

THE ANIMAL COUNCIL

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July 17, 2006

Sacramento County Board of Supervisors
700 H Street, Suite 2450
Sacramento CA 95814

Re: BOARD OF SUPERVISORS AGENDA, ITEM 74 -- Animal Overpopulation Ordinance (All) (Animal Care and Regulation) (2/21/06, #43) being continued

Dear Board Members:

THE ANIMAL COUNCIL (TAC) a California nonprofit, public benefit, tax-exempt [§501(c)(4)] corporation was founded in 1991 to seek positive, humane solutions to animal public policy issues through study, analysis and application of animal husbandry, statistic, economics and law, and at the same time preserve humane benefit from all species, breeds and registries. TAC originated to protect animal owners from San Mateo County's (California) action to enact legislation forbidding cat and dog breeding, and mandating sterilization of all cats and dogs.

We published "Perspectives on Legislative Approaches to Animal Control" detailing the lengthy, exhaustive and inclusive task force process leading to the final ordinance and many recommended, non-legislative programs that were eventually implemented by the shelter though not initially welcomed. Widely circulated in the early 1990s, this is available again on our web site. Over the years we have closely monitored the haphazard use of animal licensing for purposes other than those intended by California statute, i.e. the rabies vaccination and identification of *dogs* only. The proposal before your board is another such instance and necessitates the following considerations:

REDUCING & ELIMINATING SHELTER EUTHANASIA OF ADOPTABLE ANIMALS DEMANDS SHELTER ACCOUNTABILITY:

This process begins with a critical evaluation of shelter programs and practices and identification of community specific risk factors for animals entering that shelter.

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“Breeding” is not such a risk factor. Rather, epidemiological studies are now available prioritizing these risks relative to the personal qualities of people who acquire animals.¹ The highest risks for shelter entry are correlated with younger, less well educated individuals who do not purchase their animals either from breeders or pet stores. Ignoring this evaluation leads to waste of resources, public ill will and unintended consequences. Effective analysis will help focus resources on animals in at-risk situations while also revising practices within shelter and outreach programs to enhance adoptions and reduce euthanasia. Continually shifting demographics in California require approaches that are locally targeted and culturally respectful. Ironically, San Mateo County through its animal services contractor, Peninsula Humane Society & SPCA several years ago eliminated euthanasia of adoptable dogs and cats with the now moderate looking breeding permit ordinance in only in a small minority of jurisdictions and a moderate unaltered license fee of \$30.00 county wide. The many programs and shelter practices identified and advocated through the task force process were eventually implemented to help reach and sustain this goal.

VERY HIGH RATE DIFFERENTIAL LICENSING DECREASES COMPLIANCE AND REVENUES:

This practice has a very brief, limited track record. It presumes that imposing a disincentive or even barriers to licensing unaltered dogs (or cats) will reduce the number of animals entering the shelter as a public benefit outweighing the risks of undermining the state required dog licensing system that ensures an adequate number of rabies vaccinated dogs to keep the rabies risk for California at minimal levels, year after year. As a public revenue measure, the disincentive to keep unaltered animals – licensed or not, high rates are unjustified, particularly if the total number of dogs available for licensing declines over time. Total licensing revenues remain flat or decline, necessitating raising all fees to maintain revenue levels.

The City of Los Angeles has the longest track record with its \$100 unaltered dogs (only unaltered fee, implemented just over 5 years, and no jurisdictions that we are aware of have enacted higher rates for licensing only. (Separately administered breeding permits need only be issued in a year of breeding.) The City recently reported 13, 391 unaltered \$100.00 dog licenses in the system representing 13% of total licenses.² However, review of Department of Animal Services records indicates that in the 1999-2000 FY there were a total of 152,675 dog licenses and in 2003-04 only 131,522.³ This decline of nearly 14% has occurred despite canvassing efforts and analysis of administrative inefficiencies by the Controller’s Audit Division, plus enhanced penalties for noncompliance and mandated veterinarian reporting.⁴ Closer to home, this month the City of Lodi raised its unaltered license fee to \$50 (no conditions, raised from \$20, and to \$10 altered, raised from \$6.00) noting Lodi’s estimated compliance rate at 15.6, significantly higher than Sacramento County’s current 12% noted in the staff report for this agenda item.⁵

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Stanislaus County's \$100 unaltered dog license (qualifying reduced rate of \$28) plus \$100 breeder permit in year of breeding was promoted by an inexperienced citizen advocate and an agency director who resigned before implementation and adopted by 3-2 BOS vote one year ago. Santa Cruz County is based on the original 1994 "unaltered certificate" concept of a \$40 unaltered license plus a \$15 unaltered certificate based on generic care and restrictions for a total of \$65. Application for the certificate must be done in person, thus requiring considerable staff time to administer. Fresno County last year enacted breeding restrictions into its unaltered license, raised to \$39.00.

PROCESS DEFICIENCIES:

The process leading to the proposed ordinance before your board bypassed the essential steps of analysis and allowed ideological animal-activist organizations not experienced in shelter operations to develop their own generic "model" ordinance rather than one tailored to the needs of Sacramento County. Then, taking this proposal to serial community meetings in different areas of the County produced only random feedback from citizens unfamiliar with the field, without access to complete information and data and ill-prepared to respond critically to proposals where reality is often counter-intuitive to the promotion and typical assumptions.

Also, please note that neither Sacramento County Code, Title 8 or the amendments before your Board reflect the state mandates for shelter holding periods and sterilization as imposed by 1998 state legislation and subsequent amendments. County ordinance provisions in these critical areas for reducing euthanasia are still contrary to current state law. Your Board may want to inquire as to whether shelter practices actually conform to state requirements and are adequately documented.

By contrast, in 2005 State Senator Christine Kehoe's SB 914 was enacted, creating a new "wobbler" offense as Penal Code 597z for individuals selling a puppy under 8 weeks old without the prior written authorized of a California licensed veterinarian. This bill originated to address the problem of very young, low weight toy breed puppies smuggled from Mexico to supply the demand for puppies in the Los Angeles area that cannot be filled locally. The scope of the bill was deliberately narrowed to exclude non-sale transfers by individuals who, for many practical and necessary reasons, transfer puppies younger than 8 weeks in noncommercial circumstances such as illness of people or animals in the household or evacuation due to disasters when the expense and time involved in obtaining written veterinary authorization would be an impractical hardship with potential unintended consequences including unnecessary shelter surrender and criminal liability for trivial, non-harmful conduct. The bill never included cats, because facts do not warrant it. Despite this very recent statutory history, the proposal before your board contains an expanded version of state law applying to cats as well as dogs and including *all* transfers, thus disregarding the safeguards for the public that were carefully incorporated into state law.

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Further, the proposal prohibits sale or transfer of dogs or cats at auction. The staff report rationalizes this:

“Auction sales focus on putting a dollar amount on an object. Dogs and cats should not be valued solely for their current or potential economic value to the owner. The prohibition discourages the breeding and exploitation of dogs and cats for the sole purpose of enhanced financial gain through auction.”

The report does not inform your Board that the federal Animal Welfare Act authorizes the United States Department of Agriculture to license auctioneers of dogs and cats.⁶ USDA, Animal and Plant Health Inspection Service (APHIS), Animal Care (AC) states:

“Auction Operators- Anyone who operates an auction at which regulated animals are sold must be licensed. For example, licenses must be acquired by radio and television stations that conduct auctions with telephone bids on regulated animals-whether or not the proceeds go to charity. Annual license fees for auction operators are based on income from commissions and fees from selling regulated animals.”⁷

We ask that your Board consider the propriety of an outright prohibition by county ordinance on a federally authorized, licensed and regulated business, particularly for the reasons offered.

We respectfully ask that your Board decline to adopt the proposed ordinance.

Very truly yours,



Sharon A. Coleman, President

¹ <http://www.petpopulation.org/index.htm>

² Report to the Board of Animal Services Commissioners, Edward A. Boks, General Manager
COMMISSION MEETING DATE: June 12, 2006

³ City of Los Angeles, Detail of Proposed Department Programs, Supplement to the 2005-06
Proposed Budget, page 21

⁴ L.A.M.C. Section 53.53

⁵ <http://www.lodi.gov/clerk/aaPDFimages/07-05-06%20E-08.pdf>

⁶ 7 U.S.C Section 2142

⁷ Licensing and Registration Under the Animal Welfare Act
Guidelines for Dealers, Exhibitors, Transporters, and Researchers