DEPARTMENT: Sheriff's Dept.    BY: Lori Christy-animal control    PHONE: 966-3614

RECOMMENDED ACTION AND JUSTIFICATION:  (Policy Item: Yes:  No)

In accordance with the state code, I request that the unclaimed spay/neuter deposits be used for the following: When a dog or cat that has been adopted from the county is brought in for spay or neuter within the allotted time allowed by the state, that the balance of the cost of the spay or neuter be paid out of the unclaimed deposits.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

No previous Board action has been considered.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Unclaimed deposits will remain in fund and continue to accumulate as it can only be used for dog and cat population control.

COSTS:  (X) Not Applicable
A. Budgeted current FY $_______
B. Total anticipated costs $_______
C. Required Add’l funding $_______
D. Source: __________________________________________

SOURCE: ( ) 4/5ths Vote Required
A. Internal transfers $_______
B. Unanticipated revenues $_______
C. Reserve for contingency $_______
D. Description: __________________________________________
Balance in Reserve for Contingencies, if approved: $_______

CLERK'S USE ONLY:
Res. No.: _______  Ord. No.: _______
Vote - Ayes: _______ Noes: _______
Absent: _______ Abstained: _______
( ) Approved    ( ) Denied
( ) Minute Order Attached

The foregoing instrument is a correct copy of the original on file in this office.
Date: __________________________

ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of CA
By: __________________________
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

X  Recommended
   Not Recommended
   For Policy Determination
   Submitted with Comment
   Returned for Further Action

Comment: __________________________

A.O. Initials: __________________________

Action Form Revised 2/91
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ROGER MATLOCK, SHERIFF
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD
RE: UNCLAIMED SPAY/NEUTER DEPOSITS

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on June 11, 1991

ACTION AND VOTE:

10:27 a.m. Roger Matlock, Sheriff;
Recommendation Concerning Use of Unclaimed Spay/Neuter
Deposits ($1,725 Fund Balance)
BOARD ACTION: Pelk Richards/Undersheriff, appeared on behalf
on Roger Matlock. (M)Taber, (S)Erickson, to utilize the funds
for the animal shelter, failed by the following vote: Ayes:
Erickson, Taber; Noes: Baggett, Punte, Radanovich. (M)Punte,
(S)Baggett, Res. 91-260 adopted approving recommendation for
use of unclaimed spay/neuter deposits, with the Sheriff to
administer the funds/Ayes: Baggett, Punte, Radanovich; Noes:
Taber; Abstained: Erickson.

cc: Evelyn Billings, Auditor
File
Spay and Neuter Deposits (overview)

The Food and Agricultural Code, Sections 30503 and 31751, requires animal control agencies to collect a deposit from the new owner when they sell or give away a dog or cat that has not been spayed or neutered. According to the code, an animal control agency collects a deposit that is comparable to the lowest spaying or neutering fee charged by veterinarians in specific locales but does not exceed $40 for dogs and $30 for cats. The animal control agency may return the deposit to the owner upon presentation of certification from a veterinarian or clinic that the dog or cat has been spayed or neutered. Alternatively, the animal control agency may pay the deposit directly to a veterinarian or clinic on behalf of the new owner of the animal. The code states that the deposit may be forfeited if the dog or cat is not spayed or neutered within 60 days or 6 months, depending on the age of the animal, from the date of purchase or adoption.

According to the code, the animal control agency must use the unclaimed deposits for a public education program to prevent overpopulation of dogs and cats, a program to spay or neuter dogs and cats, a follow-up program to ensure that animals sold or given away by the animal control agency are spayed or neutered, and any additional expenses associated with complying with these two code sections.

In accordance with the state code, I am requesting that the unclaimed deposits that are in the animal control trust fund be used for the following: When a dog or cat which has been adopted from the county is brought in for spay or neuter within the allotted time allowed by the state, that the balance of the cost of the spay or neuter be paid out of the unclaimed deposits.
§ 30503. Pounds or shelters; spaying or neutering; deposits; cooperative agreements

(a) No public pound, society for the prevention of cruelty to animals shelter, or humane shelter shall sell or give away any dog that has not been spayed or neutered, unless a deposit for spaying or neutering the dog has been tendered to the pound or shelter. The deposit shall be in the amount determined by the pound or shelter to be comparable to the lowest fee charged by veterinarians in the locale, but shall not exceed forty dollars ($40). A veterinarian shall perform the operation. If a female dog and her puppies are sold or given away to one individual, only a single deposit shall be required. The pound or shelter may make appropriate arrangements for the spaying or neutering of the dog, or may return the deposit to the person purchasing or receiving the dog upon presentation of a written statement or receipt from the veterinarian or clinic that the dog has been spayed or neutered. The deposit may also include an amount necessary to recover any additional costs under this section.

(b) Any dog over six months of age at the time it is sold or given away by the pound or shelter shall be spayed or neutered within 60 days, or the deposit shall be deemed unclaimed. Any dog six months of age or younger at the time it is sold or given away by the pound or shelter shall be spayed or neutered within six months, or the deposit shall be deemed unclaimed.

(c) Any deposit not claimed under subdivision (a) shall be used only for the following purposes:

(1) A public education program to prevent overpopulation of dogs and cats.

(2) A program to spay or neuter dogs and cats.

(3) A followup program to assure that animals sold or given away by the pound or shelter are spayed or neutered.

(4) Any additional costs incurred under this section.

(d) Public pounds, society for the prevention of cruelty to animals shelters, and humane shelters may enter into cooperative agreements with each other and with veterinarians in carrying out this section.

(Added by Stats.1985, c. 1290, § 1.)
Division 14.5
REGULATION OF CATS

Section
31750. Repealed.
31751. Pounds or shelters; spaying or neutering; deposits; cooperative agreements.
31751.5. Spayed or neutered cats; reduction in fee.
31751.6. Licensed cattery; exemption from tag requirement.
31752. Impounded cats; period of holding before killing.

Division 14.5 was added by Stats.1970, c. 1303, p. 1303, § 1.

§ 31750. Repealed by Stats.1985, c. 1290, § 2

Historical Note
The repealed section, prohibiting pounds or shelters from selling or giving away unspayed or unneutered cats more than six months of age, was added by Stats.1970, c. 1303, p. 1303, § 1. See, now, § 31751.

§ 31751. Pounds or shelters; spaying or neutering; deposits; cooperative agreements

(a) No public pound, society for the prevention of cruelty to animals shelter, or humane shelter shall sell or give away any cat that has not been spayed or neutered, unless a deposit for spaying or neutering the cat has been tendered to the pound or shelter. The deposit shall be in the amount determined by the pound or shelter to be comparable to the lowest fee charged by veterinarians in the locale, but shall not exceed thirty dollars ($30). A veterinarian shall perform the operation. If a female cat and her kittens are sold or given away to one individual, only a single deposit shall be required. The pound or shelter may make appropriate arrangements for the spaying or neutering of the cat, or may return the deposit to the person purchasing or receiving the cat upon presentation of a written statement or receipt from the veterinarian or clinic that the cat has been spayed or neutered. The deposit may also include the amount necessary to recover any additional costs under this section.

(b) All cats over six months of age at the time they are sold or given away by the pound or shelter shall be spayed or neutered within 60 days, or the deposit shall be deemed unclaimed. All cats six months of age or younger at the time they are sold or given away by the pound or shelter
§ 31751

REGULATION OF CATS
Div. 14.5

shall be spayed or neutered within six months, or the deposit shall be
deemed unclaimed.

(c) Any deposits not claimed under subdivision (a) shall be used only
for the following purposes:

(1) A public education program to prevent overpopulation of cats and
dogs.

(2) A program to spay or neuter cats and dogs.

(3) A followup program to assure that animals sold or given away by
the pound or shelter are spayed or neutered.

(4) Any additional costs incurred under this section.

(d) Public pounds, society for the prevention of cruelty to animals
shelters, and humane shelters may enter into cooperative agreements
with each other and with veterinarians in carrying out this section.

Historical Note

The 1985 amendment rewrote the section which had read:

"No public pound, society for the prevention of cruelty to animals shelter, or hu-
mane shelter shall sell or give away any cat less than six months of age unless the cost
of spaying or neutering such cat has been deposited with the pound or shelter for pay-
ment to a veterinarian or spaying or altering clinic designated by the person purchas-
ing or receiving the cat. The deposit shall be forwarded to the veterinarian or clinic
upon receipt by the pound or shelter of a notice from the veterinarian or clinic that
the cat has been spayed or neutered."

§ 31751.5. Spayed or neutered cats; reduction in fee

Whenever a city or county requires cat license tags, any such tag shall
be issued for one-half or less of the fee required for a cat, if a certificate
is presented from a licensed veterinarian that the cat has been spayed or
neutered.
(Added by Stats.1973, c. 361, p. 802, § 3.)

Library References

Animals ⇔4.
Health and Environment ⇔36.
C.J.S. Animals §§ 11 to 14, 287 to 289.
C.J.S. Health and Environment § 37.

§ 31751.6. Licensed cattery; exemption from tag requirement

Any licensed cattery may be exempted pursuant to regulation or
ordinance from any requirement to obtain a license tag for each cat
within the cattery.
(Added by Stats.1973, c. 361, p. 803, § 4.)