

Council/Agency Meeting Held: _____	City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date:                      11/5/2007	Department ID Number:      PD 07-012

**CITY OF HUNTINGTON BEACH  
REQUEST FOR CITY COUNCIL ACTION**

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** *Penelope Culbreth-Graft*  
Penelope Culbreth-Graft, DPA, City Administrator

**PREPARED BY:** Kenneth W. Small, Chief of Police *KWS*

**SUBJECT:** Ordinance - Spay, Neuter, and Microchip Program for Dogs and Cats

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

**Statement of Issue:**

In April, 2007 the City Council passed an "H-Item" directing staff to research the costs and other issues associated with adopting a spay, neuter and microchip ordinance similar to the one in Los Angeles County. On September 4, 2007, following a staff report, the City Council directed staff to draft a Spay, Neuter, and Microchip Identification Ordinance. The purpose of this ordinance would be to reduce uncontrolled breeding of dogs and cats in the City of Huntington Beach. Additionally, microchipping provides a reliable method to identify pets for a successful owner reunification process. Fewer stray and abandoned dogs and cats can improve public safety and reduce the euthanasia of strays picked up in Huntington Beach by Orange County Animal Care Services (OCACS).

**Funding Source:**      N/A

**Recommended Action:**    Motion to:

Approve Ordinance No. 3787

**Alternative Action(s):**

Deny Ordinance No. 3787.

*G-2A*

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### Analysis:

Yearly, thousands of unwanted animals enter the OCACS shelter. In 2006-2007, OCACS impounded 10,121 stray dogs and 13,462 stray cats countywide. Out of those impounded stray animals 3,872 dogs, or 38%, and 8,530 cats, or 63%, were euthanized. In 2006-2007, OCACS impounded 825 dogs and 763 cats in the City of Huntington Beach. During that year, 165 Huntington Beach dogs and 320 Huntington Beach cats were euthanized. Animal welfare issues strike an emotional chord with a public that desires significant reductions in euthanasia rates. Both the City of Huntington Beach and OCACS are committed to a pro-life, pro-adoption philosophy within the context of an open-admission shelter. Unfortunately, there are not enough homes for the increasing number of dogs and cats born every year. In order to achieve the goal of a significant decrease in euthanasia, there must be a reduction in the number of dogs and cats entering the shelter system. This ordinance supports a pro-life, pro-adoption philosophy by reducing the number of dogs and cats born and/or running loose in Huntington Beach. That reduction will, in turn, reduce euthanasia rates for Huntington Beach's animals.

If the proposed ordinance is adopted, OCACS will provide the majority of the operational support associated with the program. This program will require an amendment to the contract for services with OCACS as well as additional funding. Increased costs associated with implementation of the program include public education, website updates, telephone calls, preparation and processing of additional documents during licensing and an increase in OCACS costs for canvassing. On September 4, the City Council motion directing staff to draft the ordinance included a funding level of \$50,000.00 for implementation of the ordinance. If council adopts the ordinance, the specific implementation steps and related costs will be outlined for council when the OCACS contract is amended. The staff report recommended a one-year education and "grace" period before beginning enforcement of the ordinance. If the ordinance is adopted on November 19, enforcement of the ordinance will begin on December 1, 2008.

The proposed ordinance has been modified in two ways since the staff presentation on September 4. The first modification was to make the ordinance consistent with current licensing requirements by OCACS, and the second modification was made in response to public comments and concerns. The two proposed modifications are:

1. The age when spaying or neutering is required was changed from six months to four months. This change makes the age consistent with the variable license fee charged by OCACS.
2. A provision was added that allows residents who want to have an unaltered dog or cat to pay an additional fee even though they do not qualify for one of the exemptions contained in the ordinance. This provision, referred to as an "unaltered animal fee", is mentioned in section 7.10.010. The provision was added in response to many letters, emails, telephone calls and public comments from residents who

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stated they wanted this option. If this provision is included in the ordinance, it will be necessary to establish the fee by resolution at a future council meeting.

The proposed ordinance:

- Establishes a mandatory spay, neuter and microchip identification program for dogs and cats 4 months of age or older unless the owner pays an "unaltered animal fee".

Exceptions are provided when:

- A veterinarian determines the surgery is unsafe for the animal due to age or condition of the animal
  - The dog is used by a law enforcement agency for law enforcement purposes
  - The dog is used as a service animal to assist the disabled
  - The dog or cat is a "competition" animal (The definition and requirements for "competition" animals are described in section 7.10.020(d) of the proposed ordinance)
- Establishes a microchip identification program for dogs and cats 4 months of age or older

**Strategic Plan Goal:**

The proposed ordinance supports the following City of Huntington Beach Strategic Plan Goals:

**Engaging the Community**

Education of the community regarding opportunities to become involved in reducing pet overpopulation.

**City Services**

This proposed program would improve the level of service provided to the City of Huntington Beach by reducing the number of adoptable pets euthanized and the number of pets picked up as strays by OCACS. In addition, positive identification of animals through microchipping will help to ensure that more pets are returned to their owners.

**Environmental Status:** N/A

**Attachment(s):**

City Clerk's Page Number	No.	Description
4	1.	Ordinance No. 3787

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G-2A.4

# ATTACHMENT #1

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AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING TITLE 7 OF THE HUNTINGTON BEACH MUNICIPAL CODE  
BY ADDING CHAPTER 7.10 RELATING TO SPAY, NEUTER AND MICROCHIP  
FOR DOGS AND CATS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Title 7 of the Huntington Beach Municipal Code is hereby amended by adding Chapter 7.10, said chapter to read as follows:

Chapter 7.10

SPAY, NEUTER, AND MICROCHIP  
PROGRAM FOR DOGS AND CATS

Sections:

- |          |   |
|----------|---|
| 7.10.010 | Spay and neutering of dogs and cats.      |
| 7.10.020 | Unaltered dog or cat requirements.        |
| 7.20.030 | Proof of Exemption                        |
| 7.10.040 | Microchip identification of dogs and cats |

7.10.010 Spay and neutering of dogs and cats. No person may own, keep, or harbor a dog or cat over the age of four months in violation of this section unless such person pays an unaltered animal fee as set forth by resolution of the City Council or qualifies for an exemption under Section 7.10.020 of this chapter.

7.10.020 Unaltered dog or cat requirements. An owner or custodian of an unaltered dog or cat over the age of four months must demonstrate the animal is exempt from spay or neuter by one or all of the following conditions:

- (a) A veterinarian determines the surgery is unsafe due to age or condition of the animal.
- (b) The animal is a law enforcement dog and is used by a law enforcement agency for law enforcement purposes.
- (c) The animal is a service dog that assists the disabled.
- (d) The animal is a "competition" dog or cat.

1. The exemption of "competition" animals allows legitimate dog or cat breeders the opportunity to continue that activity. A "competition" animal is a dog or cat which is used to show, compete or breed, and which is recognized by and registered with an approved dog or cat breed registry.
2. In addition, the owner of a "competition" animal must comply with one of the following:
  - i. Compete in at least one sanctioned dog or cat show or sporting competition every two years;
  - ii. Earn a title in their area of competition from a sanctioning dog or cat registry;
  - iii. Be a member of a purebred dog or cat breed club representing their animal's specific breed. The club must be approved by OCACS, which maintains and enforces a code of ethics for animal breeding.

7.10.030 Proof of Exemption. When licensing a dog or cat that has not been altered, a Huntington Beach resident shall provide proof of an exemption. The following documents will be considered as support to a waiver of the requirement to alter a pet:

- (a) A signed letter from a veterinarian verifying and providing medical support for claims that altering would put the animal at significant physical risk;
- (b) Verification of law enforcement status from the law enforcement unit employing the animal;
- (c) A certification from a qualified training organization verifying that the animal has been trained and is employed as a service animal;
- (d) Proof of participation in a sanctioned dog or cat show or sporting competition (e.g. receipt for entry fee, certificate indicating participation, proof of title earned as a result of competition, etc);
- (e) Proof of the owner's membership in an OCACS-approved purebred dog or cat club representing the breed of the dog or cat to be licensed.

7.10.040 Microchip identification of dogs and cats. The purpose of requiring microchipping is to provide a reliable method of identifying pets for a successful owner reunification process.

No person may own, keep, or harbor a dog or cat over the age of four months that does not have a microchip identification device. The owner or custodian of a dog or cat must provide appropriate documentation of microchipping upon the request the City or its designee. Exceptions will be considered when there exists a signed letter from a veterinarian verifying and providing medical support for claims that implanting a microchip would put the animal at significant physical risk.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

INITIATED AND APPROVED:

\_\_\_\_\_  
City Clerk

*H. Stuart* (ACTING C.O.P.)  
\_\_\_\_\_  
Police Chief

REVIEWED AND APPROVED:

APPROVED AS TO FORM:

*Penelope Cullum*  
\_\_\_\_\_  
City Administrator

*FLD* 10/23/07  
\_\_\_\_\_  
City Attorney

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**Esparza, Patty**

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**From:** Clinton Abbott [ClintonA@allergyresearchgroup.com]  
**Sent:** Friday, October 26, 2007 12:00 PM  
**To:** CITY COUNCIL  
**Subject:** RE Mandatory Spay and neuter ordinance VOTE NO

Experience has shown that the proposed ordinance will result in animal licensing rates plummeting, more animals impounded, and more killing of dogs and cats in shelters as owners relinquish their animals rather than pay a \$500.00 fine.

This is not the solution!! Education and low cost spay and neuter is the answer.

Clinton Abbott

*Abbott*  
10/29/2007

**Van Dorn, Kay**

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From: Dapkus, Pat on behalf of Coerper, Gil  
 Sent: Wednesday, October 17, 2007 9:01 AM  
 To: Van Dorn, Kay  
 Cc: Henderson, Sandy  
 Subject: FW: Resident Supports Ordinance

Pat Dapkus  
 (714) 536-5579  
 (714) 536-5233 (FAX)

## -----Original Message-----

From: Zena [mailto:hbdreamin@yahoo.com]  
 Sent: Tuesday, October 16, 2007 12:43 PM  
 To: Coerper, Gil; Cook, Debbie; Bohr, Keith; Carchio, Joe; Green, Cathy; Hansen, Don; Hardy, Jill  
 Subject: Resident Supports Ordinance

To:  
 Honorable Gil Coerper  
 Honorable Debbie Cook  
 Honorable Keith Bohr  
 Honorable Joe Carchio  
 Honorable Cathy Green  
 Honorable Don Hansen  
 Honorable Jill Hardy

Dear Mayor and Members of Council,

As a Huntington Beach resident, I want to thank you for voting to have City staff draft an ordinance to mandate spay-neuter and microchipping of dogs and cats. This measure would protect public safety (since unaltered dogs are more likely to bite), reduce the tragic number of homeless dogs and cats, and ultimately save taxpayer dollars.

Since dogs and cats can be safely spayed and neutered at the age of 2 months, I think the 6 month requirement may not prevent many litters but it is a start. I know that other communities around the country have seen an increase in return to owner rates so mandatory microchipping is helping to protect the dogs and cats who become stray. I would encourage you to consider a free ride home (waive impound fee; no trip to the Orange County shelter) for the first impound of a microchipped animal who is registered with the City.

✓ Please advise me on the status of this proposed ordinance.

Thank you again for acting to protect the people and animals of our community.

Ms. Zena Alam  
 4891 Oahu Dr.  
 Huntington Beach

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Boardwalk for \$500? In 2007? Ha! Play Monopoly Here and Now (it's updated for today's economy) at Yahoo! Games.  
<http://get.games.yahoo.com/proddesc?gamekey=monopolyherenow>

**Lugar, Robin**

**From:** Dapkus, Pat on behalf of Coerper, Gil  
**Sent:** Monday, October 08, 2007 11:36 AM  
**To:** City Clerk Agenda  
**Subject:** FW: Fw: NAIA Article: Oct . 5, 2007  
**Attachments:** Fw: NAIA Article: Oct . 5, 2007

Pat Dapkus  
 (714) 536-5579  
 (714) 536-5233 (FAX)

**From:** TeddiAlves@aol.com [mailto:TeddiAlves@aol.com]  
**Sent:** Monday, October 08, 2007 10:48 AM  
**To:** Hardy, Jill; Hansen, Don; Cook, Debbie; Coerper, Gil; Green, Cathy; Bohr, Keith; Carchio, Joe  
**Subject:** Fwd: Fw: NAIA Article: Oct . 5, 2007

Dear Members of The City Council,

Perhaps we can agree that we are all entitled to disagree. Moderation in all things is an application, however, of respect for varying opinions with their own validity and points of reference. In that vein, I forward this information ON TARGET with regard to the proposed "mandate" to be applied to responsible, caring, and highly sophisticated pet owners in Huntington Beach, and you must be aware of the volatile reactions constituting that backlash.

Responsibilities of management of "no kill shelters?" Statewide, there has to be a reevaluation of unions and "ownership" of jobs by those unqualified and non-performing. Those of Animal Control are filled as others in the bureaucracy that result from posting application for higher paying opportunities, not necessarily related skill/experience, academic credential. Given recent Winograd's educated assessment of the current dysfunction in management of "animal shelters," you have to wonder at his observations dogs gone "cage crazy," just to extrapolate that of my own pet, Lucque, were he to be in a strange environment that could be very frightening to a domestic pet, left in a cage, not exercised, and to become very wary and traumatized, and then to hear the representative at the September 4 meeting describe "head tests" to determine "behavioral ratings" as indication of suitability for adoption or euthanasia. I have had experiences with kennels that have been very frustrating for the costs and extra charges for exercising that did not happen, and a pet very saddened he was "left" in such an environment. At \$30/day + \$2 to \$5 each "exercise" session/day.

I pay \$99 to license Lucque, intact, Male, Labrador Retriever, AKC pedigree, American Field (taller and lankier as opposed to the short, squat typically chubby English lines) and his lineage Champion Lines. AKC's Pet Partners Veterinary Insurance runs \$42/mo and covers 80% of all ordinary and customary charges, shots, injuries and illnesses, annual physical and dental cleaning; \$120 annual deductible.

Pet families in Huntington Beach are very responsible; you need only visit veterinary practices to see the people accompanying their pets; now who are the "low cost" bunch that promote ability to provide "low cost spay/neuter" procedures for \$5 to \$30 when the costs of anesthesia alone would be \$300 .. or do they scrimp on that frivolity? Anesthesia is critical in method and substance and delivery and monitoring of life signs, breathing, heart rate. I am unalterably opposed to any intrusion on rights and responsibilities of pet owners for such determinations related to the welfare and safety of those pets.

Thank you,

*Alves*

10/8/2007

Lugar, Robin

**From:** morgandell@sbcglobal.net  
**Sent:** Monday, October 08, 2007 10:10 AM  
**To:** teddialves@aol.com  
**Subject:** Fw: NAIA Article: Oct . 5, 2007

----- Forwarded Message -----

**From:** NAIA <news@naiaonline.org>  
**To:** Cynthia Dell <morgandell@sbcglobal.net>  
**Sent:** Monday, October 8, 2007 6:56:32 AM  
**Subject:** NAIA Article: Oct . 5, 2007



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## FROM FIREARMS TO FIDO "FEEL GOOD" LAWS MAKE THINGS WORSE

**Landmark Harvard Study Confirms:  
Over-Regulating Law-Abiding Citizens  
Aggravates Social Problems, Creates More Scofflaws**

PORTLAND, OR - A landmark study published last year in one of America's most respected scholarly journals provides powerful evidence that "feel-good" legislation – indiscriminate and/or unenforceable bans, as well as draconian sanctions applied to behavior that is already illegal – degrades respect for the law and reduces compliance, while aggravating (or at best, failing to improve) the very problems these laws were supposedly enacted to solve.

The study specifically addresses gun laws in the U.S. and worldwide. "Would Banning Firearms Reduce Murder and Suicide? A Review of International Evidence," by Don B. Kates and Gary A. Mauser: *Harvard Journal of Law & Public Policy*, vol. 30, pages 651-694. But its broader point supports a central reality that has long been recognized by the National Animal Interest Alliance: whether lawmakers target pet owners or gun owners, ill-conceived "feel-good" laws usually just make things worse. (Dr. Mauser has been a long-time supporter and a member of the NAIA)

Researchers Kates and Mauser compared crime statistics from more than a dozen countries including Norway, Denmark, Greece, Italy, France, Germany, Russia, the United Kingdom, the U.S., and many others. Although their findings echoed two previous large-scale international studies, some observers found conclusions surprising. According to Kates and Mauser, "Many people think nations with more firearms will have more murder and that banning firearms will reduce murder and other violence ... If anything it was the reverse."

Specifically, the two scholars – Kates is an American constitutional lawyer; Mauser is a Canadian academic – said that "banning guns to the general public increases people's vulnerability and fails to reduce violence because the law-abiding citizenry are victims of violent crime, not perpetrators."

Kates and Mauser's paper is online here:

[http://www.law.harvard.edu/students/orgs/jlpp/Vol30\\_No2\\_KatesMauseror](http://www.law.harvard.edu/students/orgs/jlpp/Vol30_No2_KatesMauseror)

"For more than a decade, experts at the NAIA and its friends and supporters have seen the identical dynamic played out with regard to animal control legislation in the U.S.," said NAIA national director Patti Strand, a recognized expert on these issues. "Too often, well-meaning American lawmakers looking for answers to animal control problems have fallen prey to attractive quick-fix solutions and good laws offered by activist groups. Many such groups have considerable savvy, and do a good job focusing media attention on their view of the issue, but they seldom have any effect on the problems they claim to address. Worse, activist groups often pit lawmakers against their own constituents, painting pet owners and breeders as the problem or even the enemy – thus discouraging the constructive dialog between regulators and stakeholders that is so necessary for drafting effective laws. This process not only exacerbates the original problem, but frequently adds entirely new and unnecessary problems to the mix."

The legislative backfire gallery – laws intended to achieve an admirable goal such as reducing neighborhood nuisances, stray cats or discarded dogs but which often achieve the opposite effect – include arbitrary pet limit laws, bans against

specific breeds, penalties against feeding neighborhood cats, outlawing elective veterinary procedures like debarking and declawing or charging exorbitant licensing fees for intact animals. In addition to requiring unachievable level of enforcement, such laws tend to push responsible pet owners underground, neither of which is good for the community; and they also have an effect on irresponsible owners who will continue outside the licensing system.

Bans against specific breeds produce relinquishment and euthanasia of well-behaved pets of the targeted breeds, while irresponsible and criminal pet owners just switch to new breeds and continue abusing their dogs. Penalizing homeowners for feeding neighborhood cats assures that more feral cats will be euthanized. Banning elective veterinary procedures often converts a household neighborhood concern into a shelter statistic, as pet owners give up on solving problem behaviors. Charging exorbitant license fees for intact dogs and cats causes responsible breeders to cut back or opt out and thereby reduces the source of home-raised, healthy, well-socialized puppies and kittens. Yet it also affects breeders who don't license in the first place, the ones most likely to produce castaway pets. Ironically, laws that push people and their pets out of the licensing system also hamper the principal function of licensing: that of assuring rabies vaccination compliance. And unreasonable, unenforceable animal control laws erode community support for animal control.

Although such regulations may be well-meant, the unintended consequences have striking parallels to the gun control study by Kates and Mauser. Their Harvard study said: "Banning guns to felons, violent misdemeanants, juveniles and the insane (which our laws already do) is a good idea in general, though such laws are very difficult to enforce. Disarming those who only want to defend themselves, however, is a surefire road to empowering criminals at the expense of the innocent." The result in many cases increases the crime rate rather than decreasing it, simply because, for the criminals, disarming the population increases opportunity and decreases risk.

But how does a disarmed community, becoming more vulnerable to criminal activity relate to a community that adopts burdensome licensing fees, breed restrictions or bans on pets?

The lawmakers' missteps in each instance have common factors, both relating to the effect on the community as a whole. Because they don't distinguish between good and bad gun owners, gun bans diminish the freedom of law-abiding gun owners, while leaving the criminal gun owners as free as they were before the ban to continue their illegal activities; thus making gun-related crime - the target - worse.

Unrealistic pet laws diminish the freedom of law-abiding pet owners, chase

best of them out of the supply chain, and leave scofflaw pet owners as free as they were before the imposition of restrictions to continue as an unlicensed, uncontrolled problem segment of the pet owner population. Just as law-abiding gun owners cause no problems, law-abiding pet owners cause none, either both are hit with restrictions while the causes of problems in each case find opportunities: one to commit armed crimes unopposed by any force, and the other to fill the void of puppy and kitten demand as responsible home-based breeders – dedicated breed enthusiasts in particular – cut back or quit.

The goal of some pet laws is to reduce surplus shelter animals by eliminating irresponsible breeding, but if only the most conscientious breeders with good placement practices obey the law, then the net result of the law is to reduce puppies and kittens from the best, most law-abiding sources. It *doesn't* reduce problem pet owners who cause neighborhood problems, abuse their animals, produce dogs and cats that end up in shelters. In fact, a new black-market puppy and kitten industry has developed to supply the demand that formerly was met by responsible, law-abiding breeders who've been forced out of breeding by unreasonable laws and fees.

[http://www.cbp.gov/xp/CustomsToday/2006/jun\\_jul/other/puppies.xml](http://www.cbp.gov/xp/CustomsToday/2006/jun_jul/other/puppies.xml)

The result of this is a threefold whammy: 1) unlicensed activities continue at the same rate (or increase as the human population increases); 2) a significant number of pet owners who want to be law-abiding citizens give up banned breeds, quit feeding neighborhood cats or terminate valuable breeding programs rather than operate illegally or cope with unreasonable laws and increased costs; and 3) because demand for many beloved breeds does not decline when restrictions are passed, people who know little about breeds or breeding move into the void to fill the demand. Unlike the overregulated compliant breeders of the past who were dedicated to improving and preserving breeds and promoting responsible pet ownership, and belonged to associations like the American Kennel Club (AKC), the United Kennel Club (UKC), Cat Fanciers Association (CFA), The International Cat Association (TICA) and many other associations organized for service to other working dogs, the newcomers appear motivated mostly by the opportunity to make a quick buck. They lack knowledge of basic husbandry and health care and don't have good placement practices.

So along with encouraging pet relinquishment, feel good laws guarantee that good breeding and placement practices will be replaced with poorer practices and in the long term they assure an increase in shelter animals – one of the original target problems that the new restrictions were supposed to solve. I wonder, then, that best estimates suggest that only about 30% of pets targeted by these ordinances are ever licensed, even though both human and pet populations are rising?

Instead of recognizing pet ownership as a widely held, positive community and working with the pet owning community to create reasonable, enforceable laws, attempts to license the remaining 70% of household pets have focus the empty threats of enforcing greater restrictions and heavier penalties. Even because funding for increased enforcement usually does not exist. So while this tactic may scare a few owners into grudging compliance, it also causes a corresponding loss of cooperation and support from the group that was already compliant. Following passage of draconian anti-breeder laws, shelter populations in the area rise.

Passing feel good laws is akin to the old joke about the tavern drunk who is looking for his lost keys under the streetlight, rather than down the block where he actually lost them – because, he said, "the light was better." Passing laws that strike at easy targets (the law-abiding, responsible pet owner) does little to solve the problems of noisy, abandoned or dangerous animals, euthanasia rates and the like. It mainly alienates the pet-loving population from animal control agencies charged with enforcement, and sets up a needless conflict between groups: state or local government vs. dog and cat enthusiasts, kennel and cat club should be allies.

The good news is that some local and state governments have understood common-sense arguments (backed by reams of studies and statistics) and avoided passing "feel-good" laws in favor of smart, targeted legislation that actually addresses problems and puts pet owners and animal control enforcement on the same side.

NAIA applauds this enlightened legislative approach and has, in fact, helped lawmakers in numerous jurisdictions to craft superior regulations. Across the nation, NAIA has helped replace breed-specific language with language that targets at risk behavior and irresponsible and abusive pet owners. In Oregon we helped pass a landmark dangerous dog law and in Monroe County, Florida, we worked with residents and local government to replace an unenforceable \$500 intake animal fee with a \$35 fee, removed arbitrary restrictions on animal limits, and made other changes that vastly increase chances for compliance and cultivate goodwill and cooperation between citizens, lawmakers and animal control officials.

Over the course of the last 16 years, NAIA has played a role, directly or indirectly, in hundreds of positive legislative outcomes. We have served on national, state, and local task force bodies, on blue ribbon panels, and on animal welfare, fish and wildlife committees aimed at improving public policy affecting animal ownership and the natural environment. In many cases, NAIA and its members have succeeded in launching precedent-setting initiatives. We have helped draft model laws, created reasonable standards for dog parks, rem

arbitrary limit laws, improved consumer-protection laws, backed successful neuter-return programs and generally helped make animal-welfare and animal control legislation more reasonable and effective.

Similar to the gun ban study, our research, as reflected in the NAIA Guide to Friendly Ordinances, shows that to be successful, ordinances must distinguish between responsible and irresponsible pet owners. They must offer support and incentives to encourage and reward responsible pet ownership; and they must enforce reasonable penalties against irresponsible pet owners to bring the community into compliance.

"Lawmakers don't have to reinvent the wheel and they certainly don't have to emulate the failed model of gun-control legislation that ends up punishing the innocent, creating more criminals, and empowering precisely the wrong people," said NAIA's Strand. "The successes of well-researched animal regulations adopted in recent years by numerous jurisdictions including Oregon and Florida mentioned above, will translate beautifully into every city and state in this country."

"We at NAIA stand ready to assist any state or local lawmaker, as we have for the last 16 years, with expert consultation and practical information about what works and what doesn't," says Strand. "NAIA urges government officials and animal supporters to reject 'feel-good' laws in favor of proven regulatory approaches that actually 'do good' for the pets and pet owners of America."

###

**Please join our 16-year old movement**

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**Now you can donate your car to NAIA no matter where you live**

**Look for this article on the NAIA website**

**NAIA is the Reform Wing of the Animal Welfare Movement!**

October 5, 2007

For more information contact:

[naia@naiaonline.org](mailto:naia@naiaonline.org) or 503-761-1139



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**Esparza, Patty**

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**From:** Diane Amendola [dn\_amendola@yahoo.com]  
**Sent:** Friday, September 14, 2007 12:48 PM  
**To:** CITY COUNCIL  
**Subject:** Opposition to Mandatory Spay Neuter Microchip

I would like to make an appointment with each of the Council Members to discuss this. How can I do that and when?

The part of the above I oppose is the Mandatory and this becoming an ordinance. This should be a voluntary decision. AND I am not a breeder of any kind of animal but view this as a personal rights issue. I have worked for rescues in the past but have found that many of those people who do often lose track of reality. And am upset because I understand SOS has a link to PETA which is an extreme animal rights group that collects money and does not help the animal but uses it to Lobby and support questionable groups. Their stated goal has been to ban pets in every home, all animals should be free. You can see how passing laws such as this would help them push their stated goals on an unsuspecting public.

Diane Amendola

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Luggage? GPS? Comic books?  
Check out [fitting gifts for grads](#) at Yahoo! Search.

*Amendola*

9/17/2007

**Esparza, Patty**

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**From:** Dapkus, Pat on behalf of Coerper, Gil  
**Sent:** Wednesday, October 24, 2007 5:59 PM  
**To:** Van Dorn, Kay  
**Cc:** Henderson, Sandy; City Clerk Agenda  
**Subject:** FW: Spay/neuter/microchip ordinance

Pat Dapkus  
(714) 536-5579  
(714) 536-5233 (FAX)

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**From:** SuPaPiNKY02@aol.com [mailto:SuPaPiNKY02@aol.com]  
**Sent:** Wednesday, October 24, 2007 5:01 PM  
**To:** CITY COUNCIL  
**Subject:** Spay/neuter/microchip ordinance

Good evening

As a shelter volunteer, non-profit animal organization volunteer, pet owner and animal lover I would like you to know that I support this ordinance 100%.

Thank you.

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See what's new at [AOL.com](http://AOL.com) and [Make AOL Your Homepage](#).

*Anonymous*  
10/25/2007

**Dapkus, Pat**

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**From:** Dapkus, Pat on behalf of Coerper, Gil  
**Sent:** Friday, September 07, 2007 10:15 AM  
**To:** Dapkus, Pat  
**Subject:** FW: Animal rights - spaying & neutering

Pat Dapkus  
(714) 536-5579  
(714) 536-5233 (FAX)

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**From:** BOBBI ASHURST [mailto:bashurst1@verizon.net]  
**Sent:** Friday, September 07, 2007 7:41 AM  
**To:** Green, Cathy; Coerper, Gil; Cook, Debbie; Bohr, Keith  
**Subject:** Animal rights - spaying & neutering

Good morning,

As a responsible pet caretaker, one dog & one cat, who has both spayed and neutered my charges, I am against any mandatory law requiring these operations.

Oh yes, I know some irresponsible pet owners and tsk tsk at them when encountered. But is not an issue for the government, city, state, republic or world, to address with restrictive laws. Requiring dog training, or a license to own a pet would make more sense. The problem is with the owners not the animals.

And who is going to enforce this law? I think our police have better things to do than ferret out offending pet owners.

Do not pass this ordinance.

Thank you for your attention.

Bobbi Ashurst

Voter

*AS HURST*

9/13/2007

**Esparza, Patty**

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**From:** Dapkus, Pat on behalf of Coerper, Gil  
**Sent:** Friday, October 19, 2007 8:52 AM  
**To:** Van Dorn, Kay  
**Cc:** Henderson, Sandy  
**Subject:** FW: mandatorylaws.pdf  
**Attachments:** mandatorylaws.pdf

Pat Dapkus  
(714) 536-5579  
(714) 536-5233 (FAX)

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**From:** Douglas Bacon [mailto:dsbacon@earthlink.net]  
**Sent:** Thursday, October 18, 2007 4:41 PM  
**To:** Coerper, Gil  
**Cc:** Cook, Debbie  
**Subject:** mandatorylaws.pdf

*BACON*  
10/23/2007

# THE DARK SIDE OF MANDATE

## Why Punitive Legislation Fails

Legislation is often thought of as a quick solution to high rates of shelter killing. "If only we had a law," the argument goes, "all the bad, irresponsible people would have to take care of their pets properly, and shelters wouldn't have to kill so many animals." If this were true, given the proliferation of punitive mandates nationwide, there should be many No Kill communities. That there are not, is because experience has proven that legislation is far from a cure-all. In fact, it often has the opposite effect. Communities that have passed such laws are not only far from No Kill, many are moving in the opposite direction.

Studies show the primary reasons people do not sterilize their pets are cost and lack of access to spay/neuter services. The same is true for licensing. The higher the cost, the lower the rate of compliance. As a result, lower-income households with animals, those who are unaware of these laws, and truly irresponsible people will not comply in significant numbers. Punitive legislation will only discourage people from caring for homeless pets or drive disadvantaged people "underground," making them even harder to reach and help. If a person is feeding homeless cats, they will be loathe to turn to the shelter for low-cost spay/neuter help or other support because doing so risks putting the cats in jeopardy for some technical violation of a community's pet limit, licensing, or leash law. Compounding the problem is the fact that enforcement of ordinances, such as mandatory spay/neuter is often selective and complaint-based, leaving people who care for animals vulnerable to retaliation from neighbors and others, even when the animals are healthy and well cared for.

Furthermore, legislation may be worded so that the result of non-compliance is the impoundment and death of the animal. Alternatively, the laws contain significant fines which are likely to lead to abandonment, relinquishment to shelters, or people refusing to

offer care to homeless strays. That is why many jurisdictions have seen their impound and death rates increase following passage of laws which give agencies carte blanche to round up and kill outdoor animals. If a shelter has high rates of shelter killing, it makes no sense to support the passing of laws that give them greater power and more reasons to impound—and subsequently kill—even more animals.

Finally, in most jurisdictions, licensing revenues go into a city or county's general fund, not directly back to the animal control agency. As a result, even where licensing rates increase, it has no direct impact on shelter finances. In the end, the shelter is diverting money from needed programs to hire more officers to write more citations, only to raise money for the city or county, at the expense of its own needs.

When Fort Wayne, Indiana, San Mateo, California, and King County, Washington, passed their animal control legislation, for example, these laws were hailed as "national models." To this day, animal activists use these as examples of "success" in order to convince their own communities to adopt similar approaches. A hard look, however, reveals they are a dismal failure. Fort Wayne is still killing three out of every four domestic animals, San Mateo killed more animals in the

# ATORY LICENSING AND NEUTER LAWS

unincorporated areas of the county which passed their law (resulting in the first ever increase in cats being killed) as compared to cities where the law was not passed, and King County's law reduced the number of animals being saved. (See "There Ought Not to be a Law," No Kill Sheltering, Volume I, Issue I, 2007).

Indeed, no better proof exists for this proposition than Long Beach, California, which has had a breeding ban for over thirty years. If legislation is the answer, Long Beach should be a No Kill community by now. But it is far from it, as many homeless animals have discovered who have had the misfortune to enter that animal control shelter system. By contrast, the two most successful communities in the nation with the highest percentage of animals going home alive—Tompkins County, NY (91% save rate) and Charlottesville, Virginia (92% save rate)—have no mandatory cat licensing or spay/neuter laws.

Nonetheless, local activists and national groups—even those who embrace No Kill and are sincere in their desire to end killing—continue to champion the legislative approach. While activists across the country have been emboldened by the No Kill movement, they have almost uniformly failed to heed the central lesson: never mind the laws, reform the shelter. While they are demanding success in their own communities, they fail to demand that local shelters either replicate the programs that eliminated the deaths in other communities for all but irremediably suffering and non-rehabilitatable animals, or to insist upon the removal of directors who refuse to implement them. Instead, many seek No Kill through traditional legislative models. The end result is not hard to predict.

Unfortunately, the viewpoint that the public, rather than the shelter, is to blame for the volume of killing has been internalized by animal activists all over the country. And the tool they use to make the public responsible is a resurrection of the failed legislation model. Since the very "solution" they propose makes the goal impossible, however, they are forced to seek more citations, greater penalties, more animals subject to impounding, and more draconian laws, increasing the divide between the shelter and the public, and taking themselves further and further away from the goal of true lifesaving with each piece of punitive legislation.



Sadly, it is a pattern played out by animal activists throughout the country, over and over again. Despite animal control's dysfunction and overkill, animal activists continue to ignore and apologize for the shelter's failures by blaming the public, rather than those who are directly responsible: the very staff and administrators who fail every time they inject an animal with an

overdose of barbiturates in the face of alternatives like foster care, offsite adoptions, and working with rescue groups. These activists fail to see the real causes and solutions to shelter killing because the bar or "industry standard" has been set so low, and because the national agencies to which they look for guidance reaffirm this point of view again and again.

In a democracy, animal lovers are free to believe whatever they want. But believing something doesn't make it so, and never will.

## EMPOWERED TO KILL



Meanwhile, animals continue to be killed in appalling numbers and reform efforts are squandered on an agenda that has no hope of achieving success. Moreover, the animals are paying the ultimate price for the false beliefs of animal activists. They are the ones being slaughtered en masse because of it.

With animals being killed every day in shelters because shelter leadership has not embraced the programs and services of the No Kill Equation (See No Kill Sheltering, Volume III, Issue 1, 2007), activists must move beyond the empty hope that punitive legislation will ever be anything but a failure. Animal activists are still championing a nineteenth century model of sheltering rooted in defeatism and failing to demand the real changes necessary for No Kill to succeed, while ignoring over a decade of No Kill success in other communities.

And as soon as activists realize this, they can begin the only proven process of saving lives: comprehensive implementation of programs like foster care, working with rescue groups and volunteers, TNR for feral cats, and offsite adoptions; *or*, regime change for shelter directors who refuse to do so. Unfortunately rather than champion the No Kill Equation, the only course of action that has created a No Kill community, they are chasing shadows. In turn, activists have developed a culture of defeatism, a sense of helplessness that No Kill cannot be achieved. They become apologists for the status quo, championing mediocrity and failure, when they should be demanding the resignation of shelter leadership.

## HSUS: A FELINE'S FRIEND OR FOE?



## Esparza, Patty

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**From:** Deathtyger - Outside Account [deathtyger13@yahoo.com]  
**Sent:** Sunday, September 16, 2007 12:42 AM  
**To:** CITY COUNCIL  
**Subject:** Spaying & Microchip for HB pets

Dear HB Council,

I just wanted to take the time to write to you and tell you that I support the spay/neuter/microchip ordinance. I believe this should be put into place for HB. We need laws like this in place to help cut down on the amount of new births of animals that are unwanted.

Also the microchip is a wonderful and grand idea for any pet owner. Plus having a microchip on each pet will identify those persons who are unwilling to take responsible actions for pets when they are in fights with other animals or endanger the lives of other people...I work for an insurance company and file several claims where dog bites are often the case. The dog gets lose the dog belongs to someone but no one is sure...if microchipped...we can id the owner...

So please vote me for support on the ordinance.

Tyger S. Barlage

NDeathTyger

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Tonight's top picks. What will you watch tonight? Preview the hottest shows on Yahoo! TV.  
<http://tv.yahoo.com/>

**Esparza, Patty**

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**From:** Dapkus, Pat  
**Sent:** Monday, October 29, 2007 8:46 AM  
**To:** Van Dorn, Kay  
**Cc:** Henderson, Sandy; City Clerk Agenda  
**Subject:** FW: Proposed animal ordinance

Pat Dapkus  
(714) 536-5579  
(714) 536-5233 (FAX)

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**From:** A Barlow [mailto:barlowrd@sbcglobal.net]  
**Sent:** Saturday, October 27, 2007 9:53 AM  
**To:** Dapkus, Pat  
**Subject:** Proposed animal ordinance

To Whom it May Concern,

I think the city should seriously reconsider its proposed ordinance requiring mandatory spaying/neutering of all animals. I feel this will actually result in less people licensing their animals, and more abandonment because they won't want to spay/neuter their pet. Thus, the animal shelters will become more-- not less-- overcrowded. This also won't likely change the behavior of those who are the ones causing the overpopulation of animal shelters in the first place: those people are the *irresponsible* animal owners. The same irresponsible ones will keep adopting pets just because they are cute, then casting them off once they realize that it takes some work to properly care for them. This proposed ordinance will only cause the RESPONSIBLE pet owners to have to shell out unnecessary money to spay/neuter their animals. I say "unnecessary" because the responsible people don't let their animals breed unless the owner wants to (and will) find homes for their pet's offspring. The ordinance will also likely raise taxes to keep the ordinance enforced.

Please reconsider this,

Sincerely,  
Alicia Barlow

  
10/29/2007

**Dapkus, Pat**

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**From:** Sean Beatty [darlaw@dslextreme.com]  
**Sent:** Wednesday, September 12, 2007 9:31 PM  
**To:** CITY COUNCIL  
**Subject:** Fox interview

I saw Mr. Bohr's interview on Fox regarding the proposed neutering law. I am a proud resident of Huntington Beach, but I have never been so embarrassed. Irrespective of the issue, Mr. Bohr's performance and representation of the city was abysmal.

With regard to the law itself, it has a communist ring to it. This is Huntington Beach, not San Francisco. Please save our city from further embarrassment (and the cost fighting the legal challenges) and drop it while we still have an ounce of dignity left.

Thanks for your consideration,

Sean Beatty

*BEATTY*

9/13/2007

## **Esparza, Patty**

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**From:** Marianne G Bogenreif [mariandl@juno.com]  
**Sent:** Monday, September 17, 2007 11:42 PM  
**To:** CITY COUNCIL  
**Subject:** Spay/Neuter/Microhip Ordinance

Dear Council Members,

As a longtime resident of Huntington Beach and a lover of all creatures, I am interested in the humane treatment of the cats and dogs in this city. It is my opinion that the lower the number of pets that can reproduce, the more precious they and their offspring become and, therefore, will be treated more humanely.

Please do all that you can to make the Spay/Neuter/Microchip Ordinance happen. I thank you sincerely,  
Marianne Bogenreif and 3  
kitties, discarded by others.

**Esparza, Patty**

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**From:** Dapkus, Pat  
**Sent:** Thursday, September 13, 2007 1:46 PM  
**To:** 'Bonnejr@aol.com'  
**Subject:** RE: Against Spay Neuter Law in Huntington Beach

Please be advised that all the city council members have received a copy of your email. A copy will also be forwarded to the City Clerk for inclusion in the record when the proposed ordinance is heard.

Pat Dapkus  
(714) 536-5579  
(714) 536-5233 (FAX)

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**From:** Bonnejr@aol.com [mailto:Bonnejr@aol.com]  
**Sent:** Thursday, September 13, 2007 1:38 PM  
**To:** CITY COUNCIL  
**Subject:** Against Spay Neuter Law in Huntington Beach

Dear City Council,

I saw your Councilman from Huntington Beach on the O'Reilly show last night regarding your proposed Spay Neuter law. I agree with O'Reilly that this law is an incursion into people's personal property and rights. It should be rendered unconstitutional.

In addition, recently, a CA state assemblyman tried to introduce this law statewide and it was withdrawn in committee but the guy says he is going to bring it up again this January. My comments regarding these laws are:

I do not believe that spaying and neutering all dogs and cats will reduce the number of animals that will be euthanized in pounds. I have not seen any data to support the idea. I believe that the number of euthanizations will remain the same. Most dogs and cats that end up in pounds are abandoned and runaway pets and not the result of frivolous or accidental breeding.

However, I do believe that dog and cat ownership per capita will remain the same. People want these animals around them. Prospective pet and sporting dog owners will now be forced to buy overpriced, inferior, sick animals from other states or other countries e.g. Mexico since there will not be anyone to supply animals in CA or other states. This proposed law will decimate the fine sports of purebred dog and cat breeding and showing CA and set a precedence for other states who might follow. Thousands of people in CA and millions of people in the US enjoy this innocuous sport. I further believe that an underground illegal network of breeders will probably be established like bootleggers during prohibition. This means more of our tax money spent for enforcement in addition to the same money spent currently for pounds and animal control.

I do not believe that this proposed law solves any problems, creates new problems, spends more tax money and ruins the purebred dog and cat breeding and showing sport. So, why do it?

Sincerely,  
Jack Bonne

*Bonne*  
9/13/2007

**Esparza, Patty**

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**From:** Tim & Laura Bradshaw [bradshaw24@hotmail.com]

**Sent:** Saturday, October 27, 2007 4:17 PM

**To:** Coerper, Gil; Cook, Debbie; Bohr, Keith; Carchio, Joe; Green, Cathy; Hansen, Don; Hardy, Jill

**Subject:** mandatory spay and neuter

To whom this may concern,

I am opposed to the mandatory spay and neuter program that the city of Long Beach is trying to get passed. I am also opposed to another tax increase of over \$850,000.00 to tax payers. People who already don't take care of their pets probably don't pay their taxes either, which is a small percentage. As a tax payer myself this disturbs me. Why should I have to pay once again for immigrants or ignorance that I have not caused. Please think long and hard before you try and pass such a ludicrous bill.

Best Regards

Tim Bradshaw

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*BRADSHAW*

10/29/2007

## Dapkus, Pat

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**From:** Larry & Susan Brockett [agilbichon@earthlink.net]  
**Sent:** Wednesday, September 05, 2007 4:59 PM  
**To:** CITY COUNCIL  
**Cc:** Dapkus, Pat; Fikes, Cathy  
**Subject:** Pet Bill

To Whom It May Concern:

As long as this new pet bill is in placed I will not do any business in Huntington Beach. I will also urge all people I come into contact with to do the same and to contact all buesineses in your city and tell them we are going elsewhere with our money. If I have to drive a few extra miles so be it.

Larry Brockett

I'm Jack Brooks. I did a public records request from OC.

Cost Analysis:

1. I found that the net cost of animal care services to HB for fiscal year 7-1-06 to 6-30-07 was \$447,336.00 not including SOS or Mr. Bohr's motion.

A. OC charges HB \$1,146,420.00 for expenses and reduces with revenues of \$699,084.00 leaving a net cost of \$447,336.00.

B. HB revenues include \$583,200.90 from all licensing fees + \$95,626.60 for all kennel fees equaling total revenues of \$678,827.50.

C. Total revenues are \$669,084.00 less collected revenues of \$678,827.50 leaving a difference of + \$20,256.50.

D. If as Chief Small says this is an overpayment, and is given to SOS then the total HB animal costs are \$467,592.50. (\$447,336.00 OC + \$20,256.50 SOS)

2. I found that HB unaltered dog licenses are 12.45% and that HB unaltered dog license revenues are 29.54% so 12.45% pays 29.54%.

A. In HB 12.45% of all licensed dogs are unaltered.

The records show 2,290 unaltered licensed dogs. Divide this by the 14,415 total of all licensed dogs and you find that 12.45% of all licensed dogs are unaltered in HB.

B. 29.54% of all HB revenues from dog licenses come from unaltered dog. Unaltered dogs produce

licensing revenues of \$130,484.00. Divide this by the \$441,732.54 total dog license revenues and we find that 29.54% of all dog license revenues come from unaltered dogs.

3. If we now alter all dogs, HB will have reduced license revenues of \$84,716.00.

4. This must be added to the \$50,000.00 cap in Mr. Bohr's motion for a new start up cost of \$134,716.00.

A. OC + SOS + Makeup Lost Revenue + Mr. Bohr's Motion = Total Cost to HB.

B. \$447,336.00 (OC) + \$20,256.50 (SOS) + \$84,716.00 (Makeup Lost Revenue) + \$50,000.00 (Mr. Bohr's Motion) = \$602,308.50 New Total Animal Cost to HB.

6. Since we already have a successful program with an altered dog rate of 87.55%, spending an additional \$134,716.00 to stop euthanizing dogs is too expensive. It won't work. First: some will not comply and Second: there is no way to determine how many stray dogs are in HB from our millions of visitors.

Microchip Analysis:

7. Keith Johnson a retired toxicologic pathologist who led The Dow Chemical Co's 1996 study of implanting microchips in lab mice and rats was quoted as saying, "The transponders were the cause of the tumors."

8. I believe that HB will be sued if it requires microchip implants and they cause tumors in dogs.

9. Based on this cost and microchip analysis, I would urge you to stop work on this project now.

Personal Analysis:

10. I heard statements that only one third of all dogs are registered. I say prove it before you start the program.

11. HB collected revenues for euthanizing only 84 dogs. Where are the thousands that should require such a drastic law?

12. After 7 years Santa Cruz County still euthanizes dogs.

13. My experience with altered dogs is the same as the police. They are psychologically changed.

14. I already pay 900% more for an unaltered dog license and others like me who pay these extra fees do not let their dogs roam free. HB residents are educated and law abiding.

15. Dogs are NOT property like chairs; they are living beings and should be treated with respect and not subjected to unnecessary mandatory surgery or forced to have implants that will cause tumors.

Thank You

**Esparza, Patty**

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**From:** Brosnan, Scotia C. [sbrosnan@water.ca.gov]  
**Sent:** Friday, October 26, 2007 12:07 PM  
**To:** CITY COUNCIL  
**Subject:** Mandatory Spaying/Neutering of Dogs and Cats

These draconian laws have proven to be ineffective and instead of animal shelters doing more to adopt out their dogs and cats they place the blame on dog/cat owners. The book 'Redemption-the Myth of Pet Overpopulation and the No Kill Revolution in America' by Nathan J. Winograd was eye opening and lists animal shelters that took responsibility for the killing of healthy dogs and cats, turned it around by adopting temporary foster programs; involved animal rescue programs to work with them to place animals; spayed/neutered the animals they placed prior to adoption and instead of operating at a deficit and costing the taxpayers hundreds of thousands (and even millions of dollars) started generating revenue.

How can we call ourselves a civilized nation while killing healthy animals that are being denied the opportunity to have a loving, caring home?

Please stop the madness and don't support this ordinance.

Thank you,

Scotia Brosnan

**Scotia Brosnan**  
**Contract Analyst**  
**E-mail [sbrosnan@water.ca.gov](mailto:sbrosnan@water.ca.gov)**

*BROSNA*  
10/29/2007

## Esparza, Patty

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**From:** D&B Brown [b.d.brown@verizon.net]  
**Sent:** Monday, September 17, 2007 12:26 PM  
**To:** CITY COUNCIL  
**Cc:** chief@hpbd.org  
**Subject:** Opposed to Mandatory Spay/Neuter/Microchip

Dear Council Members,

It was with great disappointment that we read the Council has voted to order an ordinance written to force spay, neuter & microchipping for pets in this city. We have since read Chief Small's report to the Council and would like to briefly address some points presented.

The most glaring misunderstanding or misrepresentation is that forcing owners to alter their pets will vastly reduce or eliminate animals entering the Orange County Animal Shelter. In truth, areas that have previously enacted such restrictive ordinances have seen the intake and euthanasia rates increase, not decrease as some members of the Council and some animal rights groups would have citizens believe. In support of this fact I offer the following web site with graphs charting the actual results in Santa Cruz County compared to surrounding areas without mandatory spay/neuter:  
<file:///http://www.naiaonline.org/issues/California\_graphs.htm>  
[http://www.naiaonline.org/issues/California\\_graphs.htm](http://www.naiaonline.org/issues/California_graphs.htm)

In addition it has been shown that owners facing civil penalties for having an intact animal not only increases the number of dogs and cats abandoned or not reclaimed from the shelters but also decreases the level of compliance with licensing and rabies inoculations. This is a far greater risk to public safety than an occasional animal escaping the confines of the owner's home.

Mandatory spay/neuter/microchip supporters would have the general public believe the fact that so many unfortunate animals are euthanized in this country is wholly the fault of breeders. The OCAS is not overrun with litters of young puppies. The vast majority of dogs entering the system are adolescents or adults. As puppies those dogs had homes. It was only when the unprepared, uneducated, uncommitted owners found that the adorable baby chewed furniture, eliminated in the house, barked, chased, jumped on people that the pet became a liability. It is much easier to rid oneself of the annoyance than it is to properly socialize and train that puppy to be a member of the family and a welcome addition to the community. The fact that the puppy was born is not the reason it ends up in a shelter. The irresponsible, uncommitted owner is at fault, not the breeder.

Chief Small's report noted that only one dog from Huntington Beach that was deemed adoptable was euthanized for lack of space in the OCAS. While we agree it is unfortunate that any animal is lost due to space issues we fail to see how denying responsible owners the right to make decisions regarding their own pets would have enabled this one dog to survive. What was not included in this report was an accounting of how many of the dogs picked up in this city were actually bred here. It would seem to us that before the City can condemn owners of intact dogs in Huntington Beach for overpopulating the shelter that it be established exactly how many abandoned dogs came from Huntington Beach breeders.

In addition there is the medical aspect of spay & neutering. These are elective surgeries. In the case of spaying, a quite invasive, dangerous elective surgery. Many animals are lost each year to complications of the surgery or anesthesia. When a pet owner elects to have his/her pet surgically altered and then faces this tragedy it is unfortunate. When a pet owner loses an animal because a municipality forced the procedure it is an entirely different matter. We hope the City of Huntington Beach is prepared to face that liability.

The report estimates the financial cost to add an employee to the OCACS to oversee this invasive ordinance to be \$75,338. A much better use for these funds would be for the City of Huntington Beach to fund free or significantly reduced cost spay/neuter/microchip

clinics. If the City elects to appropriate the over \$900,000 to cover all of the "Optional Services and Support Offered by OCACS" better uses would be to fund a trap/alter/release program for feral cats, to fund educational opportunities for owners to learn the responsibilities of pet ownership, to fund training classes for owners and pets. And last but not least, to fund enforcement of the leash law that is already in effect.

The proposed ordinance penalizes the responsible pet owners in this city. The scofflaws who already ignore license regulations, rabies vaccinations, leash laws are even less likely to consider coming into compliance. Those who elect to own an unaltered dog already pay a premium to license that animal, \$95 per year as opposed to \$23.

We do not breed dogs. Our pets are spayed and neutered. The proposed ordinance will not technically affect us but this law is unnecessary, will not produce the results PETA and animal rights groups would have you believe and could actually deny pets the medical care they should receive. Owners may fear being turned in by their veterinarians for having an intact animal and thus may also avoid routine medical treatments for their pets.

We would like to thank Council Members Carchio, Hansen and Hardy who were opposed to proceeding with this ordinance for your reasoned approach. The Huntington Beach City Council has more important business to conduct than invading the homes of the vast majority of responsible pet owners in this city. And finally, Councilman Bohr telling a national television audience that every owner of an intact animal is irresponsible is not only insulting but slanderous.

It is our intention to be fully engaged in this matter and we will be attending every future Council meeting when this proposed ordinance is on the agenda. We respectfully request that the Council reverse the order to have this ordinance drafted or at the very least vote against it's adoption when brought to the Council for a final resolution.

Sincerely,  
Barbara and David Brown  
Huntington Beach, CA

## Dapkus, Pat

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**From:** Gay Schonbrunn [gayschon@optonline.net]  
**Sent:** Friday, September 07, 2007 8:45 AM  
**To:** 'Barbara Mattson'; Dapkus, Pat; 'Kim Townsend'; 'Zelda'; rkgr66@aol.com; staceywilkins@hotmail.com; action4pets@yahoo.com; bonniebarry1@comcast.net; 'Riverbank Press'; KBernhard@cohenandwolf.com; 'cwfreelancer'; 'Bob Gardner'; megan1123@hotmail.com; 'Carol Wheeler'  
**Subject:** Huntington Beach, CA - Spay/Neuter Law - Excellent Letter from National Great Pyrenees' Rescue Chair

Dear Barbara,

Thank you for writing a letter that answers the breeders' nonsensical arguments against desperately needed spay and neuter ordinances.

On behalf of the rescue community and the animals' lives who will be saved, I thank you BIG time!

gay

-----Original Message-----

**From:** Barbara Mattson [mailto:bmattson@nationalpyr.org]  
**Sent:** Friday, September 07, 2007 5:54 AM  
**To:** pdapkus@surfcity-hb.org  
**Subject:** Spay/Neuter Laws

I want to congratulate the Huntington Beach City Council on taking the courageous step to foster animal welfare. The sooner these ordinances spread across the country, the better we all will be--as tax payers and animal lovers. Of course, the City of Huntington Beach is concerned about dog over population. We, the tax payers, are the ones footing the bill for the millions of dogs dumped in shelters and the five million or more dogs that are euthanized every year in this country.

David Brown, who says he is a resident of your city, has taken it upon himself to e-mail breed lists about this issue. He seems to be concerned that " this insanity will spreads to the city where perhaps a breeder lives that we want our next dog from. Or until out of area breeders decide they're not comfortable selling a dog into such a restrictive municipality." Selfish man. He should spend a day at a shelter where they are euthanizing 60 dogs because they have no more room.

Anyone looking for a dog should contact a breed rescue group or visit [www.petfinder.com](http://www.petfinder.com). There are plenty of purebred dogs to choose from, including puppies who have been abandoned. Great Pyrenees rescuers in all parts of the country are overwhelmed right now. Southern California Pyr rescue put out a plea for assistance two weeks ago. As human beings and tax payers, let's get our priorities straight. Thank you for leading the way.

Barbara Mattson

National Great Pyrenees Rescue  
Save More Pyrs/Join Rescue  
[www.nationalpyr.org](http://www.nationalpyr.org)

----- Original Message -----

**Subject:** [pyrnet] Mandatory Spay/Neuter-Huntington Beach, CA  
**Date:** Thu, 06 Sep 2007 19:48:41 -0700  
**From:** D&B Brown <b.d.brown@verizon.net>  
**Reply-To:** pyrnet-l@pyrnet.org  
**To:** pyrnet-l@pyrnet.org

Our city, Huntington Beach, CA is very close to being the first in Orange County to mandate spay/neuter & microchip for all dogs, cats & rabbits. I've lived in this city for 45 years & dog breeders, vicious dogs, over population, or dog problems of any kind have never been an issue. The state of CA will be revisiting the MSN proposal again in January. There are a

couple of activists council members who are evidently not reacting well to the delay at the state level & no doubt have a certain group whispering in their ears. This seems so strange to me since the City of Huntington Beach has abrogated all responsibility for animal control to the Orange County Animal Control, located in Orange, CA. The actual Huntington Beach ordinance has yet to be written but the council has voted to have the language prepared for a final vote. The below URL is a link to the general provisions & ordinance requested by the council. You can find it on the city's website but the minutes & video of the most recent council meeting have yet to be posted. It is noted in the agenda.

We don't breed. Our dogs are spayed & neutered. They're also microchipped. So technically this won't affect us, UNTIL this insanity spreads to the city where perhaps a breeder lives that we want our next dog from. Or until out of area breeders decide they're not comfortable selling a dog into such a restrictive municipality

<http://www.ocregister.com/news/council-beach-program-1838848-dogs-huntington>

What I'm asking is that as many people as possible write the city council & express your thoughts, in a courteous & concise manner, about such legislation. Fact wouldn't hurt either. While you're not their constituents my hope is to overwhelm the council with reason & logic. If you're so inclined to help & have the time the below link has the email addresses for the Huntington Beach City Council.

[http://www.surfcity-hb.org/government/elected\\_officials/city\\_council/](http://www.surfcity-hb.org/government/elected_officials/city_council/)

Please feel free to cross post to any other breed lists.

Thanks,  
David Brown  
Huntington Beach, CA

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**From:** Christine And Richard [rbuck@rtconnect.net] 76Y\*p205Xe  
**To:** Wednesday, September 12, 2007 6:04 PM  
**Subject:** Dapkus, Pat  
TV appearance

Mr Bohr:

I think your proposed spay neuter law is poorly thought out ,no mention was ever made at what happens to people that show there registered animals at dog show.  
It is required to show by AKC that the animal be in tact.

You are taking our rights away for no reason. A responsible person will take care to control a non spay neutered animal and breeds responsibly.  
The responsible breeder takes back  
a animal that is not wanted from their litters. A program to place non show animals always has a spy-neuter clause.

Why do we need another law?

Someone that is not responsible will be the person that ignores your law anyway. What about cats? How do you propose to control them?  
Sounds like a PETA project.

Sorry Hunting Beach is no longer on my visit list.

Richard

—  
Christine & Richard Buck  
CHRIS-DI'S COCKERS  
Newcastle, Wyoming  
rbuck@rtconnect.net  
rbuck@chrisdickers.com  
<http://www.chrisdickers.com>

**Esparza, Patty**

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**From:** Dapkus, Pat  
**Sent:** Tuesday, October 23, 2007 10:14 AM  
**To:** Van Dorn, Kay  
**Cc:** Henderson, Sandy; City Clerk Agenda  
**Subject:** FW: Pet ordinance

Pat Dapkus  
(714) 536-5579  
(714) 536-5233 (FAX)

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**From:** reverendginger@aol.com [mailto:reverendginger@aol.com]  
**Sent:** Tuesday, October 23, 2007 9:15 AM  
**To:** CITY COUNCIL  
**Subject:** Pet ordinance

Please be advised that I and my husband support spay and neutering. However, we are opposed to mandatory microchipping. All of our pets are spayed and neutered. Our dogs have microchips, but we do not think microchipping cats should be mandatory. I think it the requirement will work as a deterrent for feline adoption. I urge the council to not pass the ordinance. Huntington Beach can be noted for a lot of things but I don't think that mandatory microchipping of pets is something we need to be known for.

Thank You

Jennifer G. Burgess  
Gerald L. Burgess  
16351 Del Mar Ln.  
residents in excess of 30 years.

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Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

*BURGESS*  
10/23/2007

**Esparza, Patty**

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**From:** Rita Burson [bristleconehound@wildblue.net]  
**Sent:** Monday, October 29, 2007 11:19 AM  
**To:** CITY COUNCIL  
**Subject:** Spay & nutering bill

Dear City Council Members,

Please vote no on this animal bill. Do you know what problems this will cause your city. It was defeated at the state level and now we must defeat it at the local level. This is the way PETA is sucking you in to their way of thinking. NO ANIMALS in the future for anyone. They want it their way they do not support rescue in anyway and yet have millions of dollars to stop animals in general. The next step will be horses and cattle so all of you can become vegterians. Save our god given right to let us make choices. What has America become but a state of laws and no choices at all. Our fathers would be amazed at what has happened to us and we are doing it to our sevles. Thanks you a dog owner. Marguerite F. Burson bristleconehound@juno.com

*Burson*  
10/29/2007

**Esparza, Patty**

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**From:** slc@waterrules.com  
**Sent:** Saturday, October 27, 2007 2:08 PM  
**To:** Coerper, Gil; Coerper, Gil  
**Subject:** Spay/Neuter Ordinance

Mr. Mayor,

This proposed ordinance is nothing more than another way for the government to control the freedom in this country.

Everyone should be looking at better ways to educate the public and institute a ordinance that no one can buy an animal from a pet shop unless they have proof of ability to care for the pet and keep it no matter what the favorite pet of the year is.

Requiring them to be altered punishes everyone and causes financial hardship on every pet owner.

Other options are requiring the pet shops to deliver no un-altered pets and this would remedy the situation.

Allow no sale of un-altered pets. No one will be affected except those capitalizing on the sales from un-licensed breeding.

Please support more solution oriented ordinances to your fine city.

Stephanie Love Callen

*CALLLEN*  
10/29/2007

**Esparza, Patty**

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**From:** Dapkus, Pat on behalf of Coerper, Gil  
**Sent:** Monday, September 24, 2007 10:32 AM  
**To:** Pat Dapkus; City Clerk Agenda  
**Subject:** FW: "Huntington sets first with pets"

Pat Dapkus  
(714) 536-5579  
(714) 536-5233 (FAX)

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**From:** Mike Callihan [mailto:callihan\_mike@yahoo.com]  
**Sent:** Monday, September 24, 2007 10:22 AM  
**To:** Coerper, Gil; Cook, Debbie; Bohr, Keith; Carchio, Joe; Green, Cathy; Hansen, Don; Hardy, Jill  
**Subject:** Re: "Huntington sets first with pets"

Hello again City Concil Members,

How come no one has replied to my complaint? What are your next actions on my request that you repeal this law? I would compromise and ask you to have this issue be placed in the voters hands and not in the hands of 7 people. Let us taxpayers and pet owners make the decision.

BTW, guess how many times I purchased a pet from a pet store. Zero. How many times have I purchased a dog from a puppy mill. You guess it, Zero. And lastly, of my intact pets, how many times have I breed them? Zero again.

I read in your minutes that Huntington Beach has an animal control problem. Since I moved here in 1999, guess how many stray dogs and cats I have seen. Bingo, Zero again.

So answer me this, what gives you the impression we have a problem that needs fixing?

Thanks and please respond. I spent my time reading and writing you these emails, so the least you can do is respond.

Sincerely,  
Mike Callihan

*Mike Callihan* <callihan\_mike@yahoo.com> wrote:

Hello my city council members,

I am a tax payer, a voter and a long time resident living only a few minutes from the ocean. I moved here because of one main reason: doggy beach.

The only reason I see you making this rediculous law is that you want lots of press. Maybe the Huntington Beach Government offices you hold are not high enough. Maybe you want to move

CALLIHAN  
9/24/2007

up to a state or federal office. I don't know for sure and I don't care. All I pay you guys and girls to do is run the city and not make up laws that violates my rights and drive up my taxes by trying to enforce things that is going to be next to impossible.

I am a pet owner who only purchases pets from good breeders. If the animal is "pet" quality, then the pets always have "limited" registration which means, its offspring cannot get AKC papers. Therefore, I always spay or neuter those pets. A few years back, I purchased a "show" quality dog and have been training him for competition. This dog cost me \$3k and I will be damned if you try to make me fix my dog! I read the article stating I would be exempt, but imposing an added fee would be effectively "forcing" me to fix him. I already pay \$95/year to orange county and this is already too high of a cost to me.

Anyway, I am going to get the word out to my organizations letting them know what a ridiculous law you guys and girls just created. Also, I see some your terms are coming close to an end -- Mr. Bohr (2008), Ms Cook(2008), Ms Green(2010), and Mr. Coerper(2010). Don't plan on getting my vote again unless this law is repealed immediately!

Mike Callihan  
Tax Payer, Voter and a Responsible Pet Owner.  
(in response to <http://www.ocregister.com/news/council-beach-program-1838848-dogs-huntington>)

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Pinpoint customers who are looking for what you sell.

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Tonight's top picks. What will you watch tonight? Preview the hottest shows on Yahoo! TV.

**Dapkus, Pat**

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**From:** jessica campbell montoya [campbellmontoya@socal.rr.com]  
**Sent:** Tuesday, September 04, 2007 10:22 PM  
**To:** CITY COUNCIL  
**Cc:** Dapkus, Pat; Fikes, Cathy  
**Subject:** Spay & Neuter

Dear City Council Members,

I'm extremely disappointed that you passed the Mandatory Spay and Neuter ordinance.

You don't have the funds to enforce it.

You're penalizing those who already license their pet.

How dare you tell me spay or neuter my pet. It's a personal choice just as vasectomies are personal choices. Where is it going to end? Are you going to start telling you're residents that they are under a mandatory vasectomy or hysterectomy ordinance after fathering or birthing two children? After all we're over populated. There's a lady living in my neighborhood park. That's not fair for her. Maybe if we cut our population then we'll decrease our homeless numbers.

I don't think so. It's a ridiculous thought process. Just as you ordering me to spay or neuter my pet, thinking that it's going to cut down on unwanted animals is a ridiculous thought process.

I'm a registered voter.

I have a neutered and licensed purebred dog.

And I believe Bohr, Coerper, Green and Cook have been duped by the shelters and pet adoption agencies.

I know only one person with a dog from a shelter and he's a biter. And then I know others who got their dogs from breeders and they're trust worthy dogs.

Are you pleased to put the city in jeopardy of liability actions?

Your Resident,  
Jessica Campbell Montoya.

CAMPBELL - MONTAYA  
9/13/2007

**Dapkus, Pat**

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**From:** becky carmack [beckysragstobags@yahoo.com]  
**Sent:** Tuesday, September 11, 2007 1:31 PM  
**To:** CITY COUNCIL  
**Subject:** neuter/microchip law

To whom it may concern,

I am sending this to you only because I have no idea who lse to write it to.

Regarding mandatory neutering/microchipping pets.

First, let me say, that as concerned pet owners, my husband and I have had our dog microchipped. We did this to ensure that we would get her back in the event that we got separated. That was our "choice" and we were able to afford it.

We also "chose" to have our dog spayed. We considered the option of breeding, thinking that we would want to keep at least one of her litter. We "opted" not to, mostly for fear that we would want to keep an entire litter. As I mentioned, it was our "choice".

I don't care that microchipping is only \$20. - \$40.00 and by the way neutering is not so cheap. We happen to have pet insurance that covers neutering, but that costs money too. Not every pet owner can afford these things. So, if they become mandatory, let the city foot the bill.

The government has already stepped in regarding how parents raise their children. You can no longer decide if you should spare the rod, spoil the child, it has been decided for you. That's worked out real well!... but that's another subject, I'll elaborate on that when it becomes mandatory to microchip and neuter them too.

Thank-you!  
Becky

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*CARMACK*

9/13/2007