have a consistent behavior evaluation process in place to help find the most successful placement possible for the animals in our care.
 - OC Animal Care is committed to finding responsible, life-saving outcomes that benefit the community and pets we serve whenever possible. We focus on balancing safety in the community with programming that assists some of our most vulnerable and at-risk animals with finding a positive path out of the shelter. Programming includes our rescue adoption partner program, foster program, volunteer program, daily enrichment initiatives, and so much more. We are truly in this together for the animals.
 - While we regret the need to euthanize, we accept it as our responsibility as a municipal shelter charged with the priority of public health and safety. It is critical we keep in mind the safety of the animal, shelter staff, and the community.
 - Our nearly 95% save rate for dogs exceeds the benchmark called in the OCAC Strategic Plan and employs a behavioral dog review process that considers the individual circumstance of high-needs dogs that come to the shelter.

- ***Do animals in the shelter receive any in-kennel or out-of-kennel enrichment programming?***
 - All animals in the shelter receive responsible and individualized care.
 - OCAC provides in-kennel enrichment daily for dogs. OCAC strives to have every eligible dog receive out-of-kennel time every other day.
 - Not all dogs are eligible or safe to be handled outside of the kennel except for medical evaluation. Enrichment is critical for the dogs, but our staff and volunteer safety are a priority.
 - OCAC staff is experienced in dog handling. Every effort is made to enhance a dog's stay at the shelter and place it quickly into an adoptive home.
- ***Why isn't a TNR program implemented in Orange County?***
 - TNR is a leading discussion topic in animal care agencies across the nation. Locally, it is OCAC's understanding that the release of unowned cats into the community is prohibited. At this time, the managed intake of healthy cats which does not bring them into the shelter is an industry best practice. We continue to monitor litigation processes happening around the state for rulings that may impact the penal code.
- ***Are there specific challenges facing the shelter post-pandemic?***
 - Yes. We are thankful that many people adopted animals during the recent pandemic but, as the world opens back up and people resume in-office work and normal travel routines, OCAC is seeing an increase of animals coming to the shelter. Additionally, OCAC's inventory consists of mostly large breed dogs, many of which have medical or behavioral challenges. Currently, over 95% of our available dogs are large breeds and nearly a third of our available dogs, including those with our longest lengths of stay, have medical or behavioral challenges impacting their adoptability. OCAC is proud to serve as a weigh-station for sick, stray, injured or aggressive animals but the placement of these animals takes time, consideration and the collaboration of our staff, our rescue partners, and the community at large.

Shelter Hours and Adoption System

- ***Is the Shelter open?***
 - Yes. The shelter is open for redemptions, license renewal, intake, and adoptions by appointment.

- ***Why did the Shelter start using an appointment system?***
 - Our new adoption-by-appointment system:
 - Is similar to the appointment-based and personalized service models of neighboring animal care service organizations such as Los Angeles County
 - Features over 400 appointments per week plus walk-ups
 - Provides a concierge-level of customer service to adopters
 - Minimizes wait times and promotes a positive adoption experience
 - Increases chances of matching the right pet to the right adopter
 - Minimizes stress on animals and lets staff see an animal's true personality
 - Allows staff more time to know the animals in-shelter and care for them
 - Avoids in-shelter customer altercations
 - Has reduced the in-shelter bite rate which protects the safety of our adopters, volunteers, and staff
 - All of this, while maintaining our terrific save rate
- ***Why can't I shop for a dog by browsing? Why do I need an appointment?***
 - Adopting a pet is an important decision and should not be made on impulse.
 - In the adoption-by-appointment system, our trained and experienced staff offers a concierge-style adoption experience from the time someone calls to make an appointment until they leave with their new best friend.
 - The adoption-by-appointment-based model helps decrease impulse adoptions and prioritizes matching pet-to-family as evidenced by our return rate for dogs decreasing by 23.8% (2020 vs. 2019) and 18.6% (2021 to 2019¹).
- ***Are walk-up appointments available?***
 - Yes. The doors are open at OCAC. While scheduled appointments are available for the convenience of potential adopters, the public is welcome to visit the shelter and sign up for a walk-in appointment during our hours of operation seven days a week from 11:00 a.m. to 5:00 p.m.

¹ Comparison made to 2019 as last full pre-pandemic year.

- ***Are potential adopters being turned away from the shelter?***
 - No. OCAC offers over 400 adoption appointments per week. Potential adopters are welcome to schedule an appointment by calling (714) 935-6848 or they can visit the shelter for the first available walk-in appointment.
- ***Does the adoption by appointment model limit an adopter's ability to visit with animals or does it limit an animal's chance of being adopted?***
 - No. The adoption by appointment model is an industry best practice designed to increase the adoption success for both the potential adopter and the animal involved. Each appointment features an individual visit between the potential adopter and the animal, supervised by a trained OCAC kennel attendant. During that visit, the adopting family can evaluate whether the animal is a good fit and if it is not, the kennel attendant can use that feedback to recommend a different animal for consideration. Adopting a forever friend should not be left to impulse or appearance, and our staff is well-versed in counseling adopters to make the best choice for their lifestyle. This careful consideration and investment of time in the adoption benefits the adopting family and results in the best possible placement for the animal.
- ***But I like to walk through the shelter and see the cute animals.***
 - We agree. Our animals are adorable; however, constant foot traffic through the shelter increases kennel stress and makes visiting pets less likely to show their true personality, which in turn delays them from finding their forever home.
 - Additionally, after implementing the adoption-by-appointment model the shelter bite rate to visitors decreased by 87% when comparing 2021 to 2019.
 - Not only is it critical that we keep our visitors and staff safe but, when a dog bites a visitor or staff member, that behavior is considered in adoption placement and will extend the animal's stay at the shelter.
- ***OCAC's appointment system keeps animals at the shelter for much too long.***
 - Not true. While across the nation the average length of stay has skyrocketed, the average length of stay for animals at OCAC is 11 days. This is consistent with the guidelines set forth by the Strategic Plan.
 - The adoption-by-appointment system has decreased the animal rate of return, demonstrating that the focused attention on each adoption is making the right match for both the pet and the forever family.

- ***Shouldn't less staff be needed if we are using the adoption-by-appointment system?***
 - No. Our staff members are crucial to OCAC and facilitate much more than adoptions.
 - OCAC's essential programs include 24/7 emergency field response; cruelty investigations; rabies program for the County; in-house clinic to provide high-quality care to the animals in our shelter; full shelter care services for our animals including cleaning and sanitization of animal housing, feeding, and enrichment; pet licensing assistance; a robust foster and volunteer program; special events like our monthly Pet Pantry for families in need; and so much more.
 - Nationwide, many shelters already worked off an appointment system. OCAC was able to replicate pieces of that programming and found numerous benefits, both to our customers as well as the animals in our care.
 - The adoption-by-appointment model is not intended to reduce work. Instead, it offers a concierge-style of service, reduction in wait times for customers interested in adopting, reduction in return rate through improved pet-to-family matching, and reduced bite rate to visitors.
 - During the pandemic it allowed for the ability to scale up or down based on any staff-related quarantine issues and modify traffic flow through the shelter, allowing OCAC to remain open for business.
- ***Has euthanasia increased tenfold since implementing the appointment system?***
 - No. Despite taking in some of the most challenging of pets, OCAC is proud to report our save rate for 2021 was 81.05% for cats and 94.81% for dogs.
- ***Why is an animal only scheduled for three appointments?***
 - Our adoption-by-appointment system is based on a first-come, first-served basis to provide a fair opportunity for everyone in the community to adopt, and preference is given to those who can visit at the next available appointment time.
 - Once an animal has a first appointment, we will accept up to two backup appointments.
 - Typically, highly desirable pets are adopted by the first family visiting with them. Highly desirable dogs like small breeds and young puppies can frequently have dozens of people wanting to adopt.
 - Once we have up to three appointments for the animal, staff assist in helping the interested party find another animal to visit with who is still in need of a family.

- ***Who decides that the appointment system will continue?***
 - The decision to maintain the appointment-based adoption model is made based on data and facts.
 - Data continues to prove that the adoption-by-appointment model:
 - Provides a much safer adoption process for the community as well as our pets as evidenced by our reduced bite rate to humans.
 - Allows for our trained staff to better match pets-to-families as evidenced by our reduced animal adoption return rate.
 - Does not impact the save rate as evidenced by maintaining a save rate consistently in the mid-90s percentile for dogs and low 80s percentile for cats.
 - **Fact** – Potential adopters would previously argue and fight (including physical altercations) over animals. The new appointment-based model removes this from the equation.
 - **Fact** – Families often waited several hours in the past to be helped when wanting to adopt. The adoption-by-appointment model allows us to control the flow of traffic and facilitate visits in a manner that ensures a positive experience for all.
 - **Fact** - Our team can facilitate up to 58 scheduled appointments each day with the ability to accommodate walk-up visitors as staffing allows.

Volunteer and Donation Management

- ***Is OCAC currently taking volunteers?***
 - Yes. OCAC is currently onboarding volunteers in a modified capacity. Much like the OC Zoo, volunteers at OCAC must go through an application process, background check, and specialized training as we care for live animals with a variety of temperaments, behaviors, and medical concerns. Currently, we focus our onboarding to fill specific volunteer opportunities based on our needs for the animals that require some experience and availability for certain time slots – cleaning, grooming, enrichment for large dogs, etc.
 - The safety of OCAC staff and its volunteers continues to be a priority to the County and, as we onboard new volunteers, health guidelines are being strictly adhered to including but not limited to increased sanitary measures, masking during min-COVID outbreaks, social distancing as possible, etc.

- ***Volunteers are asked to "scoop the poop" and do other messy tasks.***
 - True. Our animals are adorable but sometimes in a messy way. Volunteers assist with a variety of tasks and are asked to pick up after any pet when they are walking them or visiting with them in play yards. We also have volunteers who help groom or bathe our visiting pets to make them ready for adoption.
 - The primary responsibility of shelter cleaning is accomplished by paid staff. While volunteers may assist with light cleaning or picking up feces when walking a dog, OCAC staff is proud to care for the shelter and its pets, cleaning to a level consistent with industry standards.
- ***Are donations being accepted?***
 - Yes. At the height of the pandemic, we asked donors to use our Amazon Wishlist which allowed a safe, touch-free donation delivery method to help slow the spread.
 - Currently, we accept donations by mail or in-person drop-off.
- ***Is there a restriction on OCAC participating in community events and programming?***
 - No. During the pandemic, community programming was suspended due to state and local health restrictions. OCAC is thrilled that current COVID protocols now allow for re-engaging in community events and programming, and staff has been actively engaged this Spring in local pet fairs and school presentations. The safety of OCAC staff continues to be a priority to the County, and health guidelines are strictly adhered to including but not limited to increased sanitary measures, masking during min-COVID outbreaks, social distancing as possible, etc.

Collaboration with Municipal Shelters and Rescue Organizations

- ***Does OCAC network with other shelters and rescue groups?***
 - Yes. OCAC staff have experience in networking and know who to call - this can be based on breed, size, behavior, medical needs, etc.
 - Just last year, OCAC collaborated with hundreds of rescues and shelters resulting in the successful placement of over 4,000 various animals both in our state as well as across the nation and includes placement of a variety of species like dogs, cats, rabbits, guinea pigs, hamsters, reptiles, livestock, and birds.
 - Networking is a specialized skill and the unique needs of the animal and the adopting entity are reviewed carefully.

- ***How does OCAC ensure a placement is a good fit for an animal with special needs?***
 - We rely on our trained OCAC staff who have years of experience in finding positive placements for our special needs animals.
 - We provide written documentation, pictures, and videos to anyone interested in pulling an animal from our shelter with special needs. This occurs through OCAC's networking program called Rescue Track which you can find [here](#). Rescue Track is well-known in the shelter world and considered to be an excellent networking system facilitating communication between the shelter and adoption potential partners.

- ***OCAC relies heavily on rescues.***
 - True. We are all in this together. OCAC partners with rescue organizations and sister shelters to find responsible, positive pathways out of the shelter when adoption to the public may not be feasible. Working with rescue organizations is just one of many innovative programs at OCAC to assist animals in need.
 - Partnering with shelters and rescues is a leading, industry best practice utilized across the country by municipal and non-profit animal shelters.

