

Councilmember,

I am writing you to ensure I have done everything to provide the council with important information about the critical decision you will be potentially be making for West Des Moines' ("WDM") animals and citizens on Monday. I hope you will listen to the information I am providing, as my perspective reflects what I have learned and done over the last decade of working with WDM.

### **History of Animal Control in WDM/Involvement of Furry Friends Since 2010**

Furry Friends was built very specifically FOR the residents of West Des Moines and the cities it wanted to partner with at the time we became involved. Thousands of residents have engaged with our organization—whether to receive free or low-cost veterinary care, surrender an animal, volunteer, foster, or adopt. We have operated a uniquely robust junior volunteer program and have current students of yours who are active in our organization. In 2010, there was a citizen committee that was created to address the poor state of animal control. I still have all the documents from the committee and participated in it. I recall the moment when I saw the heartbreaking number of animals that were dying in the city-run shelter and how this completely changed the trajectory of what Furry Friends built to ensure that would never happen again. Looking through emails, I recall the uphill battles to convince the city of the need to vaccinate the animals. I recall the hostility that I received from the police department when I requested records and lobbied for a computerized system to report intakes and outcomes. I can see over a decade of requests to look at ordinances to try to improve them both for the safety of pets as well as for the safety of its citizens.

Out of that citizen committee came a finding that a new facility should be built by the city. This, however, ended up with a price tag of over \$3 million. As the city found themselves in a position that they would be required to issue a bond to build the new facility, the city came to an additional realization that housing animals is outside of the city's core competency. After meeting with the city manager in 2015, he was thrilled to have Furry Friends as a solution rather than the city invest the millions of dollars. Other organizations, including AHeinz 57, had the opportunity at that point to invest in the city and build what was needed. Only Furry Friends stepped up and made this huge commitment. We began the first of many very costly remodels and building projects in 2016 to add capacity specifically to hold strays for the city. The city paid nothing for this remodel.

### **WDM's Contract with Furry Friends Beginning in 2017**

While Furry Friends was shouldering the burden of multiple expensive building projects within West Des Moines (ultimately to the tune of nearly \$2 million for both facilities), it entered into a formal contract with the city in 2017. Prior to that, everything Furry Friends did for the city was without payment. The purpose of the 2017 agreement was to replace the city shelter and have Furry Friends staff provide care for the animals at its facility and reunify those animals with their owners. The city cited at the time that running a shelter and providing animal care was outside of their "core competencies" and that it would be better for this service to be provided by our organization. The city officers were to continue to be responsible for all impounding of animals and were to transport the animals to Furry Friends and enter them in to the now computerized system. This quickly shifted as the city officers perceived it was easier to send citizens directly to the shelter. While the citizens do clearly agree that they would prefer to be able to bring the animals to us rather than wait for the officers, this meant that Furry Friends staff started to become responsible for a substantial amount of work that was supposed to be performed by

the officers. While I informed several of the various supervisors who were assigned to animal control about this concern, I continued to instruct my staff to perform the work anyhow to ensure the animals received what they needed. These concerns never resulted in a reallocation of workloads. Rather, the timeline of the contract shows a continual increase of burden shifting culminating in this year where city employees have only handled 25% of the animals impounded by the city. While some of this may be attributable to staffing shortages by the city, Furry Friends was offered no compensation when it shouldered the burden for these shortages. While the city was not alone in struggles with staffing, Furry Friends was expected to and continued to provide its 74 hour a week availability through any shortages within their organization.

This caused great hardship on our organization as our staff is paid very little in comparison to the city officers and have many, many more responsibilities. The money from the city contract didn't come close to covering the costs of our staff providing services for West Des Moines animals, but we continued to push on for years. We covered the costs through volunteer labor and donations. I am sure anyone who spent time in the area over the two years of construction for the new facility saw me daily engaging in framing, working as a part of the concrete crew, running an excavator, on the roof, and digging trenches among many other things. This was apparently mocked by a number of people within the police department. Regardless, we persisted building more resources for the animals in West Des Moines.

#### **Vicious Dog Ordinance Revised without Knowledge or Input of Furry Friends**

A short while after completing the Furry Friends building in WDM, we became aware that the city had made a drastic change to their ordinances relating to dogs. While we have emails to the city requesting to be involved in reviewing the vicious dog ordinance dating back to 2012, the city decided to modify this ordinance without any input from Furry Friends and did not tell us either that the law was being modified or that it had been passed. (This is similar to the way WDM staff treated Furry Friends within the WestPet partnership—staff excluded Furry Friends from meetings and, at the one meeting to which Furry Friends was invited, canceled it without telling us.)

We became aware of the new vicious dog ordinance only when the city sent a dog owner to us to impound her dog in May 2021 and imposed severe restrictions, which essentially requiring the dog to live its life at our shelter or die as a result of one small bite puncture wound. We were concerned about the ordinance itself as well as how it was applied in this situation. We were also concerned that this was a continuation of a pattern of Furry Friends being left out of important conversations that impacted us.

#### **WestPet Partnership Ends with Urbandale and Clive Switching to Polk County instead of WDM Animal Control**

WestPet, the partnership between three cities who all utilized Furry Friends, was dissolved in 2022. The cities of Urbandale and Clive cited that they were not getting good value for their tax dollars through the West Des Moines field services. Clive and Urbandale moved to Polk County Animal Control (a contract which was about half the cost of what they had been paying for West Des Moines officers) and continued to partner with Furry Friends Refuge.

When WestPet was set to dissolve, WDM determined that it would continue to retain all four officer positions it held when it was serving three cities. The police department indicated at that time the field

officers would be involved in “community outreach” with their extra time but have never specified what that would entail. Rather than remain within public safety, the animal control officers were moved to public services after WestPet disbanded. At that time, one of these officers told me that he blamed me personally for him losing his job in the public safety division. He was retained by the city and moved to public services. I mention this because it appears that the personal animosity from certain city staff has been allowed to dictate important decisions affecting the animals and citizens of WDM.

### **City’s Discussions with Furry Friends after WestPet Dissolved**

At the end of WestPet, WDM again signed a contract with Furry Friends. Furry Friends, however, insisted on a commitment at that time to address the problematic vicious dog ordinance as well as address community cats through a TNR ordinance. An email from Tom Hadden on June 7, 2022 committed:

“I want to assure you that we have been working on the 28e, SOP’s and will also work on the ordinance. Our goal would be to be very close in content to surrounding communities with our vicious/dangerous dog ordinance. The ordinance amendments will be given more attention after the transition is complete as well as the 28E and SOPs, which must take priority due to the ending of WestPet at the end of June. We are dealing with many issues that require legal staff’s attention and sometimes they are required to place their efforts elsewhere. Our intentions are to get back to you very soon.”

No further discussions about the ordinance ever occurred. When Jessica Grove (assistant city attorney) was asked about it in January of 2023, she stated she “hadn’t had time.” When the city says we haven’t been able to reach an agreement, it is because there has been no communication.

Saying that Furry Friends doesn’t take safety concerns seriously is not true. On multiple occasions since Mr. Hadden’s email, Furry Friends has had to euthanize dogs brought to us because of serious safety concerns. In one instance, the euthanized dog had been left in the home for days after the biting incident because there was WDM no animal control officers working over the weekend. The prior ordinance in West Des Moines as well as ordinances in surrounding areas contain safety measures that are required for animals who have bitten; indeed, Furry Friends advocated for those to safety measures to be implemented at a much earlier time compared to when the city had historically intervened. In repeated prior instances, Furry Friends voiced concerns to officers about the environment in which a bite quarantine dog was being returned and suggested measures to reduce risk. The city has always had the ability to control this, and they most often chose to ignore (or, sadly, do the opposite of) any advice Furry Friends has provided over the years of the partnership. This is unlike any other animal control relationship we have seen. The city of Des Moines relies very heavily on the input from their contracted shelter partner (the ARL of Iowa) in making determinations on safety measures and outcomes for bite cases.

Furry Friends indicated that these discussions need to take place as they were promised under the signing of the 2022 contract. Rather than honor this commitment, the city has now chosen to double down on its ill-advised ordinance. In the process, the City is threatening to eliminate the years of progress in animal control and care that Furry Friends has built for city of WDM over the last decade.

### **Problems Related to Current Contract and City’s Future Proposal**

In Mr. Hadden's June 7, 2022 email he also indicated:

"We are open for you to pass on costs that you have to encounter when providing services directly to West Des Moines citizens. I have reiterated this on a number of occasions. Please let us know what those specific fees are and we will incorporate those into our agreement or SOP's, whatever makes the most sense."

This, however, has not been the response received when Furry Friends has indicated the work it is performing that is tasked to the city employees under the contract. Ms. Grove challenged the detailed information we provided about the animals coming in from West Des Moines after being directed by the city's website and the city's dispatch system to come to our shelter. She claimed the city had no "knowledge or control" about those animals coming in and dismissed the idea of compensating Furry Friends for this work performed by its employees. In other words, because animal control officers often do not actually bring the animals in (as they are supposed to under the contract), the City attempts to use their own officers' lack of diligence to not pay Furry Friends for its work for the City's animals.

Meanwhile, until this week, all animal control/neighborhood service specialist employees have enjoyed working only Monday-Friday 7am-3pm for all of 2023. When we raised concern that the two existing officers were working the exact same hours rather than provide more extended availability to the citizens we were harshly told we were a "vendor" and the city need not answer to us. Of course, the officers' work hours directly impacted our contract relationship because it has meant that shelter staff has been responsible for more and more intakes during the many evening hours and weekends when every animal control officer is off duty.

In the current system, 75 percent of the stray animals coming in from West Des Moines do not arrive with a neighborhood service specialist (NSS). They come directly to Furry Friends. Citizens often choose to bypass waiting for the city employees because of the extremely long wait for service. This has required Furry Friends to take on more and more responsibility, which again the city has tried to avoid paying for.

However, even for the animals that do arrive via NSS, there are also concerns. After reviewing data from both 2022 and 2023, half of the animals who the NSS brought in who had microchips were not scanned. Of the animals whose chips were scanned, many were not actually traced to determine the owner. This means animals who could be returned to their owners in the field are instead being impounded and brought to the shelter. These chips are found after arriving at Furry Friends as shelter staff is also scanning the animals, as microchips are an important way to be able to ensure an animal gets reunited with their owner. In fact, this is the entire purpose of microchipping, which is another service Furry Friends provides to WDM residents. It is hard to imagine how a city-run shelter will effectively reunite pets with their families when up-to-this-point the animal control officers have not been willing or able to scan microchips. Concerns about scanning microchips were brought to the attention of the NSS supervisor at the one meeting that occurred after the transition (July 21, 2022) in email (Nov. 29, 2022) and phone conversations. Compliance did not improve.

Perhaps the biggest concern with the city's proposal to run its own shelter for the seven-day waiting period is what will happen to those animals during that seven-day window. (Presumably, the city is planning to transfer all animals unclaimed to AHeinz, a shelter in De Soto, after the seven-day holding period.) The city seems to insist that their facility will not be a shelter or pound but a licensed

temporary holding facility. While all shelters and pounds are temporary holding facilities while they work to get the animals to their next stage, the city will indeed hold either the license for an animal shelter or a pound. There is no such thing in Iowa as a licensed temporary holding facility. The city also indicated to A Heinz 57 that they planned to go back to “how they used to do things” where they held the animals at a city facility and then worked with AHeinz 57 to give them animals who were not reclaimed. When the city last ran its own shelter, injured and sick animals were euthanized rather than treated. The entire annual budget for medical care for all animals was \$1000. Under the agreement with Furry Friends, all stray animals were held at the Furry Friends shelter and had on-call access to our veterinarian every day and night, including holidays. Our vet has come in on many nights and weekends to perform surgery on animals hit by cars, involved in cruelty cases, and otherwise sick or injured. This is a service that will not be available under the city’s new plan and will put animals at risk. The city has indicated to citizens that it utilized Blue Pearl before for emergency care, but officers have always indicated they were not allowed to authorize any medical care at an emergency medical facility. All animals who received emergency medical care after impoundment under the current contract received such services from Furry Friends. There is no budget information regarding medical services. It is unknown whether if AHeinz 57 provides medical services to the city’s animals they will be compensated. Further, the contract does not require AHeinz 57 in any way to provide for emergency care. Rather, it indicates it “may” provide emergency care during “regular business hours” (Mon-Fri 8am-5pm).

Other than a permissive option to provide emergency care in the contract with AHeinz 57, there is no information as to how animals will get medical attention and care while with the city. There is no money budgeted for medical staff. As animals will be held under a city shelter or pound license at the city facility, these animals must be vaccinated upon entry and would be required to have a veterinarian administered rabies vaccine prior to their transfer to AHeinz 57 per Iowa Administrative Code chapter 67. Who will be performing this and what will the cost be?

The City implies that AHeinz 57 will take the place of the services that Furry Friends has provided. That is not accurate, though, as the City’s arrangement with AHeinz 57 is in addition to the city constructing their own shelter or pound that they will also operate. Neither the city facility or AHeinz 57 plan to assist the many citizens of West Des Moines needing to surrender their owned animals—a service Furry Friends has prioritized for residents because of our relationship and partnership with the city. Rather, AHeinz 57 will allow them access to a Facebook rehoming page available they administer where owners can advertise their animals (this group is not exclusive to WDM). During the contract with West Des Moines, Furry Friends accepted over 1,670 animals surrendered from residents. The city has no plan for these animals except to attempt to try to offload the obligations to other organizations not located in or partnered with West Des Moines. The city responded to citizen concern on this stating “There are many shelters and rescue organizations that can and will accept owner surrenders in the area.” This statement shows how unaware the city is regarding the state of animal sheltering and the lack of appreciation WDM has for what it has uniquely been provided by Furry Friends. All area shelters, including A Heinz 57 are full (they posted recently stating this). These shelters have all referred owner surrenders from WDM to Furry Friends as they knew we prioritized them as part of our partnership with the city. At the end of its contract with the City, Furry Friends will no longer prioritize the WDM owner surrenders, such that those animals and their owners will be left with few non-euthanasia options. This also means that public safety will be at greater risk as those who are struggling with behavior challenges

with their dogs will no longer have resources to provide training and accept the animal in to a shelter if the home environment is no longer safe for the pet or people.

The City plans to return to impounding feral cats, a practice well documented by nearly all national animal welfare organizations as inappropriate, inhumane, and a waste of resources. While I attended city council at the time of the passing of the TNR ordinance to provide information, West Des Moines was the only city of three to not ask any questions or request a presentation. Despite clearly indicating in the writing to the city during the negotiation of the 2022 contract that Furry Friends “Employees are not providing field services. If city desires this, [they] must pay for the cost,” city employees continued to mislead residents indicating that Furry Friends had agreed to provide field services. Such misstatements were intentionally provided to cause conflict. Prior to the signing of the contract, Furry Friends also indicated in writing that they “would want to be able to refer to the mutually agreed on established procedures by addendum or specific reference.” One meeting occurred after the signing of the contract on July 21. Another meeting did not occur until January. No established procedures were ever discussed or addendum created. This was not from lack of willingness to meet on Furry Friends’ part. Meetings that were promised were either unattainable due to scheduling or were never attempted by the City. While AHeinz 57 has indicated they can find some barn homes for community cats, it is not in the best interest of those cats to be moved from their homes. Doing so will not reduce the cats in our area as they will be replaced with other unaltered cats. Further, AHeinz 57 was already partnering with the city when the city used to run their own shelter. At that time 68% of the cats died while no barn homes were provided for them.

It is impossible for anyone to determine based on the city’s plan where they would need to go to reclaim their animal. AHeinz 57’s facility is located 19 miles away from what will be the city-run shelter. Not only will there be an incredible amount of time spent by paid city employees to shuffle animals around (as the contract does not require vehicle insurance suggesting city employees will do this), but any animals being held at DeSoto will impose significant hardship on a citizen who must travel that distance to reclaim. It appears that if an animal is at DeSoto, the citizen also must pay a fee directly to the city of West Des Moines. This practice was ended long ago as it angered and frustrated citizens. A citizen who first goes to DeSoto and then has to come back to the city to pay a fee will have spent nearly 2 hours driving to try to reclaim their animal. As Amy Heinz indicated to Furry Friends on multiple occasions that she told the city “we cannot do animal control but if they do their own animal control and it goes back to the way things used to be that we would take dogs [th]at weren’t claimed if you were not going to.” As the city continues to tout this new partnership as equal to what Furry Friends was providing for the city and denies operating a shelter or pound, citizens are likely to believe they will be going to DeSoto to reclaim their animal. It does not work to make citizens guess which facility their animal might be located at and to send them to two locations nearly 20 miles apart.

The contract also fails to provide open hours of availability for animals to be reclaimed. Furry Friends has always provided citizens a minimum of 74 hours a week in which animals could come in to the shelter (24/7 access for the city) and during which they could reclaim their pets. This contract does not provide this and would result in a decrease in services. A dedicated cell phone was purchased by Furry Friends and kept solely for the purpose of assisting with animal control matters.

### **Financial Considerations for City’s Proposal**

The city's plan will cost more for the taxpayers and put animals at risk. The amount of money the City pays (even under the current contract) for city animal control staff is unreasonably high. The current budget allocates 95% of the animal control funds to the city staff, with the remaining 5% to Furry Friends. This is far from the true workload, and only has been possible because Furry Friends has lost money on the contract and instead relied on donations and volunteer time. Furry Friends animal care specialists also make far less money than city staff who work in animal control. The City's budget is well out-of-line with other cities. Given the city's extraordinarily high costs for any animal programming completed directly by WDM, the costs for animal care at the newly "constructed" city shelter or pound will also be a poor value for taxpayers. The city has told reporters that it does not know what the cost of the city facility is, but also indicates that it is already constructed in city council communications. The last time the city remodeled a small garage, it spent approximately \$80,000 in renovations (70% of all the money paid to Furry Friends over the ENTIRE involvement with WDM). What is the cost of construction for the city facility? What is budgeted to cover the materials and expenses associated with caring for the animals at the city pound?

Saying the new contract won't cost taxpayers more is inaccurate. The agreement with AHeinz 57 is for more money than was provided to Furry Friends per animal. Fees per animal are 120-150% of what they were under the Furry Friends contract with fees also being charged for animals that previously were accepted by Furry Friends at no charge (there was no charge per animal for litters of kittens and puppies). The city did not provide any payment for many other animals, indicating that if Furry Friends decided to not assess an owner costs due to their hospitalization, car accident, death of the owner (when family reclaimed) or other emergency, they would be paid nothing for their work. While this portion will also cost more to taxpayers, it is still a very poor value to A Heinz 57 and does not reflect the true cost of sheltering animals for WDM. Funding should be reallocated to recognize the amount of work that is done in the shelter instead of the field.

Des Moines allocates a nearly equal amount to field officers and shelter staff. The city of Des Moines is building a new facility at their cost to be leased at no charge to the ARL. Shelter staff will be funded at \$488,956 vs. field officers at \$499,058. (This year, Furry Friends requested 25% of the funding for staffing be allocated to support the shelter-based staff caring for West Des Moines animals. The City did not respond, instead stating it planned not to renew the contract). Here is a comparison of the budgets and responsibilities of Des Moines animal control and West Des Moines animal control:

2022 Data	
DES MOINES FIELD SERVICES (ARL)	WEST DES MOINES FIELD SERVICES (city of WDM)
Budget: \$499,058 (staff and equipment)	Budget: \$446,000 (staff and equipment)
Impounds by field officers: 2,869 domestic animals	Impounds by field officers: 358 domestic animals

The animals, dedicated volunteers and donors responsible for building programs in West Des Moines through Furry Friends, and the taxpayers are owed more before important decisions are made in our city. While the city manager offered last month to elaborate about the city's concerns with contracting

with Furry Friends, he never did. Like in 2010, citizens should be allowed to participate, and transparent and thorough discussion should occur with all stakeholders before important decisions are made.

I am available at any point in time to further discuss this important decision. Many city residents (including those who have adopted animals and/or volunteered at our shelter) are also available and would like to serve on a citizen committee.

Please show your respect for the many people who are dedicated to animals in our city and those who are concerned by engaging with and listening to the community before making decisions regarding the future of animal control and welfare in West Des Moines. When the council only hears from city staff, it does not get a complete picture. There are many hard questions—questions for which we have not seen any valid answers—about what will happen to animals under their proposal, what services will be provided, and at what cost to taxpayers.

/s/ Britt Gagne

Britt Gagne, Furry Friends Refuge executive director