



IN DEFENSE OF ANIMALS

TO: Dallas Mayor and City Council

From: Suzanne Roy, Program Director, In Defense of Animals

Date: August 11, 2009

RE: CONCERNS ABOUT THE PROPOSED DALLAS ZOO PRIVATIZATION

I am writing with serious concerns about the proposed privatization of the Dallas Zoo. As you know, your council is currently scheduled to vote Wednesday on whether to authorize an agreement to transfer city property (animal collection, personal property, dedicated funds) to the Dallas Zoological Society (DZS)/Dallas Zoo Management Inc. (DZM) and contract with that entity to manage the zoo. (Consent Addendum Item 9 for the August 12, 2009 City Council Meeting).

As program director of In Defense of Animals, an animal welfare and zoo watchdog group, I am familiar with a variety of problems that cities have faced when contracting with private zoological societies to manage their zoos. Such arrangements can work, but they require detailed analysis and safeguards to insure that the public interest and animal welfare are protected. In the words of Houston Zoo director Rick Barongi, "It takes a long time to do it right."

The proposed management agreement between the City of Dallas and the Dallas Zoological Society/Dallas Zoo Management Inc. has not been properly vetted, nor has the public had a chance for adequate review of this proposal, which affects the future of an important public institution. Notice of this agenda item was not posted on the city's website until after 6 p.m. Friday evening, giving the public only four days to review this complicated proposal.

The proposed agreement calls for the city to give the Dallas Zoological Society \$337 million dollars over 25 years, along with millions more in assets, including the animal "collection," personal property and equipment and additional dedicated city funds. In exchange, the city would allegedly get a modest reduction in the amount of funding it commits to the zoo, but would be losing dozens of city jobs and forfeiting its authority and oversight over zoo policy. As currently construed, this is a bad deal for Dallas citizens and a bad deal for the animals at the zoo.

On behalf of our several hundred Dallas members, I request that your Council take the following actions:

1. Pull the item from the consent calendar and schedule it for a public hearing at a later meeting to allow time for proper review, public input and discussion.

This complicated venture includes the giveaway of city assets, including substantial public funds, equipment and property, as well as the animals at the zoo. The future of this important public institution and the welfare of the animals who live there are at stake. Clearly, four days is not enough time to allow for adequate public review and input into this plan. The item must come before City Council in a manner that allows for public input and discussion, not passed on a consent agenda with 78 other items and no discussion.

2. Include a provision to guarantee continued access to zoo information and records, in accordance with the Texas Public Information Act.

Privatization of zoo management and ownership of the animal collection will remove access to information about zoo operations and animal care now protected by the Texas Public Information Act. This will prevent citizens from accessing information about zoo animal care, finances and other operations, yet citizens will still be responsible for contributing \$11 million - \$14 million per year for zoo operations. Public access to zoo information has been critical in holding the zoo accountable for its care and treatment of animals, among other issues. Limiting access to these records would seriously impede the citizen's right to know about operations of this public entity.

The City Council should add a provision to the management agreement to require the DZS/DZM to provide the public with the same access to information as was required when the zoo was an entirely public entity. There is ample precedent for such public information clauses in city zoo management agreements with zoological societies. See below for two examples.

3. Maintain city ownership of animal "collection," just as city is retaining ownership of land, buildings and physical exhibits.

In transferring "ownership" of the animals, the city will be giving away a valuable asset, abdicating responsibility for the animals it currently "owns," and taking away Dallas citizens' right to have a say in the lives of the animals at the zoo. By relinquishing ownership, the City is giving up control over their care, their living conditions and their ultimate disposition (i.e., how and where they are sold or otherwise disposed of by the zoo).

The city will also be forfeiting its ability to set zoo policy, ensure accountability and transparency, and guarantee proper animal care and well-being. Since the animals have no ability to advocate for themselves, it is essential that citizens have access to information about their care and treatment. Without these mechanisms, there can be no independent oversight of zoo operations, no way of advocating for the proper care and treatment of animals, no way of assessing whether such proper care and treatment is being delivered.

There is ample precedent for cities maintaining ownership of animals, while contracting with the zoological society to manage their zoos. Contrary to DZS claims, zoological society ownership of animals is not a condition for accreditation by the Association of Zoos and Aquariums (AZA). Three examples:

- Jacksonville Zoo: City owns all property, including animals, equipment, and all improvements and contracts with the zoological society to manage the zoo.
- San Francisco Zoo: The City owns the land, buildings and animal collection and contracts with the San Francisco Zoological Society to manage the zoo. The San Francisco Zoo is AZA accredited.
- Kansas City Zoo. The city owns the land, buildings, equipment and animal collection and contracts with the zoological society (Friends of the Zoo) to manage the zoo. The Kansas City Zoo is AZA accreditation.

Similar threats about loss of AZA accreditation have been used in other cities to thwart city council involvement in zoo operations, particularly with regard to animal welfare.

4. Establish a zoo oversight committee that includes members of the City Council (or designated representative), members of the Park and Recreation Board, and representatives from animal welfare organizations.

This proposal turns the management and operation of the Dallas Zoo entirely over to the DZS Board of Directors, even though the city will continue to fund the zoo. The citizens of Dallas and their elected representatives are left out of this equation. Please remember that zoological society board membership is exclusive -- members are often chosen for their financial ability and are frequently required to make substantial annual donations. But wealth does not qualify individuals to run a zoo, nor does it ensure that the citizens' wishes will be represented in the operation of this public entity.

The city must maintain oversight over zoo operations, particularly since it will be contributing nearly \$14 million a year for over 20 years. An oversight committee or board with animal welfare representation must be created and required to have regular meetings (at minimum quarterly). Further the city should establish regular reporting requirements on zoo operations and finances, including animal acquisitions, disposition proposals, identification of long and short-term goals for facility and animal management and capitol improvement.

I hope that you will seriously consider these recommendations as a way to strengthen the proposed public/private venture between the City of Dallas and the Dallas Zoological Society. Absent such measures, this proposal is a sweetheart deal for the DZS, but a bad deal for the citizens of Dallas and the animals at the zoo, who are completely at your mercy.

Thank you very much for your consideration.

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Examples of zoo management agreements which guarantee public access to zoo information and records.

Woodland Park Zoo, Seattle. City owns the land and buildings. Woodland Park Zoological Society owns animals and manages zoo through contract with city.

3.3.2 City Documents Until agreed otherwise between the Superintendent and WPZS as provided in this Section 3.3.2, the City will retain custody of all City Documents. To allow WPZS to operate and manage the Zoo while the City retains that custody, the City will provide WPZS access to City Documents to the extent permitted by law.

After the Effective Date of this Agreement, the City Records Manager shall propose and seek applicable state agency approval of a records retention schedule for City

Documents that meets federal, state, and local requirements. After state approval of a records retention schedule for City Documents, the Superintendent and WPZS shall negotiate an agreement for transferring custody of City Documents to WPZS to the extent permitted by law. That agreement shall, at a minimum, condition the transfer of custody as follows, and shall hold WPZS liable to the City for failure to comply with WPZS's obligations under the agreement.

WPZS shall make the City Documents available to the Superintendent and other City designees immediately upon request; WPZS shall follow the Superintendent's instructions for responding to public records disclosure requests; WPZS shall comply with the records retention schedule for City Documents and make City Documents available for purposes of compliance audits. Custody of City Documents shall not be transferred to WPZS until the City Records Manager has completed training of WPZS and Parks Department records liaisons. (Woodland Park Zoo, Operations and Management Agreement, December 17, 2001, Section 3.3.2)

San Francisco Zoo: City owns buildings, land and animals; contracts with zoological society to manage.

Public Access to Records and Information.

SFZS (Zoological Society) shall provide public access to information concerning the operation of the Zoo to the same extent that such information would have been available to the public pursuant to local ordinances if the Department had continued to operate the Zoo in the same manner as it did prior to the date of this Agreement. In addition, SFZS shall comply with all state and federal laws, rules and regulations that govern access by the public to records and information, including without limitation the California Public Records Act (California Government Code Secs. 6250 et seq.) Without limiting foregoing, SFZS further agrees that (a) minutes shall be taken at each meeting of its Board of Director's, and that the minutes of those

meetings shall be considered public documents available for public inspection in accordance with the Public Records Act, and (b) all information concerning the status of all animals exhibited or otherwise housed or cared for at the Zoo shall be deemed public information subject to public inspection under the Public Records Act. (San Francisco Zoo Lease and Management Agreement, Section 16.2, page 22-23)