



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Public Health  
Department No.: 041  
For Agenda Of: October 20, 2009  
Placement: Set Hearing – Oct 20  
Hearings–Nov 3 & Dec 1  
Estimated Tme: 3 hours on Nov 3  
30 minutes on Dec 1  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Michele Mickiewicz, MPH, Interim Director  
Director(s) Public Health Department  
Contact Info: Jan E. Glick, Director of Animal Services (681-5284)  
**SUBJECT: Spay-Neuter Task Force Report and Recommendations**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

Consider recommendations for amending the Santa Barbara County Code Chapter 7 – Animals and Fowl, as follows:

- a) Set hearing on November 3, 2009 (first reading) to consider recommendations from the Spay-Neuter Task Force and ordinance amendments to the County Code Chapter 7 and the Animal Services Fee Schedule effective January 1, 2010.
- b) Set hearing on December 1, 2009 (second reading) to consider the adoption of amendments to the County Code Chapter 7 and the Animal Services Fee Schedule.
- c) Approve Notice of Exemption pursuant to California Environmental Quality Act of 1970 (CEQA) Guidelines. (Attachment 6)
- d) Commend the Task Force members on their work and the completion of their duties.
- e) Direct staff to return to the Board in 24-36 months with data to report on the effectiveness of any ordinance approved by the Board, as well as performance measures on licensing levels resulting from the Responsible Pet Ownership Program.

**Auditor-Controller Concurrence**

As to form: N/A

**Background:**

On May 6, 2008, the Public Health Department (PHD) came to the Board with a report on the status of a local spay/neuter ordinance for Santa Barbara County and asked the Board to provide policy direction to staff on further development of such an ordinance. Background on the issues related to pet overpopulation which were the impetus for this action is described in Attachment 1. The Board voted to create a task force to include County staff and selected members of the community/stakeholder groups<sup>1</sup> and to “return to the Board as appropriate with proposed draft language for a spay/neuter ordinance”. The recommendations from the Task Force are in response to this direction.

Interested individuals submitted applications in June of 2008 and Board members made appointments<sup>2</sup> to the Task Force in early September. The Task Force began its work in September, 2008. Meetings were held in Santa Barbara, Santa Maria, and Buellton. The Task Force met a total of 15 times, toured County animal shelters, hosted speakers on different aspects of spay and neuter issues, received extensive printed material, received presentations from County Animal Services on data and specifics of Santa Barbara County’s programs and issues, and attended focus groups for the Spanish-speaking public.

The Task Force completed its work in May of 2009 with proposed ordinance concepts, as well as additional program recommendations to address pet overpopulation issues. The Task Force met again in September to review the ordinance language drafted incorporating the concepts put forth by the Task Force.

In May – August 2009, staff communicated with a variety of stakeholder groups<sup>3</sup> to inform them of the recommendations of the Task Force and the process for bringing the recommendations to the Board of Supervisors for consideration.

**Summary Text:**

***Overview of Ordinance Recommendations of the Task Force***

Attachment 2 summarizes the key ordinance concepts. The complete language for the ordinance recommended by the Task Force can be found in Attachment 3.

The ordinance was recommended by the Task Force on a 6-5 vote, and was based on the tenet that responsible pet owners bring their dog/cat to a veterinarian regularly and that they consider the breeding potential of their dog/cat. The ordinance proposes that **owners are not required to have their dog/cat spayed or neutered if they discuss the objectives and purposes for owning the dog or cat with a veterinarian and they obtain a Veterinary Certificate to purchase an Unaltered Animal License.** The Task Force made considerable efforts to be responsive to the goal of the Board of Supervisors to develop an ordinance that does not significantly affect responsible pet owners. Any ordinance amendments approved by the Board of Supervisors would apply only in the unincorporated areas of the County.

The recommended ordinance states that certain owners of dogs or cats do not qualify for an Unaltered Animal License:

- (1) Owners of dogs or cats impounded and/or cited at large three times within a year.

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<sup>1</sup> Two members from the Second, Third, Fourth and Fifth Supervisorial Districts, three members from the First Supervisorial District

<sup>2</sup> 1st District: Ron Faoro, DVM (Chair), Eliane Martin, Shirley Jansen; 2nd District: Heidi Thorson, JD, Lisa Kenyon; 3rd District: Mikki Caparelli-Lally, Paul McEnroe; 4th District: Linda Greco, Andy Mills; 5th District: Tom Freeman, Bonnie Royster

<sup>3</sup> City Managers & Mayors, Veterinarians, Kennel Clubs, Humane Societies, Animal Welfare Groups, Spay/Neuter Task Force Meeting Attendees, Agricultural Advisory Committee

- (2) Owners of dogs or cats convicted in California for crimes against animals and/or domestic violence.
- (3) Dogs whose owners have been found guilty of an infraction under section 7.65 of this chapter after their dog has bitten, attacked, or caused injury to a human being or animal while the dog was running at large.

Another component of the Task Force's recommended ordinance is the **requirement for cat licensing**. Cat licensing provides a way to return lost cats to their owner and demonstrates owner responsibility. Spayed or neutered cats would be eligible for a lifetime license and unaltered cats would be eligible for an annual license. Contrary to dog licensing, there would be no requirement to provide proof of rabies vaccination in order to get a cat license.

For each Unaltered Animal License sold, a **\$10 surcharge** will be implemented and will be **deposited in to the Animal Services Spay/Neuter Agency Fund** to be used to subsidize spaying and neutering of animals. In addition, a number of animal welfare groups are committed to work with Animal Services to expand the availability of subsidized, low-cost spay/neuter services and weekend spay/neuter clinics to provide access to spay/neuter services for individuals for whom the cost would be a hardship.

The ordinance also sets forth a number of **requirements on the transfer (sale, adoption, etc.) of dogs and cats** and states the **Director of Animal Services shall be responsible for the administration and enforcement** of the ordinance.

The complete ordinance amendments recommended by the Task Force can be found in Attachment 3.

### ***Responses from Veterinarians***

Letters were sent to 52 veterinary clinics in Santa Barbara County regarding the ordinance concepts proposed by the Task Force. Eight veterinarians responded, with 7 in favor and one opposed. The responding veterinarians indicated questions about veterinarian liability and being an agent for the county. Three veterinarians spoke to the challenge of cat licensing. Two recommended mandatory micro-chipping and one recommended a phase-in approach. One veterinarian wrote to express opposition.

### **Ordinance Evolution and Key Issues**

In the evolution of the Task Force ordinance, many issues were explored. Two issues that generated a significant amount of Task Force discussion were the issues of exemptions and cat licensing.

#### ***Exemptions***

The Task Force focused much time on the issue of exemptions – specifically, whether there was a need for, and what the benefits would be of, including exemptions from spay/neuter requirements for certain dog/cat owners. The majority of Task Force members felt that the Veterinary Certificate process provided a mechanism for responsible owners who desire to keep their dog/cat intact to do so. Thus, these members felt there was no need for exemptions.

A number of Task Force members indicated a desire to include certain exemptions – specifically, exemptions for purebred animals with registration in nationally recognized breed registries and exemptions for working dogs, including herding and hunting dogs. The Lompoc ordinance (passed in 2006) requiring that all dogs be spayed or neutered provides a purebred exemption and a veterinarian medical exemption.

In preliminary voting conducted at the April 15 meeting on whether or not to include exemptions, 7 members indicated a desire for exemptions with 2 opposed and 2 abstaining. This issue was again raised

at the September meeting of the Task Force and the members voted 6-5 to not include exemptions in the proposed ordinance.

The existing County ordinance exempts seeing eye dogs and dogs trained for and utilized by law enforcement from licensing requirements, along with dogs visiting the county for less than thirty days. These exemptions will continue in the proposed ordinance.

### ***Cat Licensing***

There is currently no requirement for cat licensing in Santa Barbara County. Because the Veterinary Certificate process would be the mechanism for responsible cat owners desiring to keep their cat intact, an Unaltered Animal License for unaltered cats would likewise be required. The Task Force discussed the pros and cons of requiring all cats to be licensed and ultimately voted 6-5 on an ordinance to require licensing of all cats with licenses for unaltered cats required annually and altered cat licenses to be valid for the cat's lifetime. State law requires dog owners to show proof of rabies vaccination in order to get licensed; however there is no requirement in state law for cats to be vaccinated against rabies. Consequently, the ordinance recommended by the Task Force did not include a requirement to show proof of rabies vaccination in order to obtain a cat license.

### **Responsible Pet Ownership Program**

At a number of meetings, the Task Force explored options to reduce pet overpopulation in addition to the ordinance approach. A list of additional recommendations from the Task Force can be found in Attachment 4. The majority of these recommendations can be addressed through implementation of the Responsible Pet Ownership Program.

One of the Task Force recommendations was to support the Responsible Pet Ownership Pilot Program. This is a program which incorporates components of the Calgary, Canada model to promote responsible pet ownership by:

- Increasing outreach and education on responsible pet ownership and licensing
- Increasing the number of licensed pets within our county
- Increasing the number of pets that are returned to owner
- Improving the fiscal viability of the Animal Services Program

The key program elements are:

- Achieving a high level of licensing compliance
- Establishing a system where license fees and penalties go back to Animal Services to support the program
- Staffing (Extra Help/Contract) dedicated to raising awareness and educating residents about licensure requirements (funded by SB 90)

Currently, the county code and state law requires that dogs are licensed and proof of current rabies vaccination is required in order to be licensed. The Responsible Pet Ownership Program will conduct outreach to communities, groups and individuals with the goal of helping people comply with the law. This will be done through education about licensure requirements, rabies vaccination, providing low-cost rabies vaccination clinics, free promotional licenses for an initial 6 month period, and other incentives and promotions to raise public awareness and licensing.

Consistent with the Calgary model which has achieved high levels of licensing, the Animal Services Fee Schedule would be amended to include a \$250 penalty for having an unlicensed dog and any fines collected would go to support Responsible Pet Ownership Program outreach and incentive activities. The proposed changes to the Fee Schedule are shown in Attachment 5. While the penalty is important to

improving compliance, the focus is on outreach, education, and building relationships with residents. There would be an amnesty period so outreach and education can occur without concern about the potential for penalties for non-compliance. The experience of Calgary indicates that this positive approach with strong outreach and education with owners works with little need to resort to penalties; however the leverage the penalty provides can help move people into compliance.

A funding plan has been developed for this pilot program. No costs for the program will be passed on to the cities that contract with the County for Animal Services. The program will be funded with one-time SB 90 revenue and grant funding. As licensing levels increase, revenues to support the program will increase. The funding analysis indicates if licensing goals are achieved, revenue will be sufficient to completely cover program costs beginning in FY 2011-12. Additional increases in licensing levels with the resulting revenue will provide much needed fiscal support to allow Animal Services to meet the growing needs of city and county residents and to control costs for contract cities, the County, and consumers.

**Fiscal and Facilities Impacts:**

Approval of these recommendations will not result in the need for any additional facilities. There will be no additional costs required for implementation of the ordinance amendments. Activities related to the implementation and enforcement will be provided by existing staff.

Funding for the Responsible Pet Ownership Program will be provided through FY 2010-11 through one-time funding revenue from SB 90. Grant funding has been requested to support this program through the Animal Care Foundation; however, absent this grant funding, there is sufficient SB 90 revenue through FY 2010-11. Subsequent years will be funded through increased revenue generated by increased license sales which are conservatively estimated to increase from a baseline estimate of 18% a year to 28% in 2010-11, 38% in 2011-12 and 48% in 2012-13. (The 18% represents the estimated percent of dogs currently licensed by Animal Services compared to the estimated count of dogs in the county (based on population and number of households). As noted, the percentage of licensed dogs in the county is expected to increase as the program progresses.

Revenue from cat licensing, the surcharge for unaltered dogs and cats, and the penalty for an unlicensed animal is not estimated.

**Budgeted:**

No; PHD will return to the Board with a Budget Revision Request to establish the necessary funding and budget for the Responsible Pet Ownership Program.

**Staffing Impacts:**

There are no staffing impacts to approving ordinance amendments as activities related to the implementation and enforcement of this ordinance will be provided by existing staff.

The staffing plan for the implementation of the Responsible Pet Ownership Program calls for 3 Extra Help or Contract outreach positions requested through grant funding:

- 1 Outreach Program Leader, .75 FTE
- 1 Outreach Educator, .75 FTE
- 1 Outreach Educator, .5 FTE

In addition, the staffing plan calls for 2 Extra Help or Contract Animal Services Officers at .5 FTE which would be hired as extra help employees and funded through SB 90 revenues. As on-going revenue is

generated, these positions would become regular ordinance positions. This is anticipated to occur in FY 2011-12.

If grant funding is secured, the Outreach staff will be contractors of the Animal Care Foundation. If grant funding is not available, these staff will be funded from SB 90 revenue and will be hired as Extra Help or Contract employees.

The SB 90 Funding comes from the State Animal Adoption Mandate Claims which are currently deferred for payment in future years. However, funding for this recommendation was previously received and designated for one-time use in developing a plan for the benefit of all parties (Contract cities and County) and to use for identified unfunded Animal Services needs.

**Special Instructions:**

1. Request the Clerk of the Board to publish notice of this hearing, per the attached Notice (Attachment 7), in the Santa Barbara News Press five and ten days prior to the hearing, in accordance with Government Code §6062a.
2. Request the Planning and Development Department to post the Notices of Exemption for the ordinance in the County Planning and Development Department at least six days prior to consideration of the activity by the Board of Supervisors to comply with the County CEQA guidelines.
3. Return two fully executed copies of the ordinance along with a copy of the minute order to the Public Health Department Contracts Unit, 300 N. San Antonio Road, Bldg. 8, Santa Barbara, CA 93110, Attn: Dawn McGrew (805) 681-5205.

**Attachments:**

Attachment 1: Background on Pet Overpopulation

Attachment 2: Key Ordinance Concepts

Attachment 3: Proposed Ordinance Amendment Language

Attachment 4: Task Force Additional Recommendations to Reduce Pet Overpopulation

Attachment 5: Amendment to Fee Schedule

Attachment 6: Notice of Exemption pursuant to California Environmental Quality Act of 1970 (CEQA) Guidelines.

Attachment 7: Public Notice

Powerpoint Presentation

Authored by:

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