

**IV. COMMENTS AND OBJECTIONS
TO THE MAJORITY REPORT**

Assumptions and Implications

The introduction sets forth unsubstantiated assumptions:

- Euthanasia is not ethical.
- Euthanasia is not cost effective.
- Euthanasia is not acceptable as a default to other measures.
- Large number of stray/feral dogs and cats exist in the county.
- These feral animals cause disease.
- These feral animals cause traffic hazards.
- These feral animals cause injury to persons or property.
- These feral animals cause damage to wildlife.
- Irresponsible pet ownership causes euthanasia of the unwanted.
- Unplanned animal births causes euthanasia of the unwanted.
- Lack of public information causes euthanasia of the unwanted.

Based on the above assumptions, the proposal states its goal to be elimination or substantial reduction of euthanasia of the unwanted dogs and cats in the county.

The goal assumes:

- Euthanasia is undesirable.
- Such euthanasia can be eliminated or substantially reduced.

The goal is to be reached through four objectives. The first three are based on the introductory assumptions, while the fourth addresses administrative and enforcement feasibility.

The proposal sets forth sub-objectives under each stated objective. Each sub-objective is based on additionally unsubstantiated and usually unstated assumptions as are the objectives themselves.

Objective 1 is to increase the number of responsible pet owners.

• It is assumed that "responsible" owners do not cause unwanted animals.

• It is assumed that surrenders can be reduced.

• It is assumed that unsuccessful placements can be reduced.

• "Impulse" is not defined.

• It is assumed that animals acquired from private sources on public premises would be "impulse" acquisitions.

• It is assumed that display of a permit number in an advertisement for an intact animal would discourage "impulse" buyers.

- It is assumed that "impulse" buyers purchase animals from stores.

- It is assumed that "stray" animals have owners who will or are able to reclaim them.

- It is assumed that stray cats have owners who would license them as well as be willing and able to reclaim them.

- It is assumed that licensed animals are cared for more responsibly than unlicensed animals.

- It is assumed that the county has the authority to mandate rabies vaccinations requirement for cats.

Objective 2 is reduction of unwanted births.

- It is assumed that the presumed unwanted births would be reduced by requiring permits for breeding.

A code of ethics or set of standards, not furnished, would be required with the permit to breed. Additional regulations are set forth. A number of legal issues are raised by these provisions. We suggest that County Counsel check these regulations carefully.

- The permit to breed is to be revocable on violation of the ordinance.

- Since the ordinance is a criminal law, the county must be prepared to prove the charge beyond a reasonable doubt.

- Will all unstated provisions of the code of ethics/ ethical guidelines/ minimum standards be proper subjects of law?

The recommendation to add specific cattery requirements and permits to a separate ordinance is not related to unwanted births. Presumably cattery operators control births.

The relationship of the Fanciers permit to reducing unwanted births is not stated nor apparent.

The legal means of forcing a person who harbors but does not own an intact outdoor cat to comply is not addressed. No distinction is made as to cats outdoors but constrained in an enclosure or on leash.

Expanding incentives to spay/neuter assumes that individuals make this decision based on cost factors and ignores human concerns:

- Fear of subjecting the animal to surgery.
- Avoiding the animal's mental suffering.
- Dislike of disfigurement for male dogs.

- Avoiding an irrevocable decision.
- Pressure of household members or co-owners.
- Other personal beliefs.

Programs related to feral cats assume that true feral cats are among those unwanted animals allegedly euthanized despite the tenacious efforts usually required to trap them.

Animal welfare agencies having surgical facilities, should give highest priority to altering their own adoptees prior to adoption rather than accommodating the public, who can use private vets.

What are the legal precedents and implications of attaching a criminal penalty to violation of a spay/neuter contract for a shelter adoption. What impact would this have on marketability of shelter animals? What are the enforcement problems regarding standard and burden of proof and jurisdiction?

Objective 3 is developing community education.

Effectiveness of educational material will depend on its relevance to the target audience, its credibility and usefulness.

Requiring distribution by animal activity/service/product providers needs further definition as to financial impact and the type of law to be enacted.

Objective 4 recommends consideration of efficiency and feasibility by incorporating new features into the existing licensing program and creating an advisory committee to recommend funding matters.

- No probability estimates have been given for any programs as to their likelihood of furthering the objective.

- No priority has been assigned to any program as:
 - more likely than others to further objective.
 - more cost effective than others.
 - more likely to inspire public cooperation.
 - less intrusive on individual rights.

The statement that uniform enforcement is possible considering urban and rural differences is self-contradictory and may lead to illegal enforcement practices.

Fees and penalties for redemption may increase surrenders. Alternative to an appeal mechanism, is to proceed directly to court.

Additional Comments

Mandatory Neuter/Spay

That this report fails to address whether its recommendations should be implemented along with or in lieu of the Sturla/Nolan Ordinance is a major deficiency. The report is silent about the original ordinance and the signatories represent both proponents of the original ordinance and breeders who opposed the original ordinance. The proposal is obviously a compromise, therefore the inference could be drawn that it was intended to be incorporated into the original Sturla/Nolan ordinance.

Dogs vs. Cats

Despite the allegation that cats are the most significant group to be controlled, only two cat breeders were appointed to the Task Force. Ten dog breeders were appointed. Neither cat breeder signed this proposal.

Animal Rights Agenda

The proponents of the original ordinance are acknowledged members of animal rights activist organizations dedicated to changing traditional values and laws regarding animals, including the concept of ownership. By failing to address this issue, the signatories allow the inference that the proposal remains a weapon in the arsenal of those proponents in achieving their stated goals.

Rural vs. Urban

The proposal fails to address rural versus urban differences. Over half of the square mile area of San Mateo County is unincorporated. Most of the unincorporated area is either under agriculture or in its natural state, open space. San Mateo County takes pride in its open, rural areas and has made numerous policy decisions dedicated to keeping the open spaces and the rural flavor of the unincorporated county. People can still see large,

working cattle ranches here. One can still take up a gun and hunt both water fowl and upland game birds here. There are many areas where one may still legally hunt deer. Dogs are an integral part of these activities, and the laws that are set for the unincorporated area of San Mateo County should allow for the continuation of these activities. City laws belong in cities.

Working, herding dogs and trailing dogs may range in their duties from one ranch to another, with property owners' permissions. Some land owner's properties run up to the center line of a road. Many ranches have county roads bisecting them. Dogs, which may seem to be "stray", are really on their own property or going about their assigned duties, for which they were trained. These dogs, if properly licensed, should not be subjected to the impound penalties which are being suggested in this report. An exemption or exception should be made for farm and hunting dogs in the leash and impound provisions.

Working farm cats serve a vital function in the ecosystem in controlling rodent populations. It would be highly undesirable to remove all free-roaming, breeding cats from agricultural communities. If there are fewer cats in agricultural communities, there will be more chemicals used to control rodents, and these chemicals will find their way into the food chain.

Domestic animals owned by farmers (as defined by the U.S. Census Bureau) should be exempt from the provisions of the Animal Control ordinances, except for fees and requirements for identification.

Breeder Licensing

The breeder permit program as outlined in the majority report will not significantly impact the numbers of animals being euthanized.

There are fewer than 150 dog and 30 cat breeders in San Mateo County. No data was ever brought forward that indicated these people were causing pet overpopulation in San Mateo County.

The vast majority of animals euthanized are random-bred, accidentally mated cats. Breeders are not the cause of the births of these unwanted animals. And yet, as conceptualized, the breeding permitting program will impact primarily those involved in planned scientific breeding programs.

The permit system as outlined is oriented toward regulating identified breeders. Unfortunately, those most responsible for the production of unwanted births (the "just one litter" accidental births) will not be motivated to participate.

This permit system is regulation oriented, not educationally focused for the general public. Education of the uninformed public rather than regulation of identified breeders, would make more sense and have a greater likelihood of reaching those who are causing the problem.

Animal Licensing

Starting at the State level, perhaps the whole concept of Animal Licensing should be reexamined.

Licensing is meant to serve 3 purposes:

- To protect the health and welfare of the public as well as the individual animal.
- To identify the animal so that it can be returned to the owner if lost.
- To provide a source of revenue for municipalities to fund animal control.

Each purpose is addressed below:

- **Public Health and Welfare** - Rabies vaccinations and the requirement for Veterinarians to report clients to local animal control authorities are ostensibly to 'protect the public health'. The real purpose is to coerce the owners into purchasing animal licenses. There has never been a case of a human acquiring rabies from a cat in California. In rabies endemic areas, where there is a legitimate need, animals can certainly be vaccinated without the need to pay a tax to the County. After all, children are vaccinated for many diseases that pose a threat to public and individual health without the necessity of purchasing a license.

- **Identification** - This can be accomplished independently of licensing law. Until the public changes its way of thinking about animals (cats in particular), compliance with wearing ID (whether it is a license or simple name tag) will remain dismally low. One Florida locale reported that after an extensive cat licensing campaign, they had increased their rate of return of cats to owners to only 3.5%. Their stated rate of return

for dogs was only 18%. It has been estimated that between 30 and 40% of the dogs in San Mateo are licensed. These figures do not support the use of licensing as a successful means of identification.

- Revenue - Dog licensing does not currently cover animal control costs; supplemental funding is invariably needed from additional sources. Municipalities where cat licensing has been implemented report compliance to be less than 19%. The fees collected are only enough to offset canvassing and administration costs. It is highly unlikely that the addition of cat licensing will create the usable income that the County desires.

The common belief that licensing, for dogs or cats, will achieve the above outlined purposes or goals should be carefully examined. Animal welfare/control experts often assume that "responsible" owners license their pets. This assumption can not be validated.

As animal control costs escalate, the cost of licensing will inevitably increase if it remains the primary source of revenue. Experience has taught us that with each increase in licensing fees, compliance decreases. Fewer owners, whether responsible or not, are able or willing to pay. A rising tax without perceived benefit may adversely affect animal ownership, particularly for those in lower income brackets.

An alternative to licensing as a means to obtaining funding for animal control may be the use of special tax districts or property tax assessments. Everyone in the community benefits from animal control, whether they are pet owners or not. Perhaps it is time that ALL share in funding animal control costs. Small amounts contributed by the many will be less burdensome than relatively large amounts contributed by the few.