

Here are the minutes of the Roanoke meeting on 11/13/04.

This was the second of the “November round” meetings.

This was another good meeting.

Our intention is to summarize the conclusions from the November meetings and to, as indicated by the will of Virginia Voters for Animal Welfare, suggest language for any legislation which VVAW will submit to the General Assembly in January, 2005.

In addition, we will continue to reach out to each constituency involved in Virginia’s animal welfare, meeting with each group, and urging their support of the efforts of VVAW.

The schedule for the week of 11/15/04 includes meetings with staffers to Governor Warner, Marge McClung who heads the Virginia breeders organization, and with doctors Butts and Cardin and other staff members of the Office of the State Veterinarian.

Lillian Clancy and Don Marro

A meeting of Virginia Voters for Animal Welfare focused on pet overpopulation started at 11:00 am at the Hampton Inn in Roanoke on Saturday, 11/13/04.

attendees:

Lillian Clancy  
Kelly Farrell, DVM  
Tammy Javier/independent  
Donald Marro  
Mary Jane Morgan/independent  
Kathy Poole/Floyd County Humane Society  
Don Thorne/Roanoke Valley SPCA

unable to attend:

All who committed to come did! Thank you!

## Agenda

1. Lillian Clancy opened the meeting by saying that the three principal topics of VVAW remain s/n, elimination of gas chambers, and support and expansion of the role of the animal control function, although there are other issues of interest as well. However, to be successful with any legislation or programs, anticipated or existing, there must be funding in place to support implementation and enforcement of the legislation or programs.

## FUNDING

2. Don Marro discussed potential sources of funding. He noted that Dr. Escobar, the President of the VA Veterinary Medical Association, suggested that money could come from tax on pet food sales. Don said that such a tax might generate sufficient revenue.

He continued: however it happens, it seems most equitable to shift the funding of programs from people's property taxes to a different source. The most likely source currently under consideration by VVAW is raising the cap on dog license fees to \$35 for the first dog, and for \$2 for any additional dogs from the same owner, with licenses at no cost for those who cannot afford them. Funds raised from license sales would be earmarked to be used only for animal welfare. Don described license fees as the most certain way to raise the funds needed for free or subsidized s/n and rabies, pay for shelters/pounds and raise the compensation and training for ACOs.

3. Tammy Javier asked what methods could be used to determine if a person should receive a free license.

Don responded that if someone claims they are not able to afford it, then for the first year at least, take their word.

4. Kelly Farrell asked how much of the current \$32 million spent on animal control activities by the state come from the proceeds of dog license sales.

The answer has not yet been researched by VVAW, but it is clear that with only 10-15% compliance in terms of buying licenses, with a cap of \$10, and with differential license fees, the likelihood is that no more than \$1.5 million is collected which goes into the general fund; it is not earmarked for animal-related use.

5. Don Marro continued, even if licenses are free, the dog owner now becomes part of a database. This same person, in the second year, may be required to pass a means test, or perform some community service in lieu of payment. He emphasized that local jurisdictions will make the decision about what the charge for licenses should be, and all jurisdictions needn't be the same.

6. Kelly Farrell suggested that changing the state mandated cap will find some localities making a change, but without additional funding, does it impose on the animal control function yet another job for people already stretched thin.
7. Don Marro indicated that initially, the plan would have complete dedication of the funds to the collecting jurisdiction. Thereafter, when all jurisdictions increase their fees and license dogs (and perhaps cats), then to “level the playing field”, 20% would go to poorer counties requesting assistance.

Don emphasized that the goal is the creation of a culture of compliance, and in so doing, taking the first step in building a database of dog owner identity.

8. Kelly Farrell wondered how it would be possible to achieve license purchase compliance with no additional enforcement. She continued, her question is more than “how to”, but “why would they” come forward to pay if it costs more.

Don responded by saying there are many ways to encourage enforcement including mailing insert reminders, PSAs, sales by many outlets, issuing with rabies shots, and so forth, but in the end, enforcement can't be imposed by the state. The argument, therefore, needs to be made to local jurisdictions, asking them if they prefer the status quo, which is funding animal control activities from the general fund, or a new way to fund – by raising money to do this work from dog license fees that takes the burden from everyone and limits it to dog owners. He cited the model that hunting and fishing licenses produce self-sustaining programs.

9. Don Thorne said that money from licenses does not always go to animal control, and if the proceeds from license sales is shifted, those now without that funding might be in opposition. He counseled that there would be a need for education with such a shift.
10. Don Marro indicated that there appear to be two patrons willing to carry a bill to increase the cap on dog license costs. He indicated there will need to be a determination by many local jurisdictions to work for a culture change.
11. Don added that he felt there was no need to change the \$150 penalty currently on the books for someone not holding a current license.

However, he said there might well be a change proposed to the legal procedures after someone receives a citation for not having a dog license. His suggestion is to establish a separate docket in the General District Court to handle such cases. The person cited would pay a fine, much as is currently done in traffic court. As it exists now, those receiving the citation are frequently forgiven by the General District Court Judge.

Don said there could be a special docket for license fee citations.

When Kelly F asked if it wouldn't be costly to do this, Don responded by saying that it would be exactly the opposite. While the offender COULD ask for a trial, it is unlikely that the cost of an attorney or appearance pro se would make paying the fine preferable and expedite such cases.

12. Kelly Farrell expressed her belief that if the threat for prosecution is real, compliance will go up.

Don Marro suggested it might be necessary to work with the Commonwealth Attorneys to encourage their support of these cases, and for legislation to make a docket change at the state level. He pointed to work Patti Stinson and Eileen McAfee have done in Page County to encourage the Commonwealth Attorney to go after animal abuse cases seriously.

13. Kelly Farrell wondered why go through all this to get money just for animal control rather than making an effort to get private funds for prevention of the problem in the first place.

Tammy Javier supported, saying sufficient s/n will take care of many problems, including the use of the gas chamber.

Don responded by saying the goal is to craft the best array of solutions. Currently there is not enough public or private money to do this, there are not enough vets to provide inexpensive s/n, and there is no good owner identification program.

14. Tammy Javier asked for a more explicit definition of what "animal welfare" would be in this case, and wondered exactly where the money raised from licenses would go.

Don Marro said it would go to free or low cost s/n, to rabies shots, to animal control activities, and to shelter and pound operations. Ultimately, it would be the decision of the individual jurisdiction to decide how much money is raised and whether general fund sources are no longer needed.

15. Kelly Farrell suggested that government generally is not interested in animal welfare, but historically has had an interest in public health. As a result, public health is a government issue, and animal welfare is private, so money is used to fund public health problems. She mused that it will be a long time before money gets to s/n or to animal cruelty problems.

16. Tammy Javier said that when animal control falls under the category of public safety, those in animal control tend to respond more to the human problems of public safety, and animal welfare issues fall to the bottom of the list.

17. Don Thorne discussed his group's ability to work with the functions in the hierarchy above animal control help make decisions. He noted, for instance, their current effort at getting a common licensing scheme for the 4 jurisdictions which are in the RVSPCA.

Working together on this level has started to make change, including their newest effort with feral cats.

18. Don Marro wondered if jurisdictions would not set aside license proceeds for s/n without a mandate.

Kelly Farrell felt they would not, and so this may create an animal control vs. s/n conflict. Tammy Javier agreed with Kelly.

19. Don Thorne wanted an easier way to collect license fees.

Kelly Farrell suggested that it be tied to rabies inoculations.

20. Kathy Poole said that there is simply not enough money in some places to do this. She recounted someone in Floyd County with annual income in the \$2K range, and this person has saved 3 dogs, yet would not be able to buy a license.

21. Don Thorne said the SPCA portion of his operation is supported by private funding, and that the 4 supporting groups contribute about \$400K per year for an area serving about 200K people.

22. Kathy Poole said she was not sure if \$10 was too high, and was not sure what the license cost in Floyd is. She said the work in Floyd is dealing with one person at a time, helping that person as much as possible. While it might be ok to raise fees in northern Virginia, it would be difficult to do it in Floyd County.

24. Mary Jane Morgan asked what differentials exist.

Responses said there are various differentials in each jurisdiction.

25. Tammy Javier said that the tags given to dog owners when the dog gets a rabies shot are frequently assumed by the owner to be the dog license, and so by paying for a rabies shot, they may feel they have complied with the law.

Kelly Farrell indicated that vets do not need to provide the rabies tags, although they do need to provide the certificate saying the dog has been given a rabies shot. She noted problems associated with attempts to have dog licenses and rabies shots run concurrently.

26. Don Marro asked: is there any reason NOT to raise the cap on dog licenses?

All agreed there is not.

He continued; this was not a proposal for changing anything except a new cap and earmarking the funds for animal welfare rather than the general fund. All agreed.

Kelly Farrell suggested that working to make clear that the new cap of \$35 replaces the old cap of \$10, that the amount of the license is optional, but that any funds so raised will go to animal welfare.

27. Lillian Clancy said she wants to guarantee that license fee funds support s/n.

Don Marro responded by saying there could be a system of fixed allocations computed locally. If counties do not then use their funds to do s/n, it might require another visit to the General Assembly to ensure that it happens. He suggested that getting a cap raised is the first order of business.

Don Thorne cautioned about getting hung up on the term of “free”, and suggested that it be tied to means testing.

Kelly Farrell said if a person is qualified for public assistance, then perhaps it could be assumed that they also get a dog license free.

Don Marro reiterated that the goal is to get complete compliance, regardless of how much any person pays (or doesn't pay). Fund raising and identification is the initial goal. That is the moral imperative imposed on the owner of the dog.

Kathy Poole feels that all owners should license their dogs, but she is not sure they do so in Floyd County, nor is she sure how to change that.

Don Marro suggested that change needs to start somewhere.

#### CHIPPING

28. Kelly Farrell said that 80% of the US microchip market is controlled by 2 companies, that there are currently many lawsuits, and the “reader issue” is a problem. There is no guarantee that a chip will be read the way things stand now, and that the international ISO chip, not common yet in the US, will become the gold standard.

She believes this is not the time to advocate chipping, that readers currently are very expensive, and that this competition will be worked out.

29. Tammy Javier described a situation in which a stray chipped dog could not be identified because the owner registration information was not entered in the system – that there are thousands not entered.

Kelly Farrell agreed that registration and currency of registration is a problem, and adds yet another cost to chipping.

30. Mary Jane Morgan believes the chipping to be prohibitively costly.

31. Kelly Farrell believes that there are ways to get the cost of chips down to near \$8, but advocates not pushing on the issue for the next 3-4 years.
32. Don Marro pointed out that some rescues take charge of the chipping and registration process in its entirety, and that works very well. He further noted that the UK and New Zealand have mandated chipping with substantial savings from the increases in reunitions and keeping these strays out of the system.

#### GAS CHAMBERS

33. Tammy Javier says that in some cases, because of poorly trained or uncaring animal control people the gas chamber is a better way to euthanize. She says there have been situations in which training has been attempted to teach how to euthanize by I/V, but with but one animal control person, that can be a problem. However, in speaking about gas chambers, she wondered how one can guarantee that the chamber is used properly.
34. Kelly Farrell said that those poorly trained can cause an awful death for those being put down. She added that injection is not always humane depending on the skill of the individual.
35. Don Marro said there may be reason to have some gas chambers, but only if protocols are followed explicitly.
36. Mary Jane Morgan said most animal control people will perform euthanasia in the fastest and cheapest way, and that most of them are not trained well. She added that talking with county officials brings little support for humane euthanasias, as so many county people don't care.
37. Don Marro noted that some believe that there is Virginia law, and the law of the local county supercedes.

He suggested there may need to be writs of mandamus to force compliance. It is dramatic and a last resort, but should be seen as a step in a process when all else fails.

Tammy Javier asked whether Don Marro would come with her to her county people. He said he would, but also suggested that his style might not help. He suggested that Tammy might want to look at a public/private partnership similar to RVSPCA.

38. Don Marro said he would be willing to donate up to \$25,000 in total to help Virginia jurisdictions eliminate and not reactivate for 5 years their gas chambers.

#### RELEASING AGENCY DEFINITION

39. Don Marro discussed amending the definition of releasing agency to add pet stores and casual, backyard for-profit breeders to the current definition of releasing agencies.

Kelly Farrell supports the concept, and describes it as “progressive”.

40. Don Marro continued that releasing agencies should also be required to s/n prior to release, not within 30 days of the adoption/sale being consummated. For those adopting from rescues, pounds, and shelters, there would be free or low-cost s/n as required. However, for those buying from pet stores or from casual, backyard for-profit breeders, there would be no discount in getting sterilization.

Kelly Farrell supports spay before adoption, noting this is a progressive regulation.

41. Don Marro continued that anyone buying from a breeder or pet store for the purpose of breeding would be exempt from s/n, and also that promises of sequestration or age and health issues would likewise be exemptions to s/n.

He briefly described the number of dogs for sale in a single weekend edition of the Washington Post and what revenues are lost to the state.

#### SUMMARY

42. Don Marro noted that the Richmond Animal League has chipped their animals for several years and consider it successful.

Kelly Farrell suggested that RAL should be viewed as having ideal protocols, but not all can achieve this.

43. Kelly Farrell suggested what she believes has the best chance for action in the upcoming General Assembly:
- a. raise license caps
  - b. put some of the revenue from new caps into s/n
  - c. clearly define who does casual, for-profit backyard breeding (not hobby or fancier breeding) since we need clear language to distinguish a good breeder from a casual, for-profit backyard breeder.

In summary, she said license cap and earmarked funds “a go”, the s/n prior to release is a possibility for shelters and non-profit rescues, but she felt that including back yard breeders might be a road block without clear definitions. The opposition would likely be the organized breeder associations who would worry that this would affect them.

44. Tammy Javier indicated her willingness to work on the definitions of for-profit vs reputable breeders.

45. Don Marro said meetings are still to be arranged with the Association of County Governments, the Sheriff's Association, and the Virginia Municipal League.

The meeting was adjourned at 1 pm.