

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 18, 2011

**Agenda Item Number (Assigned by City Clerk):** 13

**Agenda Item Wording:** Authorization to:

- 1) Amend the City's Rates and Fees for fiscal year 2010-11 & 11-12, with proposed new fees and adjustments to the current fee structure for Animal Licenses and Animal Control Permit fees; and,
- 2) Implement an Amnesty program that forgives all late fees for new and renewing licensing applicants until July 1, 2011.

**Deadline for Action:**

**Submitting Department:** Administration – Animal Control

**Contact Name and Phone Number:** Mario Cifuentez, Animal Control Liaison - 713-4480  
Tami Crawford, Exec. Director Valley Oak SPCA, 713-4681

**Department Recommendation:**

Staff recommends that City Council:

- 1) Conduct a Public Hearing to receive public testimony on adjusting the attached Rates and Fees related to Animal Control;
- 2) Direct staff to amend the City's Rates and Fee document for the proposed fees beginning February 1, 2011; and
- 3) Implement an Amnesty program which forgives all late fees and license penalties until July 1, 2011.

The proposed rate and fee adjustments were reviewed by and recommended for Council adoption by the Citizen's Advisory Committee on January 12, 2011. The proposed adjustments to the Animal Control Rates and Fees include increasing several of the fees for Unaltered Animals, and restructuring the Breeder and Kennel Permit Fees. Additionally, staff recommends implementing discounts for multi-year licenses and approving an Amnesty program that forgives all late fees for new and renewing licensing applicants until July 1, 2011. All of the fees, listed below, will hereafter be included in the City's Rates and Fee review process on an annual basis.

**For action by:**

- City Council  
 Redev. Agency Bd.  
 VPFA

**For placement on which agenda:**

- Work Session  
 Closed Session

**Regular Session:**

- Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 30

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

**Valley Oak SPCA Rates & fees recommendations for City of Visalia**

	Current	Effective 2/1/2011	Notes
<b>City of Visalia License Fees</b>			
Unaltered Dog - 1 Year	\$39.10	\$75.00	No license can be issued for a time period longer than the rabies certificate is valid.
Unaltered Dog - 2 Year	No Fee	\$125.00	
Unaltered Dog - 3 Year	No Fee	\$165.00	
Altered Dog - 1 Year	\$16.60	\$18.00	
Altered Dog - 2 Year	No Fee	\$26.00	
Altered Dog - 3 Year	No Fee	\$39.00	
Unaltered Cat - 1 Year	\$16.60	\$22.00	
Unaltered Cat - 2 Year	No Fee	\$34.00	
Unaltered Cat - 3 Year	No Fee	\$51.00	
Altered Cat - 1 Year	\$7.75	\$8.00	
Altered Cat - 2 Year	No Fee	\$11.00	
Altered Cat - 3 Year	No Fee	\$18.00	
Late Penalty	\$22.15	\$25.00	
<b>Kennel Permit</b>			
Maximum of 10 animals - all altered	\$25.00	\$75.00	Following the Amnesty Program, each animal must be individually licensed in addition to the actual kennel permit
<b>Breeders Permit</b>			
Has at least one unaltered animal	No Fee	\$250.00	Allowed up to two litters per year
<b>Animal Control Fees</b>			
Vicious Hearing	No Fee	\$475.00	
Owner request pick up	\$50.00	\$50.00	
Emergency After Hours pick up	\$75.00	\$75.00	
Chemical Immobilization	\$50.00	\$50.00	
Lab Services (Rabies)	\$100.00	\$100.00	
Excessive Unfounded Complaints	\$50.00	\$50.00	
<b>Shelter Impound</b>			
1st Impound	\$30.00	\$30.00	
2nd Impound	\$50.00	\$50.00	
3rd Impound	\$70.00	\$70.00	
<b>Daily Boarding Fee</b>	\$10.00	\$10.00	
<b>Disposal Fee</b>	\$25.00	\$25.00	
<b>Quarantine Fee</b>	\$100.00	\$100.00	

**Summary/background:**

The Valley Oak SPCA was formed in 1992 as a non-profit to promote the humane treatment of animals, educate the community on responsible pet care, reduce pet overpopulation through an aggressive spay/neuter program, and celebrate the human/animal bond. The City of Visalia began contracting with the Valley Oak SPCA for animal control services in 1993. Prior to that time, the City of Visalia directly provided animal control services, but found contracting the service was more economically beneficial. In addition, it links the animal control function with an organization that is passionate about animal health and welfare, and that understands that animal over population leads to poor conditions for humans and animals in a community. As the

City's contractor, the SPCA is able to encourage greater numbers of animals to be spayed and neutered.

The relationship between the City of Visalia and Valley Oak SPCA is a very unique situation and different than other relationships with non-profits in that Valley Oak SPCA provides a variety of health and safety services that the City of Visalia is legally obligated to provide per the California Penal Code, the City of Visalia Municipal Code, the California Health and Safety Code and the California Food and Agriculture Code. As the contractor for the City of Visalia, the VOSPCA is tasked with animal control services, overseeing the animal licensing program, and operating the animal shelter. Included in these is a responsibility for human safety as it relates to animals, animal health and welfare, educating the public about responsible companion animal ownership, aggressively investigating vicious animal and animal cruelty cases, reuniting lost animals with their owners, and humanely euthanizing unwanted animals in our community.

In August 2009, in an effort to better track the licensing of animals, the City of Visalia purchased and installed new animal licensing software. The new software, Shelter Buddy, has provided the VOSPCA with the tool needed to capture and more accurately track all incoming and outgoing animals as well as better maintain the licensing program. In calendar year 2010, the VOSPCA licensed 8,448 dogs and 1,181 cats. With the means to manage the license program in place, the VOSPCA has adopted a goal of increasing the number of licenses issued to new applicants by a minimum of 10% of the total animals licensed in any year.

In lieu of having a way to accurately determine how many animals reside in the City of Visalia, staff has researched data relating to average pet per household and was able to come up with a reasonable estimation for the number of animals in Visalia. Using information provided by the American Veterinary Medical Association, it is estimated that approximately 37% of American households have dogs and 32% have cats. Of those figures, the average household has 1.7 dogs and 2.2 cats. Based on those estimates and the number of households in Visalia, it can be estimated that the City of Visalia has approximately 31,000 dogs and 35,000 cats. By doing the research on this subject and determining the potential licensing pool, the VOSPCA is better able to establish reasonable goals for capturing the license revenue and set annual benchmarks for improving the number of licensed animals in the City of Visalia, which should lead to more animals being reunited with their owners. More animals returning to their owners is not only a happier ending, but leads to reduced animal care and euthanasia costs for both the City and the VOSPCA.

### **Animal License Fees**

The cost of providing Animal Control for the community is approximately \$550,000 per year. VOSPCA budgeted \$170,000 in licensing revenue for FY 2010/11. The remaining \$380,000 represents the contract amount for FY 2010/11, paid by the City to the VOSPCA. The anticipated licensing revenue is based on the current rates and fees structure and may increase as a result of the proposed fee adjustments and increased issuances. It's important to note that the licensing fees for altered animals are remaining the same or increasing only slightly for rounding purposes. The ultimate goal is to keep fees affordable, increase the percentage of altered animals, capture a greater percentage of the animals for licensing, and provide a revenue stream that will not only fully fund the animal control program, but also provide additional revenue for spay/neuter and humane education programs.

Given the economic times, staff was forced to look at how programs have historically been managed and determine if there were any improvements that could be made. Cities are

mandated by the state to provide animal control in their communities, but the communities have the ability to set rates and fees to recoup costs. Ultimately, between greater enforcement and appropriately structured fees, animal licenses could cover most or all of the costs associated with animal ownership in the City.

While recouping costs is certainly part of the equation, having more licensed animals leads to better animal health and a better lost animal return rate. Considering the low number of licensed animals in Visalia, compared to the potential number of animals in households, the VOSPCA recommends that Council authorize an Amnesty program until July 1, 2011, which would allow pet owners to secure the appropriate license for their animals without paying any late fee penalties. Ultimately, the goal is to get all of the animals licensed and insure the health and welfare of the animals, not merely issue a license.

### Proposed License Fees

<b>City of Visalia License Fees</b>	<b>Current</b>	<b>Proposed</b>	<b>Notes</b>
Unaltered Dog - 1 Year	\$40.40	\$75.00	No license can be issued for a time period longer than the rabies certificate is valid.
Unaltered Dog - 2 Year	No Fee	\$125.00	
Unaltered Dog - 3 Year	No Fee	\$165.00	
Altered Dog - 1 Year	\$17.15	\$18.00	
Altered Dog - 2 Year	No Fee	\$26.00	
Altered Dog - 3 Year	No Fee	\$39.00	
Unaltered Cat - 1 Year	\$17.15	\$22.00	
Unaltered Cat - 2 Year	No Fee	\$34.00	
Unaltered Cat - 3 Year	No Fee	\$51.00	
Altered Cat - 1 Year	\$8.00	\$8.00	
Altered Cat - 2 Year	No Fee	\$11.00	
Altered Cat - 3 Year	No Fee	\$18.00	
Late/No License Penalty	\$22.85	\$25.00	

The proposed license fees are a departure from the basic fees offered for the last decade. Based on a growing trend, the VOSPCA recommends implementing a Multi-year license, which can be purchased for 1, 2 or 3 years with corresponding discounts. Not only will this provide a discount for the animal owner, but it will allow the license renewal date to correspond to the rabies vaccination, which is good for 3 years. Additionally, longer licensing terms will result in lower administration costs for the licensing program, which will result in savings for the VOSPCA and, ultimately, the City.

Both staff and the VOSPCA believe that the proposed rates are fair and reward responsible pet owners by keeping their fees down, while increasing the cost of owning an unaltered animal, which ultimately increases the odds of an unwanted litter. The general thinking among the veterinary community and humane organizations is that it should be more cost effective for any owner to spay/neuter and license their animal than to just license the animal. If not, an owner has no incentive to alter their animals and help prevent unwanted litters.

Currently, the VOSPCA euthanizes approximately 400-500 animals per month. Many of them are from unwanted litters and are found abandoned, but are too young to foster or adopt out.

The overpopulation of animals is such a large problem that it needs to be addressed through several methods, not just increased costs for licensing. Additional methods used to address the problem will include but are not limited to the following:

- Enforcement of Kennel and Breeder permits
- Increased licensing fees for unaltered animals
- Monthly Spay/Neuter and low-cost shot clinics
- Increasing the number of volunteers in the Foster Program
- Increase education efforts on the need to spay/neuter animals

**Animal Permit Fees**

The Kennel and Breeder permit programs were established as part of the Animal Control ordinance for the City of Visalia. Per the City Ordinance, no residence is allowed more than 4 animals without a kennel permit. An approved kennel permit, issued by the VOSPCA, allows an animal owner to have more than 4 animals, but in no instance, may they have more than 10. A kennel permit is only issued after the required fee is paid and it is verified that all animals are altered, vaccinated and licensed. Additionally, the immediate neighbors of the applicant must be interviewed by the Animal Control Officers, and must consent to the issuance of a kennel permit to the Applicant. All animals must be licensed and altered in order for the resident to qualify for a kennel permit.

The current price of a Kennel Permit is \$25.00. Research indicated that the fee has never been adjusted. The recommended adjustment sets the fee at \$75 per year and is set at an appropriate level to cover the staff costs of verifying the required vaccinations, inspecting the property and processing the application. All animals in the residence must have the appropriate licenses and therefore will pay an additional \$24-\$180 per year in license fees depending on the number of animals owned, and whether they are cats or dogs.

A Breeder Permit is issued through the same process as the Kennel Permit. The difference between a Kennel Permit and a Breeder Permit is that the Kennel Permit can only be issued if **all** animals are altered. If any of the animals are unaltered, the owner must secure a Breeder Permit.

The City Ordinance requires that any person breeding animals, regardless of whether they are sold or not, must have a Breeders Permit. However, there is no fee set for this permit. Considering the extreme overpopulation problem in our community, the only responsible reason that someone would have for not spaying/neutering their animal would be that they intend to sell the puppies/kittens. Given the additional requirements of the City ordinance for Animal Control to track the disposition of all litters, the proposed fee of \$250 will cover the cost of staff time needed to issue and follow-up on all breeder-related matters.

**Proposed Animal Permit Fees**

Current	Proposed
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<b>Kennel Permit</b>			Each animal must be individually licensed in addition to the actual kennel permit
Maximum of 10 animals - all altered	\$25.00	\$75.00	
<b>Breeders Permit</b>			
Has at least one unaltered animal	No Fee	\$250.00	Allowed two litters per year

As City staff and the VOSPCA board reviewed all of the rates and fees that relate to Animal Control, their goal was to adjust the various fees to a more appropriate level, but being mindful not to penalize the responsible pet owners that currently license their animals and take the humane step to spay/neuter them. The ultimate goal is to raise the public awareness of the impacts of overpopulation and educate the public on the benefits of spaying and neutering.

**Fees related to Animal Control Functions**

The remaining fees referenced in the City Ordinance are related to other animal control functions associated with picking up strays and owner relinquished animals, and holding animals at the shelter. The VOSPCA believes that, with the exception of the Vicious Hearing fee, the Proposed Animal Handling fees are appropriate for now and do not need to be adjusted at this time. These fees will also be looked at on an annual basis and reviewed for appropriateness.

The Vicious Hearing fee is a new fee that staff is recommending Council approve. Per City ordinance, any owner or victim of a suspected vicious dog has the right to a Vicious Animal Hearing to determine if the animal is vicious. This fee will cover the City’s cost of the administrative officer and staff time for attending the hearings. The VOSPCA averages 1-2 hearings per month, and each hearing lasts for approximately 1 hour. Up until now, the City has been absorbing the cost of conducting these hearings. Once a fee is approved, per the ordinance, the owner of the animal will be responsible for the costs of the hearing if it is the decision of the officer that the animal is vicious. If a vicious animal hearing is set at the request of a third party (not the owner or Animal Control Officer) and the animal is deemed not vicious by the hearing officer, the party requesting the hearing will be responsible for the costs of the hearing. This provision will provide a deterrent to frivolous accusations which occasionally occurs between neighbors.

**Proposed Animal Handling Fees**

	Current	Proposed
<b><i>Animal Control Fees</i></b>		
Vicious Hearing	No Fee	\$475.00
Owner request pick up	\$50.00	\$50.00
Emergency After Hours pick up	\$75.00	\$75.00
Chemical Immobilization	\$50.00	\$50.00
Lab Services (Rabies)	\$100.00	\$100.00
Excessive Unfounded Complaints	\$50.00	\$50.00
<b><i>Shelter Impound</i></b>		
1st Impound	\$30.00	\$30.00
2nd Impound	\$50.00	\$50.00
3rd Impound	\$70.00	\$70.00
<b><i>Daily Boarding Fee</i></b>	\$10.00	\$10.00
<b><i>Disposal Fee</i></b>	\$25.00	\$25.00
<b><i>Quarantine Fee</i></b>	\$100.00	\$100.00

The collective rates and fees, as proposed and recommended by the VOSPCA, have been developed based on industry and comparable City averages, taking into account that the current fees have only been adjusted twice in the last 5 years and will now be reviewed on a regular basis as part of the City's annual rates and fees review. Staff believes that this fee structure provides the City with the means to recoup more of the costs of animal control in the community in a fair and reasonable manner.

**Prior Council/Board Actions:**

November 20, 2006 – City Council approved increases to several License fees and established a Kennel Permit fee. Since that time, the license fees have been adjusted twice, per the CPI figure used in the annual Rate and Fee review process.

**Committee/Commission Review and Actions:**

Valley Oak SPCA Board of Directors recommends that the attached rates and fees be adjusted.

**Alternatives:**

Do not authorize the proposed fee adjustments and direct staff to look at other methods to increase operating revenue and reduce pet populations.

**Attachments:** Resolution #2011-03

Proposed Rates and Fee adjustments related to Animal Control  
 Notice of Public Hearing

**Recommended Motion (and Alternative Motions if expected):**

I move to approve the amendment to the City's Rates and Fees for fiscal year 2010-11 & 11-12, with proposed new fees and adjustments to the current fee structure for Animal Licenses and Animal Control Permit Fees, and to implement an Amnesty program that forgives all late fees and licensing penalties for new and renewing applicants until July 1, 2011.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:



**RESOLUTION NO. 2011- 03**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF VISALIA, APPROVING THE ADJUSTMENTS TO THE ANIMAL CONTROL RATES AND FEES AND IMPLEMENTING AN AMNESTY PROGRAM FOR LATE FEES FOR THE REMAINDER OF FISCAL YEAR 2010/11 & FISCAL YEAR 2011/12**

**WHEREAS**, the adjustments to the City's Animal Control Rates and Fees are recommended by the Poundmaster; and

**WHEREAS**, Resolution No. 92-123 established a policy and procedure for the annual review and approval of the City fees and charges which is compiled in a document entitled: *City of Visalia Administrative Policy on Fees and Charges*; and

**WHEREAS**, the City of Visalia has complied with its fee adjustment policy and procedures, its ordinances related to fee adjustment, the California Constitution, and California statutes relating to the adoption and amendment of fees and charges; and

**WHEREAS**, the fees and charges related to ministerial projects are statutorily exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines section 15268; and

**WHEREAS**, the Charter of the City of Visalia authorizes the imposition and adjustment of fees for city services including city-wide administrative services, general governmental services, community development services, community services, public safety services, public works services and engineering and transportation services, and directs the City Council to establish fees by resolution to provide for their adjustment; and

**WHEREAS**, Visalia Municipal Code ("VMC") sections 6.12.090, authorizes the imposition of license fees and directs the City Council to establish fees by resolution as recommended by the Poundmaster; and

**WHEREAS**, in compliance with California Government Code Section 66016, et seq., notice of the time and place for the hearing on adjustment of the fees outlined herein has been given; and

**WHEREAS**, the City Council of the City of Visalia has reviewed the proposed City of Visalia Animal Control Rates and Fees proposal for the remainder of Fiscal Year 2010/11 and Fiscal Year 2011/12; and

**WHEREAS**, the City Council of the City of Visalia did conduct a public hearing on the proposed animal control fee adjustments on January 18, 2011.

NOW, THEREFORE, the City Council of the City of Visalia finds:

1. The fee and charge adjustments proposed herein comply with the *City of Visalia Administrative Policy on Fees and Charges*; or

2. The fee and charge adjustments proposed herein comply with the adjustment requirements required by the authorizing ordinances; or
3. The fee and charge adjustments proposed comply with the increase requirements contained in Government Code section 66016, et seq.
4. The fees and charge adjustments are statutorily exempt from the California Environmental Quality Act either as fees and charges related to ministerial projects or that meeting operating expenses, financial reserve needs, further capital projects for services, or the purchasing or leasing of supplies; and
5. The findings required by authorizing ordinances enumerated herein to adopt fees have been made as a part of the respective original adopting resolutions of the Council.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Visalia adopts the adjustment of the Rates and Fees for the remainder of Fiscal Yea 20010/11 and Fiscal Year 2011/12 for Animal Control. These rates and fees go into affect on February 1, 2011.

PASSED AND ADOPTED: \_\_\_\_\_

STATE OF CALIFORNIA                    )  
 COUNTY OF TULARE                    ) ss.  
 CITY OF VISALIA                        )

I, \_\_\_\_\_, City Clerk of the City of Visalia, certified the foregoing is the full and true Resolution No. 2011-\_\_\_\_\_, passed and adopted by the Council of the City of Visalia at a regular meeting held on January 18<sup>th</sup>, 2011.

DATED: \_\_\_\_\_, CITY CLERK