

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
April 17, 2007
2:30 PM

To: Board of Supervisors

From: Municipal Services Agency
Animal Care and Regulation

Subject: Introduce Ordinance For The Animal Overpopulation; Waive Full Reading Of The Ordinance And Continue To May 8, 2007 For Adoption

Contact: Pat Claerbout, Director, (916) 875-5051

Overview

On February 21, 2006 the Department of Animal Care and Regulation (ACR) presented a workshop to your Board on a proposed Animal Overpopulation Ordinance. The purpose of the ordinance was to reduce the number of unwanted dogs and cats entering the Shelter, reduce the euthanasia of healthy, adoptable animals and reduce shelter cost associated with the care of these unwanted animals. Following the presentation, your Board instructed ACR to conduct significant outreach with community stakeholders on the provisions contained in the ordinance and report back to the Board. On August 1, 2006 the Department returned to your Board for adoption of the ordinance. During this hearing it was evident that there were still divergent viewpoints on the ordinance. Your Board then referred the matter to the County Executive to meet with interested groups in a facilitated process to reach consensus if possible.

Recommendation

Request that the Board of Supervisors introduce the attached Animal Overpopulation Ordinance amending chapters 8.04, 8.08, 8.24, 8.25 and 8.36, Title 8, of the Sacramento County Code relating to licensing of dogs and cats and adopt the associated fee schedule, waive full reading of the ordinance and continue to May 8, 2007 for adoption.

Measures/Evaluation

The impact of the ordinance will be measured by a reduction in the numbers of dogs and cats admitted to the Shelter and a reduction in the number of healthy, adoptable animals euthanized. In addition to the emotional toll of euthanasia on staff and volunteers, it cost the County over one million dollars to provide housing and care for these animals. It has long been the goal of ACR and the desire of the community to reduce the number of healthy, adoptable animals euthanized. The Animal Overpopulation Ordinance is a tool to reach that goal.

Fiscal Impact

There is no direct increased cost associated with the adoption of the ordinance. Enforcement of the ordinance will be handled by current staff. We would anticipate a slight revenue increase with the change from criminal violations to administrative penalties for violations of Title 8.

BACKGROUND

In November 2004 a very diverse group of animal welfare professionals met to discuss the need to address the serious animal overpopulation problem occurring in Sacramento County and the surrounding areas. As a result of this and subsequent meetings, the Coalition to Stop Animal Overpopulation (Coalition) was formed with the goal to create a model ordinance addressing the pet overpopulation problem and resulting high euthanasia rates. On February 21, 2006 a draft ordinance proposed by the Coalition and ACR was presented to your Board at a workshop. ACR was then directed by your Board to conduct outreach with our stakeholders and to report back on recommended changes to the draft ordinance.

ACR and members of the Coalition met with each CPAC and Community Council. A workshop was held for interested community members in Citrus Heights and a separate workshop presented to their City Council. Meetings also occurred with individual city/county leaders, animal advocates and other stakeholders to gain input. Overall, fourteen (14) community meetings were held. The demographics of the audiences were varied, as were the suggested changes to the ordinance. However, it was evident that the public does desire to change the status quo and significantly reduce the euthanasia of thousands of animals in our shelters with the goal of eliminating the need to euthanize healthy, adoptable animals.

On August 1, 2006 a revised ordinance was brought before your Board for approval. Due to the extreme divergent viewpoints expressed by those in opposition to the ordinance, your Board instructed ACR to work through a facilitated process to achieve an equitable resolution to the issues.

In January 2007, Michael Tompkins was contracted to provide facilitation services and to provide an analysis of the issues. Mr. Tompkins was provided historical information on the development of the ordinance to date. He conducted phone interviews of those opposed and received and reviewed materials from them. Mr. Tompkins facilitated a meeting with the Sacramento Farm Bureau and a meeting of stakeholders at which over 40 individuals attended. You will find Mr. Tompkins full report in the attachments. In addition to Mr. Tompkins work, Robert Shanks, Interim Agency Administrator for the Municipal Services Agency, and representatives from ACR held two additional small group meetings striving to resolve the key issues.

While this process was not successful in reaching consensus from all parties, additional changes have again been made to the ordinance to address concerns brought forward. The ordinance that is being brought before your Board for approval will reduce the number of dogs and cats entering the Shelter and being euthanized and will help to achieve the goal of eliminating the need to euthanize healthy, adoptable animals. This will be done by creating an incentive for pet owners to spay and neuter their pets and regulating the sale of dogs and cats.

DISCUSSION

Yearly, thousands of unwanted animals enter our shelter and over 50 percent are euthanized. In the past, this issue has been addressed primarily through public education and low-cost spay/neuter services provided by local non-profit organizations. While the overall numbers are

decreasing, in 2006 our shelter impounded over 15,000 dogs and cats and euthanized over 8,000. ACR is committed to continuing to fund, and as resources become available, to expand its public education and low-cost spay/neuter programs. Staff believes it is essential that ordinance changes be adopted to help to reduce the number of animals entering the Shelter, the euthanasia of healthy, adoptable animals and the cost associated with the care of these unwanted animals. In a poll conducted by Zogby International, a polling and market research company, 69 percent of Sacramento County residents stated that they would support an ordinance that regulated the breeding of dogs and cats and 63 percent responded that it is unacceptable that dogs and cats are killed in shelters at taxpayer expense. The full report of this poll was provided to your Board by the Association of Veterinarians for Animal Rights in February 2007. Cities and Counties across the country are struggling with this very same problem. Many have adopted ordinances similar to what we are proposing with great success and as the next logical step to address the problem. On March 20, 2007 the City of Sacramento also adopted a spay/neuter ordinance.

Our outreach efforts have resulted in several changes to the ordinance as it was presented in August 2006. The following is a list of the changes that have been made to address the concerns of the stakeholders following the August Board hearing.

Expanded Criteria for Reduced Unaltered License: The reduced unaltered license allows pets to remain unsterilized if the circumstances surrounding ownership fit within specific criteria. The criteria for the **reduced unaltered license** fee was expanded to approve more breed registry associations, to require participation in only one show or event a year instead of two, and to allow animals under one year of age to obtain the reduced unaltered license with verification of intent to show or exhibit. As a result of concerns expressed by members of the Sacramento Farm Bureau, a new category of "Working Ranch Dog" has been added and is applicable to the reduced unaltered license. These changes provide responsible dog and cat owners the ability to participate in different events, while keeping the animal unsterilized and not incurring the higher unsterilized license fee. The reduced unaltered license fee has also been reduced from a proposed \$75.00 to \$45.00. This represents the same percentage increase as is being recommended to the altered license from the current fee of \$10.00 to the proposed fee of \$15.00.

Auctions: A provision in the August 2006 version of the ordinance prohibited the sale of dogs or cats at auction. A concern was raised by the Sacramento Farm Bureau and members of local hunting clubs that this would prohibit their club's occasional puppy auction or raffle which is a club fundraiser. Based on our experience that this specific activity by local hunting clubs has not presented a problem in the past, the section prohibiting auctions has been removed. If at a future date auctions become a problem, staff will propose ordinance language changes to address the problem.

Rabies Vaccination Reporting by Veterinarians: The August 2006 version of the ordinance contained a section that would have required veterinarians to report all rabies vaccination to ACR within 30 days. Local veterinarians expressed their concerns that they would be perceived as an enforcement agent of the County and it could increase their workload.

Since 1997, local veterinarians have participated in the voluntary sales of County dog and cat licenses. During the past ten years, the number of veterinarians participating in the program and the volume of licenses sold has decreased. After discussing this issue with the membership of the Sacramento Valley Veterinary Medical Association and hearing from individual

veterinarians, it was requested by the veterinarian community that they be given an opportunity to increase the sale of licenses through their hospitals. We believe that this is a reasonable resolution to this issue at this time. ACR will work with the veterinarians by providing them with licensing brochures and signage for their clinics. We will continue to monitor the sales over a six-month period and determine if the voluntary license sale program is successful. ACR will report back to your Board on a recommendation to continue the program or request the addition of rabies vaccination reporting to Title 8.

Penalties: An important aspect of the ordinance is that 50 percent of all fines and all unaltered license fees would be placed in a "Sterilization Fund" to be used for spay and neuter programs. To enable the collection of fees directly to the Department, a provision has been added to the ordinance that changes violations from criminal offenses to administrative fines. In researching this process it was found to be of benefit if all violations of Title 8 would be handled under an administrative citation process. This is the same process that Code Enforcement currently uses. Collection of unpaid debts will be processed by the Department of Revenue and Recovery. This will eliminate valuable court time spent processing infraction citations and will direct all revenue to the Department. Many of the regulations contained in Title 8 can simply be corrected as "fix-it Tickets" such as with licensing. Simply show proof that the pet is licensed within the allotted 15-day grace period and no penalty is incurred. If a violation is not corrected the penalty does increase every 30 days up to a maximum of \$500.00 These increasing fees provide the financial basis for the collection recovery process to be effective. The intent of the ordinance is not to increase revenue but to use the fee and penalties as an incentive to spay and neuter pets and to ensure compliance with other provisions of Title 8.

MEASURES/EVALUATION

The success of the ordinance will be measured by the reduction of animals entering the Shelter and the reduction of healthy, adoptable animals euthanized. This information will be contained in ACR's annual performance measures.

FINANCIAL ANALYSIS

There is no increased cost associated with approval of the ordinance. Enforcement of the ordinance will be complaint driven or in conjunction with enforcement of current regulations by staff. A reduction in the number of animals entering the Shelter will reduce the kennel program operating cost as it applies to food and medical supplies. In 2006 our kennel operating cost was billed at a rate of \$55.29 per animal. Due to the very large numbers of animals impounded, we will not see an exact reduction in budget cost per animal. As the number of animals impounded is reduced by 20 percent or more, a savings would be realized. The change to administrative fines may increase some revenues but without any prior history in using this process the amount cannot be estimated at this time.

CONCLUSION

The effort to bring before your Board a cohesive ordinance to address the pet overpopulation issue has been a vast undertaking. It has brought together animal advocates with many points of view and differing perspectives on how to address the problem. The one issue that most were in agreement with was; euthanasia of adoptable animals must stop and steps must be taken

immediately to end this needless tragedy. Adoption of the ordinance will send a very strong message that the residents of Sacramento County care about the welfare of animals in our communities and that the County of Sacramento values the lives of animals and is truly working toward ending the euthanasia of healthy, adoptable animals.

Respectfully submitted,

APPROVED:
TERRY SCHUTTEN
County Executive

PAT CLAERBOUT, Director
Department of Animal Care and Regulation

By: _____
ROBERT F. SHANKS
Interim Administrator
Municipal Services Agency

Attachment A – Michael Tompkins Report
Attachment B – Fee Schedule
Animal Overpopulation Ordinance (strikethrough version)
Animal Overpopulation Ordinance