



MINUTES
BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

Tuesday, May 27, 2008
6: 00 PM

Exposition Park – Dr. Mary McLeod Bethune Regional Branch Library
3665 South Vermont Avenue
Los Angeles, California 90007

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

ADMINISTRATIVE APPEAL HEARING

Commission President Khero called the Commission meeting to order at 6:25 PM. Present were Commissioners Riordan, Quincey, and Khero. Commissioner Ponce joined the meeting at 7:05 PM and Commissioner Brown was absent.

1. Appeal of the General Manager's Decision in Barking Dog Case- BR 06365 WL

Appellant: Michael Dekhtyar

Complaining Witness: Nadine Berman

District Manager, West Los Angeles Shelter, Louis Dedeaux, Captain

Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst II

Appeal continued to Commission Hearing, June 23, 2008.

2. Appeal of the General Manager's Decision in Barking Dog Case – BD 08315 SL

Appellant: Shawn Chutz

Complaining Witness: Giulio Cecchi

District Manager, South Los Angeles Shelter, Nancy Moriarty, Captain

Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst II

Commissioner Ponce motioned to modify the General Manager's Notice of Order, item # 2, that anti-bark collars must be obtained for all three dogs and worn during the day when the dogs are out in the yard, unmonitored. The motion was seconded by Commissioner Quincey and passed with a vote of 4-0.

COMMISSION MEETING

Commission President Khero called the Commission meeting to order at 7:25 PM.

1. ORAL REPORT OF THE GENERAL MANAGER

- Congratulations to Commissioner Khero on his reappointment by the Mayor to the Animal Services Commission.
- Welcome to Kathy Davis, our new Assistant General Manager of Operations, who started her new position with the Department on May 27, 2008. Kathy brings 17 years of experience in Animal Services and Code Enforcement acquired through serving both a large and small city. Kathy comes

to Los Angeles from Dallas where she held the position of Director of Code Compliance, which included Animal Services. In Dallas, Kathy was instrumental in reorganizing Animal Services over a 5 year span; drastically reducing complaint response time; reversing a long-standing volatile relationship with the Animal Shelter Advisory Board; building consensus with animal welfare organizations throughout the larger Dallas metropolitan area; expanding Dallas' Cruelty Investigation Unit to focus much needed attention on prosecution of criminal cases; developing Dallas' animal welfare public education campaign, implementing a feral cat program, overhauling the City's animal control ordinances, and helping design a new state-of-the-art animal shelter. When Hurricane Katrina hit Louisiana, Kathy worked quickly with staff to open Dallas' first emergency shelter for pets arriving with New Orleans evacuees. Dallas received State recognition for these efforts.

- A memo was sent to all Department staff on May 21, 2008 regarding the proposed Fiscal Year 08/09 Budget. Every City Department was asked to cut back on expenditures, even in the current fiscal year. To balance next year's budget, the City cut multiple programs from each Department. What this means to Animal Services is a reduction of shelter hours to seven a day and restricting the use of the new Mission Animal Care Center in the Northeast San Fernando Valley to house evidence animals and special operations, with no general public services. The Mayor's proposed budget also showed many job cuts. For Animal Services, after taking into account our vacancies, we would still have had to revert several supervisors to lower positions and lay off over 30 ACT and other positions. This represented over 50% of the City's entire layoffs.

The Department management explained to the City Council the serious consequences of such severe cuts and we asked them to retain as many people as possible. We have been developing alternatives to keep from losing supervisors and staff. In public hearings, members of the humane community and rescue organizations came out in support of the important work that we do every day to care for the lost and homeless pets of this City. City Council said that it made a difference, to the point that Councilmember Cardenas made a motion to restore \$500,000 to the budget to give us more time to educate the public that the Department will be reducing hours. Councilmember Alarcon has made a motion that may result in \$1 million being restored to the budget. The entire budget hit the Department took was \$2.5 million and we have a good chance of seeing \$1.5 million restored which, if these motions are approved, will result in the Department not having to lay off any employees, no supervisors reverting back to other positions, and we will be able to open our Mission Animal Care Center as a full-service facility.

Also, there was a rumor that despite the fact that the Department was taking a \$2.5 million cut, the City was offering the General Manager a 20% pay increase. That never happened. There has been no discussion among the City's General Managers about taking a pay increase and even the Mayor had the opportunity for a pay increase and turned it down. We are all fiscally aware of the situation and would not entertain such a proposition in this type of climate.

- Laura Chick released her audit of revenues and expenses for the Department today. We have been looking forward to it and welcome the Controller's findings and recommendations, and thank her for her comprehensive look at the Department's finances. Many of her findings of the audit do not come as a surprise as they are items that the Department has identified itself. The Department has been working systematically to address and resolve many of these long standing and deeply entrenched issues that we have encountered over the last couple of years. This audit serves as a real tool and as a confirmation of our findings.

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As of this week, the Department has a full management team in place on the Executive level and our capacity to focus on the problems identified by the audit is substantially enhanced.

The audit highlights dog licensing as an issue and potential revenue source. Coincidentally, the Department is within a month of bringing a report to the City Council that reviews our licensing program in depth and outlines a number of ways in which the Department can move forward with some positive solutions.

- The Department signed on a new Veterinarian, Dr. Lynn Whitehead, who was the Vet at the California Wildlife Center in Malibu. She will be training with Dr. Feldman and starting in July at the East Valley Animal Care Center.
- The Department participated in an event called the 1st Annual Pet Care Fair, at Woodley Park in Van Nuys which the Department helped to plan with Councilmember Cardenas' office. It was very successful with approximately 1000 people in attendance with their pets. The Department ran a low-cost vaccination clinic and microchip clinic. We ran out of vaccines and gave rabies vaccinations non-stop for more than 7 hours. We gave out 4 books of Spay/Neuter coupons in one day, which is more than is typically given in one month at East Valley. The Amanda Foundation has booked 2 months worth of surgeries just from this event. We also microchipped 131 animals, 100 of the microchips were purchased by the Councilman's office and provided free to the public. Six older dogs were adopted and 27 licenses were issued.
- We are moving from the old Harbor facility to the new Harbor Animal Care Center on June 2, 2008. The Grand Opening celebration is scheduled for June 21, 2008 and we hope that the Commission will attend.
- We have begun transferring evidence animals to the Mission Animal Care Center. If we are unable to open it, we will still be using the facility for evidence animals, the Animal Cruelty Task Force, and possibly for other animals as well, which will free up kennels for adoptable animals in all of the Animal Care Centers throughout the City.
- The Bottle Baby New Hope Coordinators are continuing to recruit fosters for the neonates that are coming in huge numbers. We are offering two types of foster training-scheduled group classes and one-on-one training to accommodate all potential fosters.
- The Training Division continues to train our ACTs in animal cruelty recognition and how to distinguish skin conditions from real cases of cruelty and how to document cruelty cases for prosecution. Our training now is the most sophisticated it has ever been.
- The West Valley Animal Care Center is working with Pierce College to begin a dog grooming course that will be taught by Pierce College professors.
- Four veterinary externs from Western University will start working with the Department this summer.
- The Department has released a press release on the impact of foreclosure situation and how it has increased the numbers of animals coming into our Care Centers. There has been a lot of media coverage of this which has resulted in the possibility of a new program coming soon working with realtors. The Commission will be updated on the progress of the program at the

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next Commission meeting.

- The Department will be participating in the LA Zoo Adoption Event on June 28, 2008. This will be the first time we have held an adoption event with the Zoo. Other communities that hold this type of adoption event often adopt out hundreds of animals in one day and we are hoping for the same success rate.

Public Comment

Phyllis Daugherty: Questioned rather the response to the lawsuit filed against the City regarding the Spay/Neuter Ordinance has been filed and is public record.

(AGM Barth: The City Attorney is handling the suit on behalf of the City. Dov Lessel: The response was supposed to be filed last week and should be public record.)

2. COMMISSION BUSINESS

A. Approval of the Commission Meeting Minutes of April 14 and May 12, 2008

Commissioner Riordan motioned to approve April 14, 2008 minutes with requested changes from Commissioner Ponce. The motion was seconded by Commissioner Quincey and passed with a vote of 4-0.

Commissioner Ponce motioned to approve May 12, 2008 minutes with her requested changes. The motion was seconded by Commissioner Riordan and passed with a vote of 4-0.

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

Commissioner Riordan attended a roundtable discussion of an ad hoc committee at the airport offices of the City Attorney to discuss impound and pet shop issues.

Commissioners Ponce, Khero, and Quincey had nothing to report.

C. Discussion regarding increased expenses associated with evening and off-site Commission meetings.

AGM Barth informed the Commission that due to the City's current budgetary situation, all City departments are now requiring the Department to pay for services that were once available to the Department at no cost for nighttime meetings, i.e. sound system, meeting spaces. For example, tonight's meeting cost the Department \$425.00. In the current budget for the upcoming Fiscal Year, the Department has \$1,400 in an account called Government Meetings that would allow the Commission to have approximately three off-site meetings. Other options that the Commission may want to consider are holding late afternoon meetings (held at 3 or 4 pm) that can be held in City Hall so that the Department does not incur special expenses. If the Commission would like to consider this option, then the Department can come back with a schedule for your consideration. Another option is to reduce the number of evening meetings to three in the upcoming Fiscal Year.

Commissioner Khero suggested that we can do both options. Commissioner Riordan suggested three evening meetings and two afternoon meetings. Commissioner Quincey concurred.

Commissioner Riordan questioned whether we can just tape the meetings and not incur the expense of the PA system to keep down expenses. AGM Barth informed the Commission that due to the Public Records requests that the Department receives, that we need to have an assured and professional recording. It can be particularly problematic in the instance of Administrative Hearings if something goes all the way to court on a writ and we do not have an accurate recording.

Commissioner Khero questioned what the primary expenses were. AGM Barth responded that it is the equipment and the overtime for the person from ITA who is spending the evening after hours and the room rental expense.

Commissioner Riordan questioned whether a member of the public can make a donation to the Department and restrict the funds for use for evening meetings. Dov Lessel responded that the individual must have no business with the Department, but he will verify whether it is possible with the City's ethics attorney.

AGM Barth suggested that we will continue with the current schedule of evening meetings (there are two scheduled upcoming meetings) and we can re-examine the situation when we devise the schedule for Calendar Year 2009.

3. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

- A. Revised Requirements for Application and Permit for Circuses and Animal Acts and Exhibitions, which include Elephant Walks.

GM Boks gave an overview of the changes that the Department has made to the guidelines that were approved by the Commission in January. The guidelines have been expanded to be more inclusive of animals that might be used in an act or a display. Other revisions expand or add to the guidelines that the Commission has reviewed up until now. Liability insurance is more defined and includes two categories; testing requirements for tuberculosis is spelled out more; the need for a description of animal activity or exhibition to demonstrate that the animals will be healthy and safe is a new provision; a written plan for public safety in the event that an animal escapes; in regards to USDA citations, USDA terminology is used for clarification and better understanding; informed consent requirements; California Fish and Game permit requirements; and compliance for both party applicant and any subcontractors used.

Several letters have been received from organizations that did not attend the meeting in response to the revised requirements that will be made available to public on the Department's website.

Commissioner Riordan had several issues with the revised requirements. She would like the requirements to include filming. The current document deals with filming separately. Commissioner Riordan wants to ensure that the animals in film are held to the same standards and suggested that the exhibitors can do a once a year, per animal, submittal of the "long form" and then do subsequent "fast form" permits for each instance the animal is used. She does not want the Department to set up a different set of requirements for Film LA.

Commissioner Riordan's other concerns with the requirements include striking "or make available" in regards to documents required. She believes the extra paperwork will not be cumbersome and can be provided to the Department on a CD-Rom. (GM Boks responded that this verbiage was added at the City Attorney's recommendation and that the City Attorney's concern was not that the paperwork would be cumbersome, but that the City does not want to become the repository of all these documents and the target for Public Records Requests.) Commissioner Khero questioned what Commissioner Riordan's

concern was on the "make available" provision. She responded that if the Department needs a document immediately that it would have to chase down the documents as opposed to having them readily available. (GM Boks responded that the second paragraph of the draft application states that all of the required documentation must be made available, "...by Applicant(s) two weeks prior to issuance of a permit.") In response to Commissioner Riordan's questions about why the language was added to the draft application, City Attorney Lesel responded that the City Attorney's office did not believe it was the City's role to become the public record depository of all these records. The purpose for this policy as they see it that the City wanted to make sure that the requirements were complied with and there were proper medical records and proper plans, and if there was a conviction that they knew about it, etc. rather than having all of these documents that would become public record or that they would have to make decisions about which were public records and which are not, which would then put the City Attorney's office in the position if they guess wrong that they would be liable for divulging public records and/or proprietary information. It is a timeliness and concern issue. (GM Boks stated that the one exception to this is the escape plan which the City Attorney felt was very important to keep on file.)

Commissioner Riordan's next concern item 1a regarding the Risk Manager and "...at his sole discretion set requirements." City Attorney Lesel stated that a word had been omitted and the text should read, "...at his sole discretion set the *insurance* requirements." Commissioner Riordan wanted to clarify that the Risk Manager is setting the insurance requirements and not the permit requirements.

Commissioner Riordan believes that the medical records need to be made available and to be on hand.

Under item 11, Commissioner Riordan suggested that a "one size fits all" sign be produced to provide notification about which animals will be present at the site and that some animals can present a risk of injury.

At the end of the application, Commissioner Riordan would like to include language regarding if an exhibitor omits or falsifies information that the exhibitor becomes ineligible for a permit.

In addition, Commissioner Riordan would like to make sure that LA Animal Services may exercise its discretion on determining whether an act is deemed safe or humane, and deny a permit based on the above permit requirements as well as their own discretion. Commissioner Riordan feels that the Department needs to go back to the drawing board again on the permit requirements and that there are some people who were not included in the discussion and that she feels should have a say in the process and therefore she believes this draft can not be finalized or approved.

Public Comment

Kari Johnson: Owns Have Trunk Will Travel. She feels that the revised application and permit requirements for animals are an attempt to stop them from bringing their elephants into Los Angeles. She is concerned that animal rights activists and not animal industry experts that were consulted to write the revised regulations. Requested the Commission get more information before finalizing the permit requirements. Submitted letter.

(Commissioner Khoro asked if there were any part of the revisions that she objected to most. Ms. Johnson stated that she detailed her objections in the letter that she submitted to the Commission.)

Thomas Albert: VP of Government Relations for Feld Entertainment (Ringling Bros.). He has concerns about making proprietary information part of the Public Record. He believes that the new revisions are moving in the right direction. The original rules were vague and needed clarification. However, regulation #3 is overly vague, hard to enforce and comply with. Concerned about what rules the circus

will be operating under when it comes to LA in July. Submitted letter.

Jeff Lee: Representing Working Wildlife. Concerned that the notice for this meeting was difficult to find and that the scheduling was done to shelter those most affected. Asked that the meeting be postponed so that more people can attend.

Steve Martin: Representing Working Wildlife. Concerned that there was not adequate notice of the meeting. He believes that these new requirements will affect the movie industry in Los Angeles. He would like the meeting to be rescheduled. Submitted letter.

(Commissioner Khero questioned whether Mr. Martin's letter identified items that he objected to and the reason. Commissioner Khero stated that it is helpful to him to know which items cause exhibitors the most grief and why.)

(Commissioner Riordan clarified that the Commission does not send out invitations to the Commission meetings, but that we do not want to exclude anyone from participating. She stated that animal handlers without violations and with a good record are welcome to bring their animals into the City. We are trying to protect the animals and the public and we welcome the public's input in this process.)

Phyllis Daugherty: Suggested that the permit process should require documentation of the veterinarian on record that is responsible for the care of the animals. Contact info should be documented. ACO's should follow up with the next stop for the exhibitor if there are any concerns. TB test results for elephant handlers should be examined. Read SPCLA letter into record.

Susie Killian: The public has a right to know that there is a risk of injury or death when wild animals are taken from their natural habitat. Does not understand why a violator of the Humane Welfare Act handling and bringing wild animals into the City.

Brandy Ferdig: Representing Voice for the Animals. Asked the Commission to reject any changes to the permit requirements that the Commission already approved.

Brian McMillan: Representing Hollywood Animals. Complained there was no notification of the meeting. They would like to participate in future meetings and talk about their concerns in person. Animal trainers should be evaluated on their own merits, not grouped as a whole.

Catherine Doyle: Believes that documents can be in the City's possession. Would like to see a change to item #9-the USDA language, in particular to repeat violators. Submitted a sheet of her concerns and action that can be taken.

(Commissioner Riordan questioned the definition of a repeat violator under the USDA. GM Boks stated that in the Department's meetings with the USDA, they have assured the Department that they will follow up whether the applicant has met a violation condition if a permit is pending.)

Bryan Monell: He has worked for various circuses. Urged the Commission to adopt stronger permit recommendations. Asked the Commission to reconsider item # 9.

Dr. Erna Toback: Urged the Commission to keep the original permit requirements.

(Commissioner Riordan stated that it appears that the big objections appear to be with "or make available" and she has issue with "repeat violation" because the USDA does not always call it a repeat violation and she believe that should be taken out (9A). GM Boks clarified how the USDA uses these terms. A direct non-compliant item is a violation that affects the welfare of the animal and it is issued as

a warning. Repeat direct non-compliance is when a citation is issued and court action is taken-this is very serious. To clarify, if an applicant has had a direct non-compliance item, it would have had to have been remedied before the Department would issue a permit.)

Brian McMillan: Clarified that a USDA violation can be given for a piece of straw floating in the water bucket. There are different severities of violations. (GM Boks stated that would be an indirect violation).

Commissioner Khero expressed concern about the question of notice. Technically speaking, the Department gave proper notice. However, he would like to hear from as many interested parties as possible. GM Boks suggested that the Department can direct the Permit department to send out a letter to all of our permittees. Commissioner Riordan then questioned whether the Department should send out meeting notice letters to all of the animal rescuers and pet shops when the Board hears issues that concern them and Commissioner Khero agreed. AGM Barth confirmed that New Hope groups are contacted in advance if there is a New Hope report.

Commissioner Khero questioned whether there was an issue about the Ringling Bros. circus coming in July and GM Boks confirmed that the Department will work with them.

Commissioner Riordan asked the City Attorney for clarification whether the Permit Requirements voted in by the Board in January 2008 would stand as is until the draft application and permit can be revisited. City Attorney stated that the Commission would need to decide if those were the standing Permit application and requirements or whether they are in draft form as this is an on-going matter before the Commission. Commissioner Khero questioned what would stand in their place if it was decided that the permit application and requirements were in draft form. The City Attorney stated the Department would have to use its discretion and that the idea is to find a balance between the humane treatment of animals, public safety, and business concern of the various animal exhibitions.

Thomas Albert: Concerns about the current rules which the Department has already found problems with that it has had to address. Several issues with vagueness (i.e. USDA violations).

(GM Boks stated that our own permit officers had problems understanding the original format and the draft version is much clearer to them. The USDA language is easier to understand)

Commissioner Riordan would like to see the current requirements stand with the understanding that everyone comes back to the table and work on new revisions. Commissioner Khero inquired whether the Department had a recommendation vis-à-vis this current draft. GM Boks recommended that the Commission adopt the provisions discussed in today's meeting in the interim, which are more specific, clearer and better understood by staff and more advanced than anything the Department has had in the past, until further revisions to the document can be agreed upon.

Commissioner Riordan motioned that the recommendations that the Board voted in January stand and the Commission directs the Department to meet with interested parties, Film LA, and other interested groups and work on revisions that can be brought back to the Board. Commissioner Ponce seconded the motion. Approved 4-0.

The Department will notify the Commission when the revisions are ready for review.

4. DISCUSSION ITEMS

A. Informational Report on the Definitions of Barking Dog Noise under other Southern California jurisdictions.

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The Board decided to hold the agenda item over to a future Commission Meeting

5. PUBLIC COMMENT PERIOD

Patty Shenker: Would like the Permit application and requirements to stay strong with no new revisions.

Phyllis Daugherty: Proposed that the Department invest in selling engraved ID tags for a profit at the Care Centers. Regarding the LAAS permit book, the Department needs companion pet category for domestic rabbits. ASC is submitting an opposition to AB2291.

Commissioner Riordan stated that the Board has been informed that they have become aware of some real difficulties of putting the current permit regulations into practice and there is a request to reconsider the motion that was made earlier. Commissioner Khero clarified that the Commission had voted to maintain the status quo and they have been informed that that is an untenable position for the Department and for the City in terms of permitting anyone at all. That was not the Commissions intention.

Request for a motion were made by Commissioners Ponce and Khero to reconsider the decision and the two options are: (1) vote in the new requested requirements, or (2) to dissolve the January guidelines and then give the Department complete discretion to determine when to permit.

Commissioner Ponce made a motion to reconsider the decision, Commissioner Quincey seconded the motion. Approved 4-0.

Commissioner Riordan said she had concerns with the new requested requirements.

The City Attorney proposed another option that the GM be given the discretion that would take into consideration both the January guidelines that were voted in and the new draft guidelines, along with the conversations that have been had. The other option is to adopt the draft that is on the agenda today temporarily until the Department comes back with a new proposal.

Commissioner Riordan motioned that the Commission adopt the draft application and permit requirements before them until all interested parties can be brought together for discussion and the Department brings back another proposal to the Commission for finalization. Commissioner Quincey seconded the motion. Approved 4-0.

Commissioner Riordan stated that she was reluctant to make the motion, but did so to ensure the revised requirements would not be permanent. She stated that it was important to give all interested parties an opportunity to be heard and reminded the GM to meet with FilmLA for their input.

6. FUTURE AGENDA ITEMS

Commissioner Ponce would like the staff who helped her with the Be Kind to Animals Week event receive accommodations.

7. ADJOURNMENT

Commissioner Riordan motioned for adjournment. Commissioner Quincey seconded the motion.

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Meeting adjourned with a vote of 4-0 at 9:10 pm.

The Next Commission Meeting will be held at City Hall on Monday, June 9, 2008.