

**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Regular Meeting
3:00 P.M.**

**September 5, 2024
Council Chambers**

Chairperson Adeyemi called the meeting to order at 3:00 P.M. on Thursday, September 5, 2024.

ROLL CALL:

Present: Board Members Umair, Richelsen, Higgins and Chairperson Adeyemi
Absent: Board Member Webster

Staff Present: Assistant City Attorney, Brittany Brace
Acting City Clerk, Vanessa Rosales
Minutes Clerk, Kitty Eiden
Animal Services Supervisor, Catriona Cottle
Animal Control Officer, Maraea Melander

PLEDGE OF ALLEGIANCE

Chairperson Adeyemi led the Pledge of Allegiance.

PUBLIC COMMENT – None

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MINUTES FOR JULY 11, 2024

On motion by Board Member Umair, seconded by Board Member Richelsen, the Board of Administrative Appeals members present unanimously approved the Minutes for July 11, 2024. The motion carried the following vote:

Ayes: Umair, Richelsen, Higgins, Adeyemi

Absent: Webster

2. REGULAR AGENDA

OATH

Acting City Clerk Rosales administered the Oath for all intending to testify.

**A. ANIMAL SERVICES CASE NO. A24-002803 / ADMINISTRATIVE CITATION NO. 29911
– APPEAL FILED BY JENAE ARMSTRONG, ANTIOCH, CA – VIOLATION OF ANTIOCH
MUNICIPAL CODE 6-1.501(K) UNLAWFUL ACTS – HARBOR OR FEED FERAL CAT
EXCEPT ON ONE’S OWN PROPERTY**

Assistant City Attorney Brace explained the manner in which the proceedings would be conducted.

Animal Control Officer (ACO) Melander presented the staff report dated September 5, 2024, recommending the Board of Administrative Appeals deny the appeal.

In response to Assistant City Attorney Brace, ACO Melander stated she had witnessed the appellant feeding feral cats in February 2024 and informed her that a citation could be issued. She added that in June 2024, Antioch Animal Services was informed by the reporting party that Ms. Armstrong was feeding feral cats, so at that time a citation was issued.

Jenae Armstrong, Appellant, stated she was here to protest the citation she received. She reported that she had called Animal Services on April 7, 2024, for the removal of commercial razor wire the reporting party had installed along the fence at 19 East 19th Street. She explained that she fed cats with the permission of the Operational Manager of the property and on an adjacent easement. She noted the citation was written for the East 19th and "A" Street location and she had never fed in that area or on the date the citation was issued. She confirmed that Animal Control informed her she needed to be the owner of the property to feed the cats, and she informed them that there was a verbal agreement with the Operational Manager provided she maintained the property. She commented that she had complied with that request. She explained that many people fed cats in the area and several cats had been Trapped, Neutered and Returned (TNR) to the community. She added that the cats returned to Mr. Alvarado's home because the previous owner had been taking care of them. She confirmed that she had never fed cats on Mr. Alvarado's property.

In response to Board Member Umair, Ms. Armstrong stated Mr. Alvarado was aware of the feral cat colony prior to purchasing his house and she offered to clean up after them if there was an issue on his property; however, she had never been contacted. She noted that his fence needed repair and was open for animals to access his property.

In response to Board Member Richelsen, Ms. Armstrong stated rescue organizations assisted in the care of these animals. She explained that she had taken it upon herself to feed the cats after one of them got ill from eating human food and to keep them out of the street. She confirmed that she had not been issued an exemption to feed the cats.

Chairperson Adeyemi commented that Ms. Armstrong was not experiencing the nuisance firsthand because she did not live in the area.

Ms. Armstrong stated she understood the concerns and made sure that the cats were not being destructive. She confirmed that the organization she worked with was registered and she was also working on becoming a nonprofit.

Chairperson Adeyemi expressed concern that the appellant had not received written authorization from the property owner or operational manager.

Assistant City Attorney Brace clarified that this situation did not necessarily need a written agreement for it to be binding; however, as a matter of evidence a written contract would have been easier to prove.

In response to Assistant City Attorney Brace, Ms. Armstrong stated the last time she spoke with the Operational Manager, he asked her to move feeding off of their lot and she had complied. She noted the Operational Manager and Property Owner had never complained.

In response to Board Member Higgins, Ms. Armstrong stated she moved the food off private property, to the sidewalk and her vehicle. She added that she waited for the cats to finish eating and cleaned up the containers.

Board Member Umair commented that after Ms. Armstrong left the area, the cats would return and continue to make a mess.

Ms. Armstrong stated there were other people who fed the cats in this neighborhood including Mr. Alvarado's tenant and she had asked him to stop.

In response to Assistant City Attorney Brace, Ms. Armstrong stated there were two other individuals feeding this colony of cats and she was unaware of any complaints against them. She reviewed other legal matters involving Mr. Alvarado and stated she had information regarding those issues.

Assistant City Attorney Brace explained it was the Chair's decision whether the Board wanted to receive Ms. Armstrong's information as evidence for the purpose of deciding this matter.

Chairperson Adeyemi responded that they were not considering other legal matters at this time and the information was not relevant to this appeal.

Ms. Armstrong stated she had a work schedule proving she was at work on the day the citation was issued and did not feed the cats that day.

Chairperson Adeyemi responded that the appellant did not have to be present for a citation to be issued.

In response to Chairperson Adeyemi, ACO Melander clarified that the citation was written for East 19th and A Street, and Ms. Armstrong was feeding in the parking lot and vacant lot directly next to Mr. Alvarado's home. She noted the food was being moved around from the sidewalk, property and vacant lot.

In response to Board Member Richelsen, ACO Melander explained the shelter did not have capacity to take in every feral cat; however, rescue groups provided TNR services for animals in the area. She noted these cats were wild animals and not domesticated.

Chairperson Adeyemi closed the floor to public comment.

Chairperson Adeyemi stated the Municipal Code prohibited feeding feral cats unless on one's own property and Ms. Armstrong was not the property owner of E. 19th Street and "A" Street. He noted since she was not the owner, she was responsible for the citation and complaint. He further noted cats would continue to congregate in the area whether the appellant was there or not.

Board Member Richelsen agreed with Chairperson Adeyemi and noted the citation was clear in the violation that occurred. He further noted that despite the generosity of the appellant toward the cats, there was a violation.

In response to Board Member Richelsen, Assistant City Attorney Brace stated the Board had discretion to uphold the citation, deny the appeal, while also choosing to reduce or waive the penalty.

Board Members Umair and Richelsen stated if the appellant was willing to stop feeding the cats, they would support reducing the citation amount.

On motion by Board Member Richelsen, seconded by Board Member Umair the Board of Administrative Appeals members present unanimously upheld the citation and reduced the fine amount to \$50.00. The motion carried the following vote:

Ayes: Umair, Richelsen, Higgins, Adeyemi

Absent: Webster

WRITTEN/ORAL COMMUNICATIONS

Acting City Clerk Rosales announced no appeals were filed for the October Board of Administrative Appeals meeting and the Clerk's office would confirm by email if the meeting was canceled.

ADJOURNMENT

On motion by Board Member Richelsen seconded by Board Member Umair the Board of Administrative Appeals unanimously adjourned the meeting at 3:38 P.M.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk