November 28, 2008

Glenn E Howell, Director
Animal Control Department CC County
4800 Imhoff Place
Martinez, CA 94553

This is a complaint about the behavior of Animal Control Officer Dumandan on 11/28/08. At 4:10 PM Officer Dumandan was in discussion with a number of Moraga residents about the rules for allowing dogs off leash at Rancho Laguna Park in Moraga. They tried to show him the sign erected by the Department of Parks & Recreation which allows un-leached dogs to run free one hour before dusk. He stubbornly refused to accept the rule enacted by the town.

I returned home to retrieve a copy of Municipal Code Section 12.08. 180 B. He refused to accept a copy of the Ordinance that he was erroneously enforcing. His failure to act in a reasonable manner deprived the citizens of the Town of Moraga of the use of their own park!

Surely there are not so many "dog parks" in Contra Costa County that it would be a great burden to have the Animal Control Officers Trained in the rules they are trying to enforce.

I would appreciate your reply, telling me and the other Moraga dog owners how you will rectify this problem.

William G Deile
303 Tharp Drive
Moraga CA 94556
TEL: 925 376-7915

P.S. Sunset on November 28,2008 was at 4;50 PM

December 28, 2008

Moraga Town Council
P.O. Box 188
Moraga, CA 94556

On 11/28/08, an Animal Control Officer issued a number of inappropriate citations at Rancho Laguna Park . I complained to the Animal Control Department, but received no response. (See enclosed letter).

Everyone highly values their management of the interaction of animals with residents, but they should perform their duties while observing Moraga's jurisdiction over its park use rules. Apparently they have no such intention.

I request that you join me in complaining about the arrogant behavior, and lack of training of the County Animal Control Officers. Unless we get an adequate reply from the Animal Control Department, the dog owners of Moraga will continue to be threatened by this harassment.

William G Deile
303 Tharp Drive
Moraga CA 94556
dwdeile@msn.com
TEL:925 376-7915

UPDATED & RE-SUBMITTED 2/17/09

29 December 2008

Moraga Town Council
P.O. Box 188
Moraga, CA 94556

Dear Mayor and Council Members,

To many of us, as the attached list attests, to be able to be with our dogs at Moraga's Rancho Laguna Park during off-leash hours is one of the many pleasures that life in Lamorinda offers. In a praiseworthy decision, the Moraga Town Council enacted, some 20 years back, the humanitarian ordinance stating the hours when we and our four-legged companions could walk together joined by a stronger bond than anything physical.

Unfortunately, the above picture is occasionally darkened by the actions of the Contra Costa County Animal Control Services officers. Claiming their presence at the park to be the result of someone's complaint concerning the presence of off-leash dogs, they issue citations to law-abiding residents. According to the mentioned officers, it doesn't matter what the Town of Moraga signs state; the park is not a dog park and, therefore, dogs should be on leash at all times, so their reasoning goes.

Evidently, it is of no concern to them that the town ordinance reflects the will of a large number of residents, and that during most of the day, if any dogs at all are present at the park, they're leashed. Actually, in the sole instance when I was at the park when the officers appeared (no citation was issued then), I derived the impression that had no complaint being filed, they wouldn't have been there.

Therefore, we would appreciate it if the Town Council were so kind to include the above topic in the next meeting agenda.

Gratefully,

L. Salvago-Toledo

Luis Salvago-Toledo and ***"Lucky"***
lsalvago@comcast.net
125 Whitethorne Drive
Moraga, CA 94556
(925) 376-7830

Cosigners:

Brent and Mai Abel and ***"Bob"*** and ***"Allie"*** 376-4575
Gregg and Aimee Ames and ***"Ruby"*** and ***"Bayley"*** 385-0068
Debra Armen and ***"Kui"*** and ***"Keoki"*** 376-1058
José Avelar and ***"Reggie"*** 899-3016
Conrad Basset and ***"Duke"***
Marc Biner and ***"Chester"*** 376-8597
Kay Ryan Biondo and ***"Honey Boy"*** 253-4942
Nancy Bluford and ***"Wolfie"***
Ellen Bocek and ***"Shiloh"***
Ene and Laszlo Bonnay and ***"Drummer"*** 376-3482
Erla Boren and ***"Princeton"*** 376-0659
Alison Bouchard and ***"Duke"*** 377-7773
Scott Bowhay and ***"Carly"*** 376-3598
Lee and Karen Bren and ***"Kramer"***
Cheryl Brewster and ***"Jackson"*** and ***"Puddy"*** 253-3500
Kirsten Buckley and ***"Ike"*** 247-0216
Michael Bugglin and ***"Bayley"*** 377-1716
Linnéa Burnette and ***"Caesar"*** 254-8553
Sophie Callahan and ***"Luca"*** ..... (415) 312-7602
William Carman and ***"Juneau"*** 594-1907
Chriss Carson and ***"Bo"*** 376-1634
Angelique Champeau and ***"Tiki"*** 377-9220
Matt Chaney and ***"Auggy"*** 299-9270
Nancy and Ben Chang and ***"Maggie"*** 376-8552
John Cherry and ***"Murphy"*** 376-5687
Susie Cochrane and ***"Callie"*** 376-5687
Doug Cole and ***"Calvin"*** and ***"Corinne"*** 376-9056
Ron Concepción and ***"Kona"*** 376-0306
Bill Cosden and ***"Taia"*** 360-4096
Tom Coull and ***"Cleo"*** and ***"Erin"*** 376-9164
Karen Crawford and ***"Ellie Mae"*** and ***"Bodie"*** 284-7574
Robert Creek and ***"Shadow"*** 377-7190
Jennifer Creson and ***"Lily"*** 377-7723
Christina Dawson and ***"Biscuit"*** 377-5643
William Deile and ***"Winnie"*** 376- 7915
Fernando and Francisca Díaz-Valdés and ***"Toffee"*** 631-9052
Joan Dorsey and ***"Tessie"*** 376-3232
Lisa Duncan and ***"Jena"*** and ***"Java"*** 284-3878

Chris Lorence and ***"Lucky"*** 628-7479
Janet Lyle and ***"Lexie"*** 631-1362
Linda Madden and ***"Tazzie"***
Iris and Mark Manzione and ***"Pluto"*** 377-0768
Anthony Maramonte and ***"B. J.," "Sampson"*** and ***"Sonny*** ... (510) 385-8251
Melanie Marty and ***"Sienna"*** 631-0715
Sue McCalluey and ***"Bogie"***
Ed McCaulay and ***"Bella"*** and ***"Maddi"*** 376-7646
Tricia and Peter McDonald and ***"Sally"*** 376-4618
Kevin McGuire and ***"Dakota"*** and ***"Riot"*** 963-2245
Brandon Mckulla and ***"Mason"*** 925-9889
Sally McLaughlin and ***"Toby"***
Mike and Nancy McTigue and ***"Skedder"*** 376-1715
Robert Millham and ***"Toby"*** 254-1775
Jay and Joanne Milne and ***"Oso"*** 377-9738
Erin Morasch and ***"Tagine"*** and ***"Moxy"*** 376-7719
Jeanne Moreau and ***"Juneau"*** 594-1907
Shelley Neustrom and ***"Gus"***
Blair Newel and ***"J"*** 284-3731
Robert Ng and ***"Mason"*** 330-3572
Antonio Nuñez and ***"Frisco"*** ..... (415) 939-7777
Kathryn and Erik Oehlschlager and ***"Marty"*** 388-0512
David Oeth and ***"Cali"*** 376-2714
Lydia Oxendine and ***"Cali"*** 377-5889
John Parodi and ***"Molly"*** 631-1515
Leanne Parsons and ***"Lambeau"*** 377-7924
Chris Phelps and ***"Simba"*** 376-7342
Gary Pon and ***"Annie"***
Lucia Psenakova and ***"Panzer"***
Megan Purtill and ***"Jet"*** 330-3367
Tim Raftis and ***"Dash"*** 631-9563
Amit Rajguru and ***"Ruby"*** 204-9444
David Ravinsky and ***"Bella"*** 376-2129
Matt Rei and ***"Linus"*** 631-1500
Rich Render and ***"Monte"*** 631-0349
Terry Ritelli and ***"Tuscany"*** 377-9052
Mark Ross and ***"Cali"***
Margie Ryerson and ***"Nelson"*** 376-5669
Sue Schechtman and ***"Maceo"*** 376-3712
Bob Schipper and ***"Midnight"***
Mary Schlobohm and ***"Sierra"*** 376-1146

Meg Zentner and ***"Addie"*** 376-2160
Martin Zucker and ***"Jelly"*** 376-2044

From: Jay Ingram [mailto:jingram@moraga.ca.us]
Sent: Tuesday, January 27, 2009 11:32 AM
To: Luis Salvago-Toledo
Subject: RE: Rancho Laguna off-leash hours

Luis,
I have spent some time on the ordinance revision and will spend more time on it very soon. Right now, I'm trying my best to simplify the entire section of the ordinance. What I have done so far is take out dusk and sunset, suggesting 4-6pm during standard time and 6-8pm during daylight savings time. I also plan to allow dogs off leash only on the paved and grass section of Rancho Laguna Park. I need to address park rentals in this ordinance as well. For example, just last week we booked an outdoor wedding at Rancho Laguna in late September. Their wedding would be during dog-off leash hours, but I can't have dogs at the park while a wedding ceremony is happening.

Please keep the suggestions coming. It looks like this will go back to the Parks and Recreation Commission for more discussion and possible action on February 17, 2009. I will definitely keep you posted.

Thanks for your continued input.

Jay Ingram
Parks and Recreation Director
Town of Moraga

From: Luis Salvago-Toledo [mailto:lsalvago@comcast.net]
Sent: Tuesday, January 27, 2009 11:04 AM
To: Jay Ingram
Subject: Rancho Laguna off-leash hours

Hi Jay,

A number of dog walkers, with whom I agree, have expressed to me that, to simplify the issue as much as possible, stating in the signs that the off-leash hours are before 9 AM and after 4 PM (year round, no "dusk," no "sunset," just pure simplicity) would do. If I remember correctly, such wording would agree with your original suggestion. Therefore, congratulations!

Thanks for your time and effort.

Luis

Jay Ingram

From: Jay Tashiro
Sent: Thursday, January 29, 2009 8:09 AM
To: wonderventures@yahoo.com
Cc: Jay Ingram
Subject: RE: Rancho Laguna Dog Off-Leash Rules

Ms. Wonder:

Thank you for the attached information and your comments. Currently, the subject issue is being discussed by the Park and Recreation Commission and I will make sure that you comments and information is passed onto the Commission and Jay Ingrams who is the Park and Recreation Director.

Again thank you and have a great day!

Jay

From: Brigid Wonder [mailto:wonderventures@yahoo.com]
Sent: Wednesday, January 28, 2009 1:03 PM
To: Philip Vince
Subject: Rancho Laguna Dog Off-Leash Rules

Hi, Jay,

Just wanted to put in my thoughts on this.

The time spent at the park is a very valuable community activity. We live across town on Corliss and see folks from around the town at the park, all with their dogs.

Having a set time year round is not practical - the position of the sun is constantly changing.

Maybe have a seasonal time (particularly in summer because 7 PM is very different from 1 hour before dusk) or give 4 general times - fall, winter, spring and summer with the general provision that 1 hour before dusk is acceptable at all times.

I also think it's good to err on the side of relaxed enforcement as long as it is 'close' to actual sunset. All the people I've seen who use the park to exercise their dogs are good and responsible citizens.

Here is a **website** that helps pinpoint **sunset daily in a monthly calendar format**. Use the location selector drop-down list and find **"Moraga Town"** then change the month to see the variability in sunset times. Even within the month of March, there is about **1 1/2 hours' difference** in sunset from March 1 to March 31st.

http://www.sunrisesunset.com/usa/California.asp

Please pass this on as appropriate.

Thank you for your hard work for this great community.

Best,

Brigid Wonder

Jay Ingram

From: Luis Salvago-Toledo [lsalvago@comcast.net]
Sent: Sunday, February 01, 2009 9:22 AM
To: Jay Ingram
Subject: RE: Rancho Laguna off-leash hours

Hi Jay,

After discussing the points included in your e-mail with a number of park users, here's the unanimous input, with which I wholeheartedly agree:

Item "Allow dogs off leash only on the paved and grass section of Rancho Laguna Park."

Comment: From law abiders, we'll all (hundreds of us) become law breakers right away. The paved circular path we walk with our dogs has grass on one side and wood chips or dirt on the other. The dogs walk, run, and romp with their kind here and there. The only way to keep them exactly in the designated area would be using a leash. So, good by to "off-leash" hours! Besides, what's the point? Who'll benefit from it? and what are the chances of enforceability? As a matter of fact, we prefer when they poop in the "forbidden zone" because we can do a more thorough picking job. Additionally, in one of such areas, next to the fence, grow a kind of grass that for some reason they enjoy munching. So, there they go, under our watchful eye. Frankly, Jay, in this case, I feel we're aiming at solving a non-problem. I'm sure the infamous Bernie will opine contrariwise, though, from his dog-hating disposition, anything, no matter how abusive or ludicrous, is to be expected.

Item "... take out dusk and sunset, suggesting 4-6pm during standard time and 6-8pm during daylight savings time."

Comment: Definitely a plus, as far as removing "dusk" and "sunset." However, a number of walkers shelter a similar dislike for "standard" and "daylight savings." That's why I suggested 4 pm year round, to capture the simplicity of the morning hours. As far as including a "to" time, in addition to the "from" one, we see it as another unnecessary restriction that benefits nobody and make a number of us transgressors right away. Please keep in mind that the residents on the neighboring area (Sanders Ranch and its surroundings), frequently walk with their dogs in the Park in the evening hours. Although the parking area gate closes, there are two pedestrian gates that remain open. I oftentimes drive in the evening, park outside and have a lovely evening walk. At times, it coincides that the policeman is locking the driving gate. We have a little chat, and afterwards he wishes me a nice walk and leaves. Is that supposed to become unlawful under the new scheme of things?

In closing, I'd like to remind you that the whole complaint we presented before the Council and Parks and Recreation was simply against Animal Control Services for ignoring the local ordinance. We have nothing but praise for the two mentioned local bodies and how things are right now. So, our list of suggested improvements is pretty modest:

1. Use one single off-leash evening hour year-round: after 4 pm.
2. Install a bulleting board at the park to communicate with us: sports training hours, weddings (the park is large, if we know in advance where the event will be held, we'll be in the opposite end), lost and found, etc.
3. Ask coaches to hold their practices away from the parking area. Right now, as soon as the car door is open, the dog gets out and goes straight to the closest spot: where the kids are practicing.
4. Include a clause somewhat like: "inasmuch as possible, dogs should be kept away from the two children play areas. Yes, "inasmuch as possible" because some young mothers bring them both: their children <u>and</u> their dogs, and, of course, they want to watch them both. As for the rest of us, it's no problem at all to be away from those areas (please keep in mind that one of them is next to the parking lot, so the dog may get out of the car and cross the children playground, but it's only passing by).
5. Please, please, please, respect our evening hours. At the end of a hectic day, nothing beats to walk with Lucky at Rancho Laguna under the stars. The few of us who engage in such practice harm no one and live longer.
6. Staple Bernie's mouth and transfer Animal Control Services to Namibia.

Hoping you'll read my input wearing your best-disposition armor.

Luis

Jay Ingram

From:	bill@silveroakllc.com
Sent:	Tuesday, February 17, 2009 7:03 PM
To:	Jay Ingram; judydyer24@yahoo.com; mweinberger4@comcast.net; dravinsky@comcast.net; ellenbocek@sbcglobal.net; yocarman@yahoo.com; bill@silveroakllc.com; bobsymon@aol.com
Subject:	RE: Meeting Reminder - Tonight - Animal Ordinance 12.08.180
Attachments:	draft_dog_ordinance.docx

Jay:

Thanks for emailing the draft. Three quick comments, which I'd appreciate your sharing with the Commission.

First: as expressed at the Jan. meeting cutting off the evening dog-hours before the park closes only makes it harder on people trying to get there after work, and serves no purpose. For example, what is your rational in wanting to end the dog-hours at 8PM during daylight savings time, when there is up to another hour of daylight.

Second: To ban off-leash when there's another activity is unwarranted, and completely oblivious to the taxpaying members of the dog community. Whenever, the Dept. has rented field space to a sports camp, etc., that's perfectly fine with the dog-people, and we're very conscientious about accommadating those renting the space.

Also, if banning off-leash during these times is where you intended to go with amending the ordinance, you should have been up front about that from the start. This is real disappointing. The dog part of Rancho Laguana is a wonderful and rich resource in this community which brings much many and recrecation to many people. You don't need to run that over to rent space to a soccer camp. Both activities can co-exist.

Third, banning dogs from the bark area is going to create more problems that it might be intended to address. Even when picknicking, people will what to include their family dog.

Again, thanks for forwarding the draft, and please bring these comments to the Commission's attention.

Best,

Bill Cosden
925-360-4096

==========

Bill,

Here is the revised draft ordinance.

Thanks for your quick response.

Jay Ingram

----- Original Message -----
From: bill@silveroakllc.com
To: "Jay Ingram" , judydyer24@yahoo.com, mweinberger4@comcast.net, dravinsky@comcast.net, ellenbocek@sbcglobal.net, yocarman@yahoo.com, bill@silveroakllc.com, bobsymon@aol.com
Subject: RE: Meeting Reminder - Tonight - Animal Ordinance 12.08.180
Date: Tue, 17 Feb 2009 17:01:50 -0800

Jay:

Thanks for your email, but, unfortunately, I didn't see the notice at the park, and have a commitment tonight, that it's too late to change. If you have drafted some language in preparation for tonight's meeting, could you email it to me. If I have any comments, I could get them back to you. Thanks, again.

Best,

Jay Ingram

From: Laszlo G. Bonnyay [bonnyay@drumgarth.com]
Sent: Thursday, February 19, 2009 7:28 PM
To: Jay Ingram
Subject: Animals off-leash
Attachments: Feb 2009 002.jpg; Feb 2009 001.jpg

Dear P&R. Commissioners and Jay,

I want to thank you all for the spirited discussion and your patience and understanding at your last meeting concerning off-leash hours for animals. I also appreciated that you are trying to accommodate the needs of all citizens in Moraga. In this spirit I would like to make a few recommendations for your consideration for re-drafting the present ordinance 12.08.180 Animals:

- Animal owners live in all parts of the Town and I do not consider it fair to force them all to come to the farthest southern corner of Moraga to exercise their animals. I recommend continuing to provide off-leash hours in the Moraga Commons as well. You might want to consider relocating the off leash area to the east end of the park, by the bridge.
- Having two locations would also give dog owners the possibility to take their animals for exercise to a place when one of the locations is closed because of a special event.
- In Rancho Laguna I suggest rephrasing and using some of the old language in the present ordinance when defining restrictions where animals are allowed:
  "……animals are allowed off-leash on the turf area of the park, on walkways and in open space area which is undeveloped and not improved with landscaping, playground or picnicking equipment or other amenities intended for the use and enjoyment of the public."
- Opening hours for the evening should be defined until the park is closed. It doesn't make much difference in the winter. Everyone is gone by 6 pm since it is dark. In the summer, families with young children leave before six pm for dinner and they usually do not return since the children are going to bed. Animal owners however enjoy hanging out after a long work day and meet other people, which is great and that is one reason we have our parks.

I also suggested locating bag dispensers for dog waste in our parks. I am attaching two pictures, showing a simple model I had installed at six locations in Sanders Ranch. The bags are easy to replace as you can see from the picture. They are used and we have no longer dog waste in our open spaces. I will get you the information where to get it and costs.
Thank you all for your consideration, with best regards.

Laszlo G. Bonnyay
Drumgarth LLC
3 Crockett Dr.
Moraga, CA 94556
T: 925-376-3482

Jay Ingram

From: Laszlo G. Bonnyay [bonnyay@drumgarth.com]
Sent: Sunday, February 22, 2009 4:01 PM
To: Jay Ingram
Subject: FW: Animals off-leash

Hi Jay,

It was good to see you at the MPF party. As I indicated, the gallon bottle idea for dispensing Dog waste bags is cost effective, but not befitting our parks. I will send you the info on what we used at Sanders once I got it. I am sure MPF or some of the other service organizations would be glad to sponsor it.
I am also attaching the reply from Luis Salvago-Toledo to my e-mail to you and the Commission. Kindly forward them to the Commissioners. As to the times when the leash law should be in effect, I assume he means between 9am- 4pm during standard time and between 9am-6pm during daylight savings time. The rest is clear to me what he is recommending.
I shall not be able to join the March 17th meeting, but I don't think I need to. I have given my input and the rest is now up to the Commission. If I have any further issues, I will wait until the proposed ordinance gets to the Council. Many thanks.
Regards

Laszlo G. Bonnyay
Drumgarth LLC
3 Crockett Dr.
Moraga, CA 94556
T: 925-376-3482

From: Luis Salvago-Toledo [mailto:lsalvago@comcast.net]
Sent: Friday, February 20, 2009 4:40 PM
To: 'Laszlo G. Bonnyay'
Subject: RE: Animals off-leash

Hi Laszlo,

Thank you for your information.

As I already observed at the meeting, I have no idea about the connection between re-drafting the ordinance in question and my original letter to the Town Council, simply reporting a clear abuse of authority and, hopefully, expecting protection from our elected officials. There's no need to re-write anything, but simply to support law-abiding citizens who observed what had been in the books for almost 20 years. Yet, the issue has been twisted into an opportunity (I can read Bernie's name all over the attempt) to restrict more and more our use of the park.

I have no idea what's going on at The Commons or Mulholland, but unless there are compelling reasons to apply different rules, I totally agree with you that the same ordinance should apply to those places, as well.

As for the suggested restrictions applying to the picnic and "developed" areas, I still maintain that we should only write ordinances that will have a chance of being enforced (and being enforceable). It's very easy to keep our dogs away from the children's playgrounds, and we should do such. And the same thing goes with the picnic areas when there's a picnic gathering going on; else it's doomed to fail from the very start. Therefore, I favor the approach of emphasizing the respect that the mentioned gatherings deserve and, therefore, restrain our animals from intruding. But when such areas are deserted, who cares if our Fidos and Lassies move around the empty tables?

Likewise, using simplicity as our guiding star, I feel the issue of the hours should be approached similarly to the initial writing: "DOGS MUST BE ON A LEASH AND UNDER CONTROL AT ALL TIMES 9AM – 7PM, STRICTLY ENFORCED." Five years ago, I approached the council pointing that the 7PM part was unrealistic for about half the year. They agreed and a change (not to everyone's liking) was made. That's when the fuzzy "sunset" and "dusk" expressions appeared. Again, to return the wording to its pristine state, I favor "9AM-4PM." In practice, that's what we now follow for about half the year, and for the rest of the year 4PM it's too hot, so we go later. Also, keep in mind that the park is lovely at night time and a few of us, especially nearby folks, walk their dogs under the stars. So, please, let's keep it that way and not give the impression that when the parking area gate is locked, Rancho Laguna Park is unreachable.

Thank you so much for your input and let's keep the conversation going.

See you at the park,

Luis

Jay Ingram

From: JANET DOBBS [dobbsjanet@sbcglobal.net]
Sent: Tuesday, February 24, 2009 8:45 PM
To: Jay Ingram
Subject: Rancho Laguna Park Use

Hello Jay,

Unfortunately, the school where I teach has their Science Fair on March 17; since I am a Science teacher, I will be unable to attend the meeting in Moraga on that date. Please pass along my VERY STRONG comments to the Council and Commission.

I have been a dog owner most of my life, but I am STRONGLY OPPOSED to the current practice of opening Moraga's only park with a play field to unleashed dogs, even during limited hours. I went to the park last Saturday at 5:30 and was horrified to see over 20 dogs running uncontrolled, in and around picnic tables, at the park. We are giving the park over to a very small number of residents and taking it away from the vast majority. Some children and adults are afraid of dogs. Seeing that many dogs unleashed would definitely discourage use during that time. It makes no sense in a community like Moraga where people have large yards for dog exercise and the funds to pay for socialization classes for their dogs. I represent many unspoken voices in Moraga. Let's not extend another divisive situation in this town.

PLEASE GIVE THE PARK BACK TO THE MAJORITY OF THE RESIDENTS!

Thank you,
Janet Dobbs