

Nonprofit Group Wants To Use County's Animal Van **By Patrick Lohmann / Journal Staff Writer on Wed, Sep 7, 2011**

A taxpayer-funded animal rescue vehicle has been sitting idle in a Doña Ana County parking lot, on standby for a hoarding case or a disaster that requires emergency transport of animals.

The \$180,000 vehicle has sometimes been idle for months since its 2007 purchase, and a veterinarian wants the county to let his nonprofit group use it for what he considers an emergency – the exploding population of stray animals at Doña Ana shelters.

At issue is the appropriate use of a \$50,000 state grant that helped pay for the vehicle and whether the county can allow a nonprofit to use it without a bidding process.

Frank Bryce, president of the Humane Society of Southern New Mexico, says his group could use the van to provide free spay and neuter services to rural residents. The group would provide vets and surgical supplies.

"We're having such a pet overpopulation problem," he said. "This van would be integral in correcting those problems."

County attorneys say the van was not bought with the intent of sterilizing animals and allowing a private group to use county property without bidding would violate the state's anti-donation clause.

"I'm still waiting for someone to explain to me why the spay and neuter of privately owned pets is a duty of local government," County Attorney Fred Kennon said.

Talks between the county and the nonprofit are on hold as county attorneys consult the attorney general.

Meanwhile, Doña Ana County has among the highest per-capita rates of animal euthanasia in the nation, according to the regional animal center. Animal euthanizations in 2010 were nearly 40 per 1,000 people. The nationwide average was 10.2 per 1,000 people.

"It's a horrible problem that we have here in Doña Ana County," Kennon said. "My only concern is that we find a legal way for private organizations to use our property."

A different nonprofit had used the van for spaying and neutering, but Kennon told that group it could no longer use the vehicle. "What we may have done in the past with spay and neuter services ... was a mistake," he said recently.

The vehicle has never been used for a disaster situation but has aided in more than 30 hoarding situations.

In 2007, then-Rep. Nathan Cote, D-Las Cruces, sponsored one of two grants to "equip an animal rescue vehicle, including disaster response equipment." A clause in the \$50,000 grant agreement prohibits the van's use for anything outside of what was outlined.

However, Cote said he told the Sheriff's Office the van could be used as an overflow shelter, a spay and neuter vehicle and for other events. "It was my understanding that the intent of the sheriff's department was not to let the vehicle sit idle waiting for a disaster or emergency to occur," Cote said in a June 17 letter to Kennon.

Kennon said the anti-donation clause makes it unlawful to allow use of the van without a competitive-bidding process. The clause allows governing bodies to provide resources to nonprofits if those groups provide services to the "sick and indigent," and if the services justify the cost to taxpayers.

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