

**CITY OF ALBANY
CITY COUNCIL
AGENDA REPORT**

Agenda Date: November 2, 2009
Reviewed by: BP

SUBJECT: Spaying/neutering of unaltered impounded dogs and cats

REPORT BY: Beth Pollard, City Administrator

COUNCILMEMBER WILE RECOMMENDATION

That Council ask the City Attorney to draft an ordinance to bring to Council to require spaying or neutering of dogs and cats that are impounded, subject to certain exceptions.

BACKGROUND

There is an overpopulation of homeless dogs and cats in the Albany area. Many of these animals without homes end up in a rescue shelter, where efforts are made to find them homes – but not always successfully.

Oftentimes the dogs and cats that are found running loose by animal control officials have homes, but the owners/guardians have not taken steps to have them spayed or neutered. By allowing unaltered dogs and cats to run loose, more potentially unwanted animals are born, which only adds to the number of animals for which shelters need to seek homes – again, not always successfully.

DISCUSSION

The City of Berkeley, by contract, provides animal control services for the City of Albany. The City of Berkeley currently has an ordinance (Section 10.04.206) that requires impounded unaltered dogs and cats that are subject to its licensing requirements to be spayed or neutered at the owner/guardian's expense before being returned to the owner/guardian, subject to certain conditions and exceptions. The ordinance provides that:

- *The owner/guardian shall be given a choice of veterinarians to perform the procedure. If the owner/guardian does not select a veterinarian, the City may choose one.*
- *The City may not have an impounded animal spayed or neutered without the consent of the owner/guardian until at least five days after impoundment, unless the fifth day falls on a day that the animal shelter is closed, in which case the procedure shall be stayed until the next working day.*

- *If the owner/guardian objects to the spay/neuter within five days after the animal is impounded, and requests a hearing, the hearing shall be granted. A hearing officer to be designated by the City Manager may determine whether the animal may be returned to its owner/guardian without first being spayed or neutered. In making this decision, the hearing officer shall determine whether the risk that the animal will produce unwanted offspring outweighs the reasons given by the owner/guardian against conducting the procedure. If the hearing officer requires that the spay/neuter procedure be done, that decision shall be final. The owner/guardian is responsible for all boarding fees during the entire impound period.*
- *This section shall not apply if a licensed veterinarian certifies that the animal (1) should not be spayed or neutered for health reasons, or (2) is permanently non-fertile. (Ord. 6627-NS § 1, 2001: Ord. 6568-NS § 1, 2000)*

ANALYSIS

The proliferation of unwanted dogs and cats creates both humane and fiscal concerns. Unwanted dogs and cats are at risk to be euthanized if they are impounded and homes cannot eventually be found. There are costs for housing and caring for animals in publicly funded shelters that fall to local governments.

In situations where dogs and cats remain under the supervision and responsibility of an owner/guardian, there is a lower risk that unwanted dogs and cats will be born. Consequently, while spaying and neutering is typically encouraged for most dogs and cats, it is not as important to require that animals that remain under owner/guardian control to be spayed or neutered.

SUSTAINABILITY IMPACT

N/A

FINANCIAL IMPACT

Staff time to handle any appeals is the only anticipated cost to the City. There would be a cost to the owner/guardian for the spaying or neutering.