



MINUTES
BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

Monday April 14, 2008
10:00 A.M.
CITY HALL
200 N. Spring Street
Room 1060
Los Angeles, CA 90012

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

ADMINISTRATIVE APPEAL HEARING

Commission President Khero called the Administrative Appeal Hearing to order at 10:13 A.M. Present were Commissioners Khero, Riordan, Ponce, and Quincey. Commissioner Brown was absent.

- 1. Appeal of the General Manager's Decision in Barking Dog Case – BD 07361WV**
Appellant: Mr. Brian Gunther
Complaining Witness: Mr. Michael Panish
District Manager, West Valley Animal Care Center, Keith Kramer, Captain
Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst II

Commissioner Quincey motioned to overturn the General Manager's original decision and dismiss the complaint against **"Kira"**, **License Number L07-212497**. The motion was seconded by Commissioner Ponce and passed on a vote of 4-0.

Determination: General Manager's Decision Overturned, Case Dismissed.

- 2. Appeal of the General Manager's Decision in Barking Dog Case – BD 07567 SL**
Appellant: Ms. Deborah Valdez
Complaining Witness: Ms. Glenda Ganis
District Manager, South Los Angeles Animal Care Center, Nancy Moriarty, Captain
Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst II

Commissioner Quincey motioned to uphold the General Manager's original decision to reissue the dog licenses for **"Ella"**, **License Number L08-210258** with terms and conditions. The motion was seconded by Commissioner Ponce and passed on a vote of 4-0.

Determination: General Manager's Decision Upheld, License Reissued with Terms and Conditions.

COMMISSION MEETING

Commission President Khero called the Commission Meeting to order at 11:03 A.M. Present were Commissioners Khero, Riordan, Ponce, and Quincey. Commissioner Brown was absent.

1. PRESENTATION OF DEPARTMENT COMMENDATIONS

- A. Ms. Tamara Vlaco, a student at the University of Southern California and volunteer for two years has excelled as a dog walker and finding homes for hard-to-adopt dogs.
- B. Officer Stacy Dancy, Animal Control Officer II, took immediate action, planned and coordinated the impoundment of four (4) brahm bulls, seven (7) goats and six (6) small horses.
- C. Officer, Eric Gardner, Animal Control Officer II, took immediate action, planned and coordinated the impoundment of four (4) brahm bulls, seven (7) goats and six (6) small horses.

The individuals receiving Department commendations were not present at the Commission Meeting, and had asked that their commendations be mailed to them.

2. ORAL REPORT OF THE GENERAL MANAGER – EDWARD BOKS

- The Mayor held a news conference on April 11 and announced the difficult choices ahead with regards to the City's Budget, noting that the deficit gap for the upcoming fiscal year would be over \$400 million. With the published Budget officially being released on April 21, the Mayor will give his State of the City Address on April 14 to discuss the City's top priorities in public safety, as well as this year's Budget Process and its review of each Department's expected budget.
- Staff has been working closely with the CAO and the Mayor's Office to identify the necessary reductions in next year's Budget, while maintaining the highest level of service to the community. As has been anticipated, the Department is expecting a reduction in operating hours and possible layoffs. The Department has also established weekly meetings with higher-level managers at the Bureau of Engineering to better identify areas to increase efficiently.
- The Department recently conducted a proposers' conference for interested parties for the Spay/Neuter Clinic RFP, with eight entities represented. Proposals are due to the Department on May 6. The Pet Insurance RFP has been released, and the Department expects to receive proposals by the end of May. The Department will soon be releasing a RFP for a new provider and registry of microchips. The Department's current contract with Avid will expire in August.
- The Spay/Neuter Ordinance technically went into effect on April 8. However, there will be a six-month grace period to encourage the public to voluntarily comply with the ordinance. The Department will begin enforcing the ordinance on October 1.
- Council Member Richard Alarcón recently communicated to Council President Eric Garcetti the need to establish the Spay/Neuter Advisory Committee. Once the Committee is in place, the Department will be able to regularly provide staff reports to the Board.
- The Department has begun enforcing the permit guidelines, shutting down a circus elephant act in Panorama City on April 10, found to be in violation of City permit requirements.
- Last week, Council Member Bill Rosendahl motioned that the City Council support the Humane Farm Animal Care initiative to protect farm animals.

- Following recent episodes of the Oprah Winfrey Show that exposed puppy mills, the Department saw a 52% increase in adoptions. Due to the housing collapse however, the Department has also seen a significant increase in animal turn-ins.
- A protocol for providing Lysine in the feline diet that helps mitigate URI is now being implemented in the Department's Animal Care Centers.
- Dr Monique Di Santo and the staff at the South Los Angeles Annex will soon have the capacity to perform sterilization surgeries. The Department plans to install a digital x-ray machines at the Northeast Valley and North Central Centers.
- Los Angeles County Public Health is working closely with the Department on a number of initiatives, including disease recognition seminars for other animal control organizations in the Southern California area. The Department is looking into hosting an animal control regional summit. The Department also plans to provide reptile and exotic bird recognition training. The Department recently purchased new cameras for the medical staff to document the injuries and conditions resulting from cruelty and neglect.
- The Department continues to interview veterinarians. The Department regretfully announced the loss of Dr. Subhakar Rao's services, who left to go back to private practice.
- Western University has finally approved the Department an internship site for its fourth-year veterinary students. The first students would be coming to the Department in August 2008.
- The Department is working on an ordinance for regulating wild hybrid cats in the City of Los Angeles, and has recently formed the Animal Rescue Team to respond and save animals trapped on roofs, high trees, storm drains, etc. Contrary to popular belief, this is not a core service of the Fire Department. The Department has also deployed more officers to the Venice Beach area to enforce regulations that prohibit dogs from running off-leash on the beach.
- A member of staff has been reassigned to temporarily serve as the Volunteer Program Manager, recruiting volunteers for the Department. The City just recently decided to schedule an exam for interested individuals to apply to fill the vacant position permanently.
- A member of staff has also been assigned to oversee Special Events. On April 6, the Department hosted "Tour of Life" in Venice Beach, adopting out 22 animals. The Department will host the "Best Friends Adoption" event on April 27. The "Volunteer Recognition" event will take place at the Rose Bowl on April 27. Other upcoming events include the "Big Adoption Weekend" event at the Los Angeles Zoo, the "Big Sunday Adoption" event, "Be Kind to Animals Week," and the "Earth Day" event.
- To address the demands of the neonate season, staff has been trained on the Bottle Baby procedures, the New Hope Coordinators are carefully managing the New Hope Program, supplies and kits have been purchased and distributed to each Center, and the Central Foster Baby protocol for dispensing complimentary prescription medication is being has been implemented. The Department is also providing in-house vaccine clinics for public pets.
- The Department continues to work with staff on a variety of strategies to improve adoptions, including relinquishment counseling. The Department plans on implementing a program called Safety Net to provide support to individuals feeling forced into relinquishment.

Public Comments

Mary Catalano: Commented on the waste of space at the East Valley Center. Suggested that if hours are reduced at the shelters, that the hours be extended in the evenings for individuals getting out of work.

Phyllis Daugherty: When there are obvious signs of abuse, the Department should be sending an officer out to investigate the owner's premises within 24 hours. Encourage that the Department move forward with collecting fines paid for violations.

3. COMMISSION BUSINESS

A. Approval of the Commission Meeting Minutes of March 24, 2008

Commissioner Ponce motioned to approve the minutes for the March 24, 2008 Commission Meeting. The motion was seconded by Commissioner Quincey and passed on a vote of 3-0. Commissioner Riordan abstained.

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

Commissioner Ponce met with Board Member Mónica García of LAUSD to discuss "Be Kind to Animals Week – Humane Education For the Youth." Commissioners Riordan attended the Bill signing ceremony by Mayor Antonio Villaraigosa for the Citywide mandatory spay/neuter ordinance on February 26, 2008. Commissioner Quincey recently visited the South Los Angeles Animal Care Center. Commissioner Khero had nothing to report.

4. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

A. Solicitation of Qualified Dog and Cat Registries and Associations for Approval of Exemption From Spay or Neuter Requirements

Assistant General Manager reported that legislation designed to require that all dogs and cats in the City be spayed or neutered after four months of age, unless specific exemptions applied or a breeder's permit is issued, became effective on April 8, 2008. Enforcement of the ordinance was deferred until October 1, 2008, to give the public time to comply and the Department time to institute required administrative steps. These include preparation of revised Breeder's Permit applications and processes, development of a method to process cat applications for those cats that qualify for exemption, and supporting efforts of the City-wide Spay/Neuter Advisory Committee that is to be convened soon.

The Department would require that persons applying exemptions from the spay/neuter requirements provide an original letter or certificate from an approved registry or association. In order to provide information to the Board about the various registries and associations that desire to be approved, or recognized, to issue such certification to dog or cat owners, staff recommends a solicitation process by which these registries and associations apply for recognition. The application process will include affirmation that certain minimum requirements can be met, the provision of key information about the registry or association, and an explanation of the procedure that a dog or cat owner would follow and criteria to meet for the registry or association to issue a certification.

Depending on the number of registry and association applicants received periodically, additions to the Recognized List may be brought for the Board's consideration quarterly or more frequently. Likewise, if new information comes to staff regarding a previously approved registry or association that has breached any of the requirements, and the registry or association is unable to correct the breach within 30 days after written notice by staff, that registry or association will be suspended.

Public Comments

Phyllis Daugherty: Enjoyed working with the staff and Ms. Barth on the proposed registry program.

Susan Taylor: Asked the Board to support the registry program. Commented on Ms. Barth's idea on placing the responsibility on the breeders.

Mary Catalano: Wanted to know what the Department would be doing in terms of follow-up investigations.

Commissioner Riordan motioned to approve the proposed solicitation of dog and cat registries and associations which would seek to qualify for approval of the Board as a step in the process of exempting certain dogs and cats from the spay or neuter requirements of Los Angeles Municipal Code (LAMC) 53.15.2, subject to approval of the City Attorney as to form; approve the minimum dog and cat registry or association requirements and application process as described in the body of the report; and direct staff to notify interested parties and generally advertise the solicitation of qualified registries and associations, subsequent to review and approval of the City Attorney. The motion was seconded by Commissioner Ponce and passed on a vote of 4-0.

B. Endorsement of California Assembly Bill (AB) 2296

The General Manager reported that in connection with a recommendation on March 24, 2008, that the Board support AB 1958 to make the home addresses of veterinarians employed by a public animal control agency shelter confidential, the Department employees have also long risked being targets of radical animal rights groups. In the past, some employees have been terrorized at their home and their place of business.

In February 2008, Assemblymember Gene Mullin introduced the California Animal Enterprise Protection Act, AB 2296, which would provide that no person, business, or association could knowingly publicly post or publicly display on the Internet a home address, home telephone number, or image of any employee of an animal enterprise or other individuals residing at the same home address of the employee of an animal enterprise.

This bill would provide that every person who commits such acts for the purpose of injuring, intimidating, or interfering with the operations of an animal enterprise, or with a person connected to an animal enterprise, or who damages or destroys property because of its connection to an animal enterprise, is guilty of a misdemeanor. The bill would provide alternate punishments depending on the elements of the offense of up to 6 months imprisonment in a county jail and a fine of up to \$2,000, or up to one year in a county jail and a fine of up to \$25,000.

Public Comments

Susan Taylor: Claimed that she has been a victim in the past to such acts of intimidation. Felt that the report was too broad and that the term "animal enterprises" needed to be better defined. Rescue groups needed to be included in the protected as a suggestion to the Chief Legislative Analyst's Office.

Phyllis Daugherty: Felt that the report was written to protect researchers and silence the animal community. Felt the report failed to specify protection of government employees. Agreed that it did not clearly define

certain terms such as “animal shelters.

Commission Ponce suggested the board support the concept of the bill.

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Commission Khero expressed concerns over the criminal penalty aspects of the proposed bill.

Commission Riordan expressed concerns that the bill, as written, protected potential animal abusers, limited ones' access to public records, stated that many animal enterprises take place at private homes, and expressed concerns about the constitutional issues surrounding the bill. Commissioner Riordan also expressed concerns over the existing abuses of the constitutional freedoms that seem to occur on the internet, and that such issues need to be addressed in existing harassment and stalking laws since AB 2296 might not provide the protection sought for city employees. Commissioner Riordan suggested that the use of the word "Animal Enterprise" might violate the Equal Protection Clause under the 14th amendment, that such protections should be afforded to everyone, and that the term "Animal Enterprise" be lifted from the proposed legislation.

Staff suggested the matter be forwarded to the CLA for analysis. Commissioner Riordan asked if the city attorney had a chance to review the bill. The city attorney said that he received the bill on Thursday and did not have a chance to review it. He stated that his office would need to review it in order to give their analysis of it.

Commissioner Riordan motioned that the proposed AB 2296 be sent, without endorsement, to the city attorney and CLA for review, that the commission will communicate their concerns to the city attorney, and that they report back to the commission for a final opinion on the matter. The motion was seconded by Commissioner Ponce and passed 4-0.

5. DISCUSSION ITEMS

A. None

6. PUBLIC COMMENT PERIOD

Mary Catalano: Distributed a copy of the basic law of the Spay and Neuter Ordinance that can be passed out to the public. Reiterated the need to rearrange the business hours to accommodate those individuals getting off work in the evenings. Wanted to post information about puppy mills at the shelters. Raised questions about the isolation rooms, the practice of animal transfers, promoting spay/neuter, and training staff to encourage adopting the out the older animals.

Jane Garcia: Pointed out errors on the New Hope Partner Listing. Informed the Commission that there were no spay/neuter vouchers available at the South Los Angeles. Suggested that the Department target outreach efforts on owners in the Pico Union neighborhood and make spay/neuter information available to them.

Phyllis Daugherty: Urged the Commission to carefully review the proposed Assembly Bill, in particular details dealing with researchers and animal shelters. Informed the Commission about the availability of a product called “Pet Safe” that effectively stops barking. Commented on the retirement of Dr. Mackey.

7. FUTURE AGENDA ITEMS

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Requests from Commissioners For Future Agenda Items:

- Commissioner Riordan wanted an analysis on the Department's spay/neuter services be placed on a future agenda.
- Commissioner Riordan wanted an update on the Equine Task Force.
- Commissioner Ponce distributed a letter to solicit donations for the Be Kind to Animals Week.

Public Comments

Jane Garcia: Asked if representatives from Western University were ever going to come before the Commission to do a presentation on their internship program. Raised questions about the isolation rooms at the shelters.

8. ADJOURNMENT

Commissioner Riordan motioned to adjourn. The motion was seconded by Commissioner Quincey and passed on a vote of 4-0. The Commission Meeting was at 12:40 P.M.

The next Commission Meeting will be held Monday April 28, 2008 at 10:00 A.M., at CITY HALL, 200 N. Spring Street, Room 1060, Los Angeles, CA 90012.