

August 6, 1987

REPORT TO THE HONORABLE  
MAYOR AND CITY COUNCIL  
AGREEMENT WITH THE COUNTY OF SAN DIEGO FOR ANIMAL CONTROL  
SERVICES

The City Manager has been negotiating a new agreement with the County of San Diego to provide animal control services to the City of San Diego. In 1986, the County Board of Supervisors adopted a policy which required their Chief Administrative Officer to renegotiate full cost recovery contracts for animal control services to cities. As a result, the County notified the City of the requirements it would impose. The finalized draft agreement is presented today for approval by the City Council prior to its approval by the Board of Supervisors.

This office has concluded that the imposition of full cost recovery for the services previously furnished without charge by the County may constitute a transfer of financial responsibility for providing such services under the Gann Limit established by California Constitution Article XIII B section 3(a). This would thereby require adjustment to the appropriations limit of both the City and the County. This view was expressed to the County with the recommendation that the agreement address either an adjustment of the limit or a mechanism whereby this issue could later be resolved.

The agreement forwarded for your approval today does not contain any reference to the Gann Limit. The County expressed its position in a letter to the City Manager that since the City was financially responsible for the animal control services previously provided to it, there is no cause for an adjustment of the respective appropriations limits.

This office does not agree with the approach expressed by the County. However, discussions are continuing on this subject. In the interest of going forward with the agreement to allow for the orderly continuation of such services, and absent some reference to the Gann Limit issue, we are approving the agreement as to

form only. We feel constrained to advise you of our concerns. We recommend that the City Manager continue to address the Gann limit and seek a mechanism whereby this issue can eventually be resolved.

Respectfully submitted,  
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City Attorney

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