


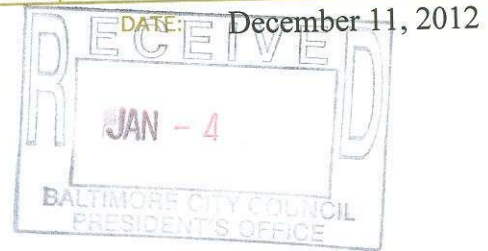
Andrew Klein

FROM	NAME & TITLE	Andrew W. Kleine, Chief	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 469, City Hall (396-4941)		
	SUBJECT	City Council Resolution # 12-0106		

TO

The Honorable President and
Members of the City Council
C/O Karen Randle
Room 409, City Hall

Attention: Karen Randle



Council Bill 12-0106 is for the purpose of requiring animal shelters to take steps to reduce the number of animals they kill; repealing cat licensing requirements; prohibiting immediate killing of animals upon revocation of an owner's license; regulating the use of live animal traps to catch cats; establishing standards for the operation of animal shelters; establishing standards for the killing of animals in shelters; prohibiting the use of sheltered animals for medical research; requiring the availability of certain shelter operational information to the public; defining and clarifying certain related terms and provisions; providing for certain penalties; and generally relating to the treatment of animals commonly kept as companions.

Analysis

This bill creates a requirement for animal shelters operating within Baltimore City (City) to enact certain procedures for intake, care, and management of all received animals. Requirements include the following:

- increased notification by City animal shelters to no-kill animal care establishments and to the public prior to killing;
- institution of a longer time frame (5 working days) for care of received animals and greater administrative requirements for a shelter to kill an animal;
- specific standards for medical care, cleaning, and housing of live animals, and preconditions and standards for humane killing of animals;
- intake and care of feral cats;
- penalties for misuse of cat traps;
- sterilization of animals, with exceptions for certain types of animals or due to certain health concerns, with a refundable deposit (i.e., fee) for non-sterilized adoptions
- establishment of a registry and monthly reporting for animal intake, adoption, turnover, and animal killing.

Based on the legislation, both the Baltimore Animal Rescue & Care Shelter, Inc. (BARCS) and other shelters within the City, such as the Maryland Society for the Prevention of Cruelty to Animals (Maryland SPCA), would be obligated to fund programming, employee salaries and benefits, animal housing, and materials and supplies to meet these specific requirements for animal care. In addition, the Health Department believes that the regulations could have the unintended consequence of requiring shelters to house dangerous animals, which could put healthy animals and staff at risk.

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Fiscal Impact

Currently, the City of Baltimore contracts with BARCS to provide animal shelter services on behalf of the City. The City contract with BARCS is \$1,139,083 for Fiscal 2013, which includes the cost of personnel salaries and benefits, animal food, operating and maintenance supplies, and other contractual costs. In addition, the City provides donations to BARCS for use of the building at 301 Stockholm Street, valued at \$297,000 in rental costs, as well as utilities and other costs associated with the building. The total value of donations from the City was valued at \$436,853 for the fiscal year ending on June 30, 2011. Based on the requirements for sheltering and care under the proposed bill, and the longer care time frame for received animals, BARCS has stated it would require four times the current full capacity of the 301 Stockholm Street location. Given that the City provides grant funding to offset a significant portion of BARCS operating expenses, BARCS is currently unable to generate the necessary revenue in order to cover these expanded operations; to enact this legislation would essentially put the City on the hook for millions of dollars in unfunded potential operating and capital costs.

In addition to the potential costs for the City and BARCS, the Maryland SPCA would be mandated under this legislation to maintain a similar level of service and care for received animals. Impacts to the nonprofit are unclear, but it is assumed that the organization would also shoulder significant costs based on the statutory requirements.

The enforcement principles under the misuse of cat traps create an extremely challenging scenario for the Health Department. Proof of a violation under the proposed law would be tenuous in many circumstances, thereby minimizing any potential penalty collections. Additionally, as the bill is currently authored, the collection mechanism would require the agency to bring a lawsuit against the perpetrator in order to collect any penalties. Personnel needed for this task could factor in as another significant cost of enforcement. Furthermore, penalties for violations cannot be dedicated to spay and neuter programs; such penalties are required to enter the General Fund revenue stream and cannot be earmarked for a specific program, service, or agency.

Recommendation

For all of the reasons above, the Department of Finance respectfully opposes the passage of CCB 12-0106.

Cc: Harry Black
Angela Gibson

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