



MINUTES
BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

Monday July 23, 2007
10:00 P.M.
CITY HALL
200 N. Spring St.
Room 1060
Los Angeles, CA 90012

Commissioners: Tariq Khero, President
Kathleen Riordan, Vice-President
Marie Atake
Glenn Brown
Archie Quincey, Jr.

ADMINISTRATIVE APPEAL HEARING

Commission President Khero called the Administrative Appeal Hearing to order at 10:14 A.M. Present were Commissioners Khero, Atake, Brown, and Quincey. Commissioners Riordan arrived at 10:21 A.M.

- 1. Appeal of the General Manager's Decision in Barking Dog Case – BD 06576WL**
Appellant: Antonia Lamourex
Complaining Witness: Nader David Rashti
District Manager, West Los Angeles Animal Care and Control, Jesse Castillo, Lieutenant
Hearing Coordinator, Department of Animal Services, Keith Kramer, Captain

Commissioner Brown motioned to uphold the General Manager's decision to reissue **License Number L07-121780**, for dog "**Pebbles**", eliminating Term #1, and modifying Term #2 as written in the Notice of Order dated December 28, 2007. The motion was seconded by Commissioner Quincey and passed on a vote of 5-0.

Determination: General Manager's Decision Upheld, Terms and Conditions Modified.

COMMISSION MEETING

Commission President Khero called the Commission Meeting to order at 11:16 A.M. Present were Commissioners Khero, Riordan, Atake, Brown, and Quincey.

1. ORAL REPORT OF THE GENERAL MANAGER – EDWARD BOKS

- **July 2007 Statistics Compared to July 2006:** Dog and cat intakes decreased 9%, adoptions increased 25%, and dog and cat euthanasia decreased 33%. These numbers represent the beginning of Fiscal Year 07-08.
- The Department recently met with representatives from LAPD and the Mayor's Office to discuss and establish restrictions for the annual Ringling Brothers Circus Elephant Walk. A debriefing for the individuals involved with the Elephant Walk would be conducted July 24.
- The Department has continued to receive positive feedback from the community on the aired profile by KCET about the Department's role in AB1634.
- The General Manager and Dr. Steve Feldman did an hour-long interview segment on 106.7 KROQ, answering questions from the community. KROQ currently has a feral cat colony on their grounds.
- FixNation has begun performing spay/neuter surgeries at the North Central facility.
- The General Manager met with Assembly member Lloyd Levine on July 22 to discuss revisions that need to be made to AB1634 before it is brought back to the Assembly in January 2008.
- The General Manager met with the Daily News Editorial Board to talk about the Department and the proposed Best Buddies Program.
- Conversations with Western University about partnering to establish an intern program have continued. Associate Dean Robert V. Mason, DVM, agreed to meet with the Commission in August to discuss ideas.
- The Department is finishing a final report on Humane LA to be submitted to the Mayor's Office in August.
- The Department has had several meetings with the Mayor's Office and the CAO on organizational structure and creating organizational efficiency.
- September 15, 2007 is the Grand Opening of the East Valley Animal Care and Control Center. Conceptually, the Municipal Facilities Committee has agreed to keep the old facility in operation. The Department is in the process of estimating the costs to bring the facility up to code.
- The Department sent out a press release for the August 4 Grand Opening of the Pit Bull Training Academy. The Department will be working with Villalobos Rescue Center in rehabilitating pit bulls.
- The Department is moving forward with discussions regarding a neonate clinic. The Department has yet to determine a site for the clinic. The community room at the East Valley facility remains a possibility.
- Ms. Erica Meadows completed her report on the Department's Volunteer Program. The Department would be reporting to the Board soon on her evaluation.

Public Comments

Phyllis Daugherty: Mentioned that the toy manufacturer responsible for producing the dog fighting toys had stopped selling them. Asked the General Manager over what period the 33% decrease in euthanasia took place. Thanked the General Manager for clarifying the 2 for 1 situation with regards to the Best Buddies Program.

Daniel Guss: Commented on the relationship between the Daily News Editorial Board and the General Manager. The General Manager did not update the Board about a KNBC report about a dog who viciously killed a small dog at the Laurel Canyon dog park, and was later released the following day unfixed. The General Manager only reports on the positive news stories, not the negative ones.

2. COMMISSION BUSINESS

A. Election of Commission Officers for 2007-2008

Public Comments

Daniel Guss: Questioned the legitimacy of the voting process for president and vice-president. Commented on last year's Officer Election. Felt there was no need to have a vote for new officers.

Dina Takouris: Recommended Commissioner Atake to serve as Commission President for the upcoming year.

Commissioner Quincy motioned to nominate Commissioner Tariq Khero to serve as Commission President for the 2007-2008 term. The motion was seconded by Commissioner Atake and passed on a vote of 5-0. Commissioner Khero elected as Commission President for 2007-2008.

Commissioner Quincy motioned to nominate Commissioner Kathleen Riordan to serve as Commission Vice President for the 2007-2008 term. The motion was seconded by Commissioner Atake and passed on a vote of 5-0. Commissioner Riordan elected as Commission Vice President for 2007-2008.

B. Approval of the Commission Meeting Minutes of July 9, 2007

Commissioner Riordan requested to hold the approval of the minutes for the July 9, 2007 Commission Meeting over for the next Commission Meeting. She requested to receive a copy of the meeting tapes.

Action Item: The approval of the Commission Meeting Minutes for July 9, 2007 to return as an agenda item for the August 13, 2007 Commission Meeting.

B. Oral Report by the Commission on Meetings and Events Attended

Commissioner Atake volunteered at dog adoption events on July 14 and July 24. She also attended the Animal Rights Conference on July 22. Commissioner Riordan attended a candlelight vigil on July 13 at the Federal Building for the animals that were poisoned by recalled pet food. Commissioners Khero, Brown, and Quincey had nothing to report.

3. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

A. Amendment to Los Angeles Municipal Code to Strengthen Breeder and Transfer Regulations, Require Microchipping, and Make Mandatory the Spay/Neuter of Animals Taken In Subject to Enforcement

Public input, learning that has come from the AB 1634 experience, and discussion among staff, the City Attorney, and other agencies, have all condensed to suggest Ordinance changes that specifically target areas

of greatest need in dealing with animal issues. The Department recommends that the City Attorney be directed to prepare an ordinance amending the Los Angeles Municipal Code (LAMC) to require any animal which is taken in by the City or subject to enforcement activity, to be spayed or neutered, and to require microchipping of any animal legally remaining intact, and to strengthen breeding and transfer regulation, and other related enabling modifications.

The exception to the mandatory spay/neuter would be in the case that an intact animal license and a breeder's permit were in full force and effect. In such cases, the first time an animal was impounded, it would be redeemed to the owner without sterilization. The second time it came in the system, however, the animal would be sterilized.

Public Comments

Phyllis Daugherty: The County sterilizes animals the first time an animal is impounded. Requested that the City add something specific in its ordinance for prohibiting the breeding for purposes of fighting, along with the transfer and sale of dogs for exhibition purposes.

Sue Taylor: Cautioned the Department about the potential opposition from the breeders towards an ordinance for mandatory spay/neuter. Reminded the Board of the opposition AB 1634 faced. The Department must prepare itself thoroughly.

Daniel Guss: Suggested that the Department make it difficult for individuals to have an unfixed animal. License fees should be much higher. The Department must take care of its loopholes, making the guidelines as strict as possible. Hoped the General Manager would give the Board a written report as to why AB 1634 failed. The opposition towards AB 1634 was very organized and overwhelming.

Commissioner Atake motioned that the Board request that the City Council direct the City Attorney to prepare an ordinance amending the Los Angeles Municipal Code (LAMC) to require any animal which is taken in by the City or subject to enforcement activity under LAMC 53.00. et. seq., to be spayed or neutered, and to require microchipping of any animal legally remaining intact, and to strengthen breeding and transfer regulation, and other related enabling modifications. The motion was seconded by Commissioner Quincey and passed on a vote of 5-0.

B. Amendment to Los Angeles Municipal Code to Remove Specific Fees and Charges Related to Adoption and Redemption and Add Authorization for the Board to Set Fees

The Department recommends that the City Attorney be directed to prepare an ordinance amending the Los Angeles Municipal Code (LAMC) to delegate authority to the Board to set fees relating to impound, adoption, or redemption, based on a cost recovery model and subject to review by the City Administrative Officer. City Council explicitly requested the Department's update of typical fees charged by the Department. These are captured in Section 53.12, "Pound Fees." In this section, care and feed, and other cost-to-house fees are explicitly set species-by-species, allowing no flexibility to have those fees reflect actual costs when food, supplies, and salaries costs change. Further, the exhaustive breakdown in Section 53.12 is inconsistent with the City's cost recovery principal, as it incorporates different fees for a redeemed animal than for a stray adopted animal of the same species. The lengthy list of fees in Section 53.12 or scattered in other sections compounds the challenge of providing a simple, understandable invoice to the public adopting or redeeming an animal. Receipts may show six or more individual fee types with the charge for some varying from customer to customer depending on the details of the adoption and how the

animal came to the Department.

The General Manager has the authority to set certain fees. Upon study of how other Departments go about setting fees, and consultation with the City Administrative Officer, it is recommended that the Department adopt a process similar to that of the Fire Department's fee development process. In the proposed process, every fee change would come before the Board. The Board would approve a proposed fee schedule annually or on an as-needed basis. The City Administrative Officer would provide input whenever the General Manager makes recommendations to change fees.

The Department also proposes a change to expand the ability of the General Manager to waive a portion of the fees for promotional events. Now confined to three events a year in Section 53.11(o), implied to mean three days a year, the current restrictive language essentially robs the Department of the tool every retail operator values—discounts and promotions to draw in customers. While the Department is already the highest volume pet adoption agency in the world, increasing adoptions even more is one of the strategic goals in ending the City's pet overpopulation problems and achieving "No-Kill" for the City.

Public Comments

Phyllis Daugherty: Opposed to the Department's recommendations. Commented that the Board was not qualified to make decisions regarding setting fees. The Board would only rule on what they are told. City Council should be the ones to review and approve fee changes. This is unlike the Fire Department's process in that it gives the General Manager the right to waive fees and give away animals.

Sue Taylor: Cautioned against the ability of the General Manager to waive fees. The role of the General Manager is contentious. The Board should review every fee waived.

Daniel Guss: Agreed that the General Manager should not be given the power to waive fees without carefully considering the ramifications of such an action. Disagreed with the language in the Board Report and believed the General Manager's claims needed to be backed up with proof.

Barbara Trelease: Commented on the difference in wording between what was written on the agenda and what was written in the Board Report. Confused by the language used in the Board Report and suggested that several changes needed to be made.

The General Manager agreed that the Commission must approve the waiving of fees for promotional events.

Commissioner Quincey motioned that the Board request that the City Council direct the City Attorney to prepare an ordinance amending the Los Angeles Municipal Code (LAMC) to delegate authority to the Board to set fees and charges relating to impound, adoption, or redemption, based on a cost recovery model and subject to review by the City Administrative Officer, to delete or modify specific fees and charges in sections of LAMC 53.00, and that the Board approves waivers for public events. Additionally, the drafted ordinance would be returned to the Board for a vote for final approval. The motion was seconded by Commissioner Riordan and passed on a vote of 5-0.

4. DISCUSSION ITEMS

A. None

5. PUBLIC COMMENT PERIOD

Daniel Guss: Believed that the General Manager was trying to control the Commission. Suggested that the Department gather YouTube clips of elephant walks to show City Council the dangers of having one in the City. Concerned that the General Manager was only showing favorable media events about the Department. He did not talk about a KNBC report about a dog that viciously killed a small dog at a dog park, and was later released unfixed. He did not report on the Department's relationship with Ms. Pia Salk. Commented that the Board should ask Western University for detailed written plans on what the school will do for the City. Questioned why the shelters were overcrowded when the General Manager continues to report that the adoptions are up and euthanasia is down.

Barbara Trelease: Commented on the fee reduction issue. Felt that the reduction in fees for a second animal in regards to the Best Buddies Program was a great idea.

Dina Takouris: Supported the idea of the Best Buddies Program. Wanted a voting item on having a screening process in place for potential adopters. Some of the volunteers were suspended for attempting to screen adopters.

Sue Taylor: Noticed that the Department has not been going out into the community as often to pick up stray dogs. The Department cannot continue to talk about reaching the goal of No Kill without first addressing this problem.

Phyllis Daugherty: The situation of stray dogs in Downtown, Echo Park, and Highland Park is abominable. These animals are not being picked up even when the Department is informed and asked to do so. The shelters do not want to increase their population. Commented on ineffectiveness of the Call Center and on the internal issues of the Department. Pointed out some of the problems with the Board Reports. The Department's unwillingness to take in relinquished animals on the weekends further increases animals being dumped out onto the streets. Most of the time, there is only one officer available in the field to respond to calls, which also contributes to dumping. Suggested that the City Council set the Department fees and that the Commission run the Department.

Pam Holt: Commented on the injustices against Stu and his owner. Commented on the evidence presented in the case and on the Hearing Examiner's original determination. Urged the Department to take action in getting Stu proper care.

6. FUTURE AGENDA ITEMS

Requests from Commissioners For Future Agenda Items:

- Commissioner Khero requested an updated report on the legal issues of Dangerous Animal Case DA 05321NC, "Stu", owned by Jeffrey De La Rosa to be placed on the agenda for the 08/13/07 Commission Meeting.
- Commissioner Atake wanted a complete education program on spay/neuter.
- Commissioner Atake requested to have conduct checks and balances for the South Los Angeles Clinic with regards to animals being released unsterilized.
- Commissioner Riordan requested a discussion item that the Board be advised of the content concerning Department exit interviews.

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- Commissioner Riordan wanted a reviewal of the Department's various Personal Service Contracts. Personal Service Contracts for Fiscal Year 2007-2008 exceeding the amount of \$5,000 should come before the Board for the following reasons: (1) The personal service cannot be performed by the Department or other City Staff, (2) the Department has determined that proposed provider of the service is the most qualified, and (3) the proposed provider has the credentials and background experience to perform the service.
- Commissioner Riordan requested that shelter staff conduct daily temperature checks at 1:00 P.M.
- Commissioner Riordan wondered if there was a way to track calls to the shelters regarding strays and the ratio of how many of those calls receive responses.

Public Comments

Daniel Guss: Daily News article recently reported that a menacing dog showed up at an elementary school, and the school administrator waited for over 70 minutes on phone with the Department. Suggested to setup a news alert for the Commissioners to track articles about the Department. There needs to be a Do Not Adopt screening for individuals interested in adopting animals.

7. ADJOURNMENT

Commissioner Quincey motioned to adjourn. The motion was seconded by Commissioner Brown and passed on a vote of 5-0. The Commission Meeting was adjourned at 1:14 P.M.