

## IS ORANGE COUNTY GOING TO THE DOGS?

### SUMMARY

Like many California counties, Orange County has an animal overpopulation problem. The increase in the number of pets in a community is generally proportionate to the increase in human population, and the population in Orange County has been growing steadily. Along with the growth in the pet population comes the need for care and control of those animals that may become lost, abandoned, surrendered or neglected by irresponsible owners. Most of the burden for the well-being and control of these animals falls to the Orange County Animal Care Services (Now called OC Animal Care under OC Community Resources which reports to the County Executive Office). Treatment and care are important, but this study focuses on pet population control.

During a review of the County Animal Shelter operations, the 2007-2008 Orange County Grand Jury learned that animals have proper board and care, but they have a brief window of survival. A caveat concerning animals brought to the County Shelter is that they have less than a 50/50 chance of survival because, if not adopted within a short timeframe, they may be euthanized. In 2006-2007, the County Shelter euthanized over 13,000 animals at a cost of \$322,478.<sup>1</sup> The reasons can be attributed to several factors.

Pets are not usually brought to public or private shelters to be euthanized. They are brought because they are abandoned newborns, unwanted, lost or stray, injured or sick, or vicious and dangerous. The shelters may accept and care for the animals that are waiting for adoption or retrieval by their owners. But they are not always adopted or retrieved. Local shelter operators may perform a mental triage on a pet brought to them on the basis of how much room is available and what the odds are that someone will adopt it. Many city and private shelters focus on the probability of adoption. Some city and private shelters may suggest that owners drop off the pet at OC Animal Care and the County Shelter will try to find a home for it. When this happens the limited-access shelters (also called “no-kill” shelters) that suggest owners take their pet to the OC Animal Care are no longer responsible for what happens to the animal. They can continue to claim that they are a no-kill shelter all the while knowing that the animals they have rejected will most likely be euthanized. Animals brought into the County Shelter are well cared for while waiting to be reclaimed or adopted. Despite such humane treatment, if the animal is not adopted within four days to two weeks, it is usually euthanized.

The tragedy of euthanasia is the typical, not the occasional, situation for many reasons. First, the County Shelter is not in the business of selling animals. It is acting as a public health service to prevent rabies and other animal-borne diseases from affecting people. Some shelters can refer to themselves as a no-kill shelter because they know that they can refuse unadoptable animals which will most likely end up at the County

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<sup>1</sup> From fiscal year 2006-2007, as stated in letter to Grand Jury from Animal Care Services, HCA, April 9, 2008

– the animal’s last hope of survival. Thus, the stigma and cost of euthanasia falls to OC Animal Care. The Grand Jury found that this results in something of a “blame game.” The no-kill shelters can deny the pet owner’s request to take the pet knowing full well that the County, an open-access shelter, must accept all animals.

The number of animals accepted by the County Shelter and the high volume that are euthanized are perplexing problems confronting the County and pet owners. The main reason that the County Shelter is full and many animals are euthanized is that pet owners, in many cases, have allowed their animals to reproduce beyond the owner’s ability to take care of the offspring. The Grand Jury determined that there should be some form of mandatory spay/neuter ordinance for all Orange County cities and the unincorporated areas. This would reduce the animal population, save taxpayers money, and lower the number of pets being euthanized.

## **REASONS FOR INVESTIGATION**

In 2007, the OC Animal Care received about 29,000 animals and placed many of them. Despite this fine accomplishment some 13,000 animals were euthanized in fiscal year 2006-2007. The number of euthanized animals led the Grand Jury to question why the figure is so high. A large percentage of the animals euthanized was due to lack of space at the County Shelter. A spay/neuter program seems to be a viable alternative to euthanasia and a solution for the animal overpopulation problem.

In the past, mandatory spay/neuter ordinances have been considered but have not been adopted. Even when such an ordinance has been enthusiastically proposed, cities in Orange County have failed to support adoption. The City of Huntington Beach recently adopted a microchip licensing process and attempted to combine it with a mandatory spay/neuter ordinance. Initially, the City Council was in favor of it, but when push came to shove, the matter was postponed for further study. Currently, the pets that are adopted from County and city shelters are required by State law to be spayed/neutered, but neither the County nor cities have a mandated spay/neuter ordinance.

The Grand Jury studied the spay/neuter issue to determine if the County of Orange should implement a mandatory spay/neuter ordinance to control the over-population of animals and reduce the cost of euthanasia.

## **METHOD OF INVESTIGATION**

To find out why there is currently no mandatory spay/neuter ordinance in Orange County, members of the Grand Jury reviewed County and city animal regulations and ordinances, the ordinances of surrounding counties, and the laws of California and other states regarding animal control. The Grand Jury also conducted interviews and visited County and city shelters to determine if an ordinance could help eliminate the overpopulation of animals, many of which end up being euthanized.

## **BACKGROUND AND FACTS**

### **Animal Care Services**

OC Animal Care (OCAC) operates the County Animal Shelter, which provides services to 22 cities and the unincorporated areas of Orange County 24 hours a day. The Shelter is over 65 years old and is squeezed tightly into a four-acre site in the City of Orange. It assists people with their animal concerns in a county covering 700 square miles with approximately three million people in 850,000 households. The County Animal Shelter is the largest of its kind west of the Mississippi. The County Shelter has 872 cages with a capacity for 382 dogs, 435 cats, 25 rabbits, and 30 overflow cubicles for pigs, goats, horses, etc. To say that the Shelter has a tight fit is an understatement.

The County's current shelter was built in 1941 to serve a county of 200,000 people – about the population of Huntington Beach or Irvine today. For decades, efforts to build a new shelter have failed. In the last 10 years, two previous Grand Jury reports mentioned the need to build a new shelter.<sup>2</sup> The 1999-2000 Grand Jury Report stated that, “plans for relocating the facility to the site of the former Marine Corps Air Station in Tustin are progressing.”<sup>3</sup> However, four years later, when the 2003-2004 Grand Jury reviewed the shelter issue again, its report stated that, “...it appears that there are only two viable options: either the Animal Shelter must be relocated elsewhere or ACS should consider making use of ‘excess’ space at one or more city-run animal shelters.”<sup>4</sup> Again, four years later, nothing has happened.

There is hope. The County is making an effort to build a new shelter at the former Tustin Marine Corps Air Station by pushing plans through the Federal bureaucracy. Past efforts to get Federal approval have not been successful. There are other possibilities: a site in Santa Ana and another at the former El Toro Marine Corps Air Station. However, those possibilities seem even further out than the Tustin timeline.

Even if the new site in Tustin is approved, it may only be able to handle an increase in the animal caseload for a few years unless the pet population tsunami is stabilized or reversed. Based on county records and growth rates, according to OCAC, the future animal population projections would put the new shelter at maximum capacity in about five years. To lower the euthanasia count and reduce the overpopulation of unwanted animals in the future, some form of mandatory spay/neuter program may be required.

The staff at the County Animal Shelter is skilled, hardworking and dedicated. Yearly, their veterinarians perform about 5,000 spay/neuter procedures. In 2007 the staff took

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<sup>2</sup> Orange County Register article, March 7, 2008, by T. Sforza

<sup>3</sup> 1999-2000 County of Orange Grand Jury Report, “We can do Better... Improving Animal Care in Orange County.”

<sup>4</sup> 2003-2004 County of Orange Grand Jury Report, “The Orange County Animal Services – Are Improvements Needed?”

in 29,000 animals, licensed 160,000 dogs, and managed 44,000 service or phone calls, and did it with 147 employees and 130 volunteers.<sup>5</sup> Through its outreach efforts and working with some 200 rescue organizations, the OCAC reunited or placed over 15,000 animals last year. Adoptions were up for the third year in a row. Despite these efforts, the County Shelter is nearly always full.

Regardless of the Shelter's location, it will always have a shortage of capacity because it is an open-access shelter. Unlike most other shelters in the county, it takes in any animal that is dropped off. It takes injured, sick or stray animals. It also accepts animals from different cities and five other shelters. The Grand Jury learned about shelter selectivity from the following example: a popular dog like a Jack Russell terrier would be accepted by a local shelter because finding a new owner is fairly easy. But if a pit bull is brought in, the pet owner may be turned away because the local shelter will have a hard time finding it a home. As an open-access shelter, the County obviously has a higher animal population and thus a higher kill rate than limited-access shelters.

### **The Euthanasia Issue**

In 2007, 13,000 animals were euthanized at the Orange County Animal Shelter. This number will continue to grow because the number of animals in the county increases each year. This growth in animal population will continue until the number is reduced through some form of intervention such as a mandatory spay/neuter program. In 2006, the OC Animal Care impounded 17,691 dogs with most adopted or reclaimed and just 4,341 (24%) euthanized. Of the 15,705 cats brought to the shelter, only 467 were reclaimed by their owners, another 4,361 were adopted by new owners, and 9,711 cats were euthanized (61%).<sup>6</sup> The average total cost to the County to euthanize an animal is \$159.<sup>7</sup>

### **The South County Dilemma**

The policies and location of the County Animal Shelter are major issues with pet owners residing in South Orange County. The primary concerns of people in that area are:

- The distance from South County to the present County Shelter
- The County's euthanasia policy
- Adequacy of field service (such as service calls, animal retrieval, etc.)<sup>8</sup>

While some of the cities have created their own animal shelters, most still contract with the County Shelter. Mission Viejo, Irvine, Laguna Beach, and San Clemente have their own city shelters. Other cities also use these shelters: Dana Point with San

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<sup>5</sup> Statistics from ACS power point presentation, July 19, 2007

<sup>6</sup> California Dept. of Public Health, Veterinary Public Health, 2006

<sup>7</sup> This includes the cost to board an animal for 5 days, and for euthanization and disposal.

<sup>8</sup> South Orange County Animal Services Feasibility Study Guidelines, March 18, 2008

Clemente, Laguna Niguel with Mission Viejo, Costa Mesa with Irvine, and Laguna Woods with Laguna Beach. These facilities are limited-access service shelters formed to serve their local communities as opposed to the County's open-access Shelter that serves everyone. The cities of Aliso Viejo, Laguna Hills, Lake Forest, and Rancho Santa Margarita have explored other options, such as forming a South County Joint Powers Authority to locate, build and operate an animal shelter to provide services in the South County. At present, Aliso Viejo is in negotiations with Mission Viejo, while Rancho Santa Margarita is still reviewing its options. After studying the issue, Laguna Hills and Lake Forest chose to continue using the County's Animal Care for at least two reasons:

1. Historically, other animal shelter operations in South Orange County have been unwilling to provide services on a mutual contract basis.
2. It is too costly for smaller cities to undertake extensive services on their own.

There is also a "wait-and-see" attitude regarding the building of a new shelter at the former Tustin Marine Corps Air Station, which some South County cities consider close enough to provide faster service. This project has been discussed and advocated to the Board of Supervisors over the years and is again on the Board's radar.

### **Spay/Neuter Programs**

Uncontrolled reproduction is a factor in the county's high pet population. It is estimated that the average fertile cat hypothetically can produce three litters a year with each litter being four to six kittens, while the average fertile dog can produce two litters yearly at an average of six to ten puppies a litter.<sup>9</sup> Using these figures, one can see how the pet population could greatly increase unless the means and regulations are put in place to control pet reproduction. Unlike the Serengeti, urban environments are "space-limited" with few natural predators.

It is estimated that six to eight million cats and dogs enter shelters in the United States each year. Of these, approximately half are adopted and half are euthanized.<sup>10</sup> That is disheartening news for animal advocates. To offset this high euthanasia rate, many cities, counties, and even states have adopted mandated spay/neuter programs with remarkable results. In 1988, the State of New Hampshire had a similar percentage to what Orange County had in 2007, of animals euthanized relative to the number impounded. New Hampshire is often cited as a successful mandated program as it has dramatically reduced the number of euthanized pets. In the first two years of New Hampshire's program, the killing of animals in shelters dropped 38%.<sup>11</sup> Eight years after New Hampshire implemented its mandated spay/neuter law, euthanasia was reduced by 82%.<sup>12</sup>

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<sup>9</sup> The Humane Society of the United States

<sup>10</sup> The Humane Society of the United States

<sup>11</sup> SPAY, "Top Ten Things We've Learned from New Hampshire's Spay/Neuter Program," 1996

<sup>12</sup> STOP USA Report, State Programs, New Hampshire, 2002

The City and County of San Francisco also showed dramatic results by joining forces with the San Francisco Society for the Protection of Cruelty to Animals (SPCA) to eliminate euthanasia as the common fate of homeless cats and dogs. They created a model mandatory program which has been used by communities worldwide. Its success is based on several elements, the main one being high-volume spay/neuter surgery to reduce pet overpopulation and shelter intake. The results over a 12-year period show that the number of cats and dogs entering the San Francisco shelter system dropped by 41% from 13,189 to 7,836. From 2002 to 2003, the figures for euthanasia dropped from 2,163 to 1,606.<sup>13</sup>

In 2005, OC Animal Care impounded 9,754 stray dogs of which 6,300 had not been previously sterilized.<sup>14</sup> Using the 13,000 number of Orange County animals impounded and euthanized in fiscal year 2006-2007, multiplied by the State figure for the average stay of five days, plus euthanasia and disposal costs, a mandatory spay/neuter law could save the County about \$21 million over eight years.<sup>15</sup>

### **State Assembly Bill 1634**

The OCAC's animal care and control ordinances are based upon State law.<sup>16</sup> A current legislative bill, AB 1634, buried in the bowels of the State Senate, would establish a mandatory spay/neuter law if passed. AB 1634 could be a remedy for the future overpopulation of animals by implementing a mandatory spay/neuter law for dogs and cats. It currently sits in the Senate Business and Professional Committee. It is an active bill and, if passed, would be part of the Civil Code §1834.4 and Sections A & B of the Food & Agriculture Code.

Nearly a million cats and dogs are abandoned in California yearly, adding a financial burden to public and private shelters.<sup>17</sup> Proponents of AB 1634 state that, for every dollar spent on spay/neuter surgeries, taxpayers would save about \$169 in future animal control cost over a 10-year time frame. If left unspayed or unneutered, animals will multiply beyond the capacity of our shelters. Even private shelters and volunteer rescue groups will not have enough space available.

The proposed AB 1634 legislation prohibits anyone from owning an unaltered dog or cat that is more than six months of age unless issued an exemption permit. The exemption permit fee, if any, will be determined by the local jurisdiction. Municipalities can continue to charge a higher annual licensing fee for unaltered animals. Fines for failure to alter an animal could be used for the cost of administration and, if available, to fund free or low-cost spay/neuter programs and educational efforts at the community level. Over time, enforcement of the bill could

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<sup>13</sup> San Francisco SPCA, [spay.usa.org/main](http://spay.usa.org/main)

<sup>14</sup> Orange County Animal Care Services letter dated May 6, 2006

<sup>15</sup> Using a similar success rate as cited in New Hampshire

<sup>16</sup> Orange County Codified Ordinances, Title 4, Chpt 1-106

<sup>17</sup> [www.healthypets.com](http://www.healthypets.com)

help reduce the animal overpopulation and save public funds, but at this time the estimated cost savings and cost of the program have not been determined.

Since all counties and most cities adopt their animal regulations from the California Codes, the proposed law would help ease Orange County's animal overpopulation and reduce the operating cost of the County Animal Shelter. The Board of Supervisors had not taken a stand on AB 1634 at the time of this report.

### **County of Los Angeles Ordinance**

In February 2008, the City of Los Angeles took a major step towards reducing euthanasia of unwanted pets. The City followed the lead of the County of Los Angeles and 10 other cities in Los Angeles County with similar ordinances.

The L.A. County mandatory spay/neuter ordinance requires the owner or custodian of a dog over the age of four months either to have the pet altered or to obtain an unaltered dog license and pay an annual dog license fee three times the cost of a license for an altered dog. There are exceptions for "hobby breeders" and "competition dogs" that are documented by recognized kennel organizations. Other exemptions are dogs used by law enforcement, a qualified service or assistance dog or a dog which is unable to be spayed or neutered due to illness or age (requiring written confirmation from a licensed veterinarian).

The penalties for violations of any provision of the L.A. County ordinance are steep: the first violation fine is not to exceed \$250 – but a "second violation within a year of a first violation is a misdemeanor punishable by imprisonment in the county jail for a period not to exceed six months or by a fine not to exceed \$1,000 or by both such fine and imprisonment."<sup>18</sup>

As a side note, the County of Riverside recently prepared a mandatory spay/neuter ordinance and will be presenting it to its Board of Supervisors for approval. It incorporates many of the features in the L.A. County mandatory spay/neuter ordinance. It also includes spaying and neutering of cats. As of this writing the County of Riverside had not taken action on the ordinance.

### **Proposed Orange County Ordinance**

An Orange County ordinance could easily be drafted using some of the pertinent provisions from the existing L.A. County and the proposed Riverside County spay/neuter ordinances. One of the provisions could include Riverside's proposed program of a mandatory spay/neuter requirement for cats as well as dogs. An initial assessment of a mandatory spay/neuter ordinance was provided by OCAC staff as to what would be included.<sup>19</sup> The Grand Jury reviewed this assessment and suggests that the following points be considered in a revised ordinance.

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<sup>18</sup> LA County Ordinance Section 1, Section 10.20.375

<sup>19</sup> Orange County Animal Care Service letter dated May 6, 2006

- Mandate the spaying/neutering of all animals covered in the proposed ordinance except those issued exemptions.
- Establish exemption policies for breeders, including an appeals process
- Notify current animal licensees of any new licensing policy for spaying/neutering of dogs/cats
- Mandate the licensing and the spaying/neutering of any stray dog/cat that OCAC impounds prior to being adopted or reclaimed unless legally exempt
- Enforce the spay/neuter ordinance with set fines for non-compliance
- Maintain different levels of license fees for unaltered animals
- Utilize some of the fee revenue to pay for educational programs
- Offer free spay/neuter clinics to initiate the program

The cost effectiveness of a spay/neuter program should be recognized. The program could cut the cost of shelter care and euthanasia for thousands of stray, unwanted or unclaimed animals due to inadequate space. Based on just the cost of euthanasia, and using the OCAC figures, the potential savings could reach \$322,000 per year. However, realistically the effectiveness will never reach zero, but may be as high as 90% or \$290,000 in annual savings as demonstrated by San Francisco’s program.

The most cost-effective and humane long-term method to reduce animal overpopulation is to spay and neuter pets.

## **Opposition**

A mandatory spay/neuter State law has the support of some cities and counties, plus animal shelter and animal welfare organizations, including the ASPCA. However, it is strongly opposed by the American Kennel Club and other breeder associations.<sup>20</sup> These organizations suggest that the problem can be solved through aggressive education and are lobbying against AB 1634. While some pet owners oppose spay/neuter legislation on the premise that it smacks of governmental interference or “nanny-state” mentality, both hobby and registered breeders appear to be more concerned about the monetary impact than the animal population. They are opposed even though AB 1634 clearly allows exemptions for certain dogs and for-profit breeding purposes. Opposition from some breeders may stem from the requirement that they obtain a business license and pay taxes on profits.

Most pet owners are loving, attentive guardians of their pets. They are protective of their animals and are conscious of their pet’s breeding habits. However, not all pet owners are as dedicated, particularly when it comes to caring for or placing unwanted or non-saleable litters. The overpopulation problem is caused primarily by stray, abandoned and unattended animals which reproduce freely. This places a burden on animal control agents who must constantly take in animals, the majority of which may be euthanized because the shelter is at capacity.

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<sup>20</sup> California Healthy Pet Act Summary – AB 1634



Even with the OCAC staff of paid and volunteer veterinarians performing 5,000 spay and neuter operations in 2006, animal overpopulation remains a major problem in Orange County. Despite this, the Board of Supervisors has not supported a mandatory spay/neuter ordinance.

### **Animal Care Outreach Committee**

The OC Animal Care (OCAC) provides educational classes and services to schools and the public to make them aware of the needs and treatment of animals. To ensure that this practice is carried out, the Board of Supervisors has established the Orange County Animal Care Outreach Committee (formerly Orange County Animal Control Advisory Board) to support OCAC in achieving its goals. It helps Animal Care to facilitate community involvement and to provide an opportunity for citizen participation in support of animal care related issues.

“The Committee is comprised of five (5) members, one (1) member from each supervisorial district, appointed by a majority of the County Board of Supervisors.”<sup>21</sup> It assists the OCAC by reviewing community input in order to help improve the County’s animal care services. Members are volunteer participants who make a major contribution to the mission of Animal Care and who work to assure that the public is aware of the shelter’s processes, as well as the efforts being made to serve the community’s animal requirements.

### **CONCLUSION**

The Orange County Grand Jury concluded that the OC Animal Care Department provides excellent services in spite of the physical restrictions of its site and the number of unwanted animals shifted from Orange County cities to the County Animal Care Shelter. However, there is no end in sight to the growing number of pets that the County will have to euthanize every year.

A mandatory spay/neuter ordinance has been successful in other jurisdictions, such as the State of New Hampshire and the City and County of San Francisco. Such a program has been adopted by the City and the County of Los Angeles, to reduce the number of pets that are euthanized in animal shelters each year. Riverside County is contemplating the adoption of an “L.A. County-type” ordinance. It is time for Orange County to adopt a mandatory spay/neuter ordinance as well.

### **FINDINGS**

In accordance with California Penal Code Sections 933 and 933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2007-2008 Orange County Grand Jury has arrived at the following findings:

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<sup>21</sup> Orange County Animal Care Community Outreach Committee Bylaws

**F-1 - Some cities using limited-access shelters are sending animals deemed unadoptable to the County Animal Shelter, thereby shifting the cost and responsibility for care and euthanasia to the County if the animals are not adopted.**

**F-2 - The Orange County Animal County Shelter is faced with a growing animal population problem that exceeds the capacity of the County Shelter and its ability to place those animals in homes.**

**F-3 - The County Board of Supervisors has not taken a position on AB 1634, legislation which if passed could alleviate many future animal overpopulation problems.**

**A response to Finding F-1 is required from the Mayors of all Orange County cities (listed below) that do not contract with OC Animal Care; and requested from OC Animal Care.**

Costa Mesa  
Dana Point  
Irvine  
Laguna Beach  
Laguna Niguel  
Laguna Woods  
Los Alamitos  
Mission Viejo  
Newport Beach  
San Clemente  
Seal Beach  
Westminster

**A response to Finding F-2 is requested from the County Executive Officer and requested from OC Community Resources/Animal Care.**

**A response to Finding F-3 is required from the Orange County Board of Supervisors.**

## **RECOMMENDATIONS**

In accordance with California Penal Code sections 933 and 933.05, each recommendation will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. Based on the findings of this report, the 2007-2008 Orange County Grand Jury makes the following recommendations:

**R-1 – The cities utilizing limited-access shelters adopt an open-shelter policy for all dogs and cats within their city limits or reimburse the County Shelter for the expense of boarding and euthanizing animals from their cities.**

**R-2 – The OC Animal Care Department prepare and present to the Board of Supervisors a mandatory spay/neuter ordinance to reduce animal overpopulation and to ease the strain on the capacity of the County Shelter.**

**R-3 – The County Board of Supervisors examine and consider supporting State Assembly Bill AB 1634 to assist in alleviating many of Orange County’s animal overpopulation problems.**

**Responses to recommendation R-1 are required from the Mayors of all Orange County cities (listed below) that do not contract with the OC Animal Care and requested from the OC Community Resources/Animal Care.**

Costa Mesa  
Dana Point  
Irvine  
Laguna Beach  
Laguna Niguel  
Laguna Woods  
Los Alamitos  
Mission Viejo  
Newport Beach  
San Clemente  
Seal Beach  
Westminster

**Responses to recommendation R-2 is requested from the County Executive Officer and the OC Community Resources/Animal Care.**

**Response to recommendation R-3 is required from the County of Orange Board of Supervisors.**

**REQUIRED RESPONSES:**

The California Penal Code specifies the required permissible responses to the findings and recommendations contained in this report. The specific sections are quoted below:

§933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.