



# **MINUTES**

## **BOARD OF ANIMAL SERVICES COMMISSIONERS**

### **CITY OF LOS ANGELES**



Monday, May 23, 2005  
9:00 a.m.  
CITY HALL  
200 N. Spring St.  
Room 1060  
Los Angeles, CA 90012

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Commissioners: Kathleen Riordan, President  
Alex Rubalcava, Vice President  
Erika Brunson  
Tariq Khero  
Deborah A. Knaan

### **COMMISSION MEETING, 9:00 A.M.**

Commission President Riordan called the Commission meeting to order at 9:15 a.m. Commissioners Riordan, Rubalcava, Khero and Knaan were present. Absent was Commissioner Brunson.

### **ADMINISTRATIVE APPEAL HEARING**

#### **1. Appeal of the General Manager's Decision in Barking Dog Case –BD 04715 (SL)**

Mr. Howard Ellis introduced the facts of the case and the actions of the General Manager to revoke the dog's licenses due to excessive noise and barking. Mr. John Shimm and Mr. Moore, neighbors of the dog owner, presented a chronology of their complaint regarding the barking dogs and the efforts they had made to address the barking dogs with the owner. The dog's owner Mr. Bernard Brady related the efforts he had made to keep the dogs quiet. Commissioner Knaan asked about the efforts made by Mr. Brady to keep the dogs quiet. Mr. Brady indicated he had placed a bark collar on the dogs for a few days only. Commissioner Rubalcava moved to uphold the General Manager's decision. Commissioner Khero indicated he believed there was no appeal able issue, the anti-barking collar was not tried sufficiently and the opportunity for training, paid for by the neighbor was rejected. Commissioner Khero seconded the motion. The motion passed 4-0 to uphold the General Manager's recommendation to revoke the dog's license.

### **REGULAR COMMISSION MEETING**

#### **1. REPORT OF THE GENERAL MANAGER**

##### **A. Transfer of Animals Between Shelters**

Commander David Diliberto, Director of Field Operations reported on the transfer of animals between shelters. He indicated most of the transfers would occur in the fall and winter when the shelters are overburdened with animals. Commissioner Knaan asked what shelters were receiving shelters and which were donating shelters. It appeared the report was not clear. Commander Diliberto will look into the matter and report back to the Commission

B. LAPD Training for Our Staff

Commander David Diliberto, Director of Field Operations reported that since the inception of the joint LAPD/LAAS Animal Cruelty Task Force six LAPD detectives have contacted the Department for various reasons including four that are offering help with cases and two who requested training in the proper handling of animals. The Department has begun to send Sr. Animal Control Officer's to the Police Academy to help train recruits in animal handling and Officers will train the Department's Animal Control Officers in investigation writing and reporting

C. Volunteers Driving Department Vehicles

Mr. Ross Pool reported that he had contacted Curtis Kelly of the CAO's Office when the question again came up about volunteers driving. Mr. Kelly is the risk management person who handles that. Mr. Kelly has sent a release form to the Department for their review. The Department will now formulate regulations to implement the liability release form and allow volunteers to drive Department vehicles. A formal board reports regarding Volunteers Driving Departmental Vehicles will be presented to the Commission on July 25, 2005.

D. Mr. Stuckey reported on the groundbreaking for the Northeast Valley Shelter that will occur on May 25<sup>th</sup> at 10:00 A.M.

E. Mr. Stuckey reported on bids for the Spaymobile. The Department is reviewing the two bids received and will present a recommendation to the Commission at the June 13<sup>th</sup> meeting.

**2. COMMISSION BUSINESS**

A. Approval of Minutes For April 25, 2005

Commissioner Knnan asked the minutes be amended to reflect that the detectives mentioned. were from LAPD and not the Sheriff. Commissioner Knaan also inquired about Mr. Stuckeys meeting with the City Attorney. An update will be presented at the next meeting. Commissioner Knaan seconded the motion to approve the minutes. The motion to approve the minutes was passed 4-0.

B. Meetings/Events Attended

Commissioners Rubalcava visited the Spaymobile in the Watts area and reported that the van was full with 40 animals.

C. Consideration of Future Agenda Items

Commissioner Riordan requested a discussion of unaltered and unlicensed dogs for July 11. Commissioner Riordan asked that a hoarding ordinance be discussed in August. Commissioner Rubalcava asked that evidence animals be heard on June 27<sup>th</sup>.

### 3. REGULAR AGENDA ITEMS

#### A. Discussion and Possible Vote Regarding Altered and Unaltered Dog Licenses

Deputy City Attorney Dov Lesel indicated that any vote would be in terms of a direction to staff on the issue of unaltered dog license

Commissioner Riordan indicated that it is not necessarily a vote on an unaltered increase but what we would like the staff to come and report back to us with. The General Manager indicated that the issue was that we had an issue where we were to review the increase of the fee, for the altered animal. Staff is working with the CAO office and because of the budget issues at that time had identified the opportunity at the time to increase the fee from \$10 to \$15 for altered animals. The CAO staff also reviewed the unaltered fee, which is \$100 and made the decision at that time to not increase the fee. That issue did go before the council and we know they had some discussion in regards to that because their concern was that we did not bring it back to the commission, which was the staff error for discussion going on prior to it going to council so we did try to address that step. In the meantime we have had discussion with certain council members, staff, and during that process since it was presented to the public safety committee was forwarded on with the recommendation for increase of the fee recognizing that the commission was not in favor of the increase. During that process a council member made a motion to increase the fee and to have those funds be placed in the trust fund so that the funds can go directly to spay and neuter of animals.

Commissioner Knaan requested to clarify. She want to make sure to understand your saying that Mr. Pool or someone had told us that we can't go above the \$100 for the unaltered license fee because it couldn't justify, and were limited so there had to be a cap and we had to justify any increase above the cap with service related expenditures, and there are other expenditures that were not factored in which will allow us to increase it above the \$100 Commissioner Riordan requested to re-submit these costs to the CAO and see if we might be surprised

#### Public Comment:

Sue Freeman: Would like to see the unaltered license fee to increase

Scott Sorrentino: Believes it sends the wrong message to the public that the altered animals are being treated differently.

Pam Wilkerson: When speaking with the general public and they are motivated to get their dog altered at the mobile clinic rather than pay the \$100. People who do not have their dogs altered sometimes have two litters before they alter their dog for the lower fee. It costs the Department time and money to pick-up these dogs. She wants the unaltered fee raised 50% as the unaltered fee was.

Mary Catalano: Wants the unaltered fee raised to at least two million dollars.

Sue Taylor: Believes there is a crisis and that is why the ordinance was put into place. There is no more important issue facing the City today. People who are getting the \$100 license are breeding their dogs and selling the animals for \$50 to \$1,500. The Department must start looking at breeders as a business and have them begin paying taxes.

The Commission directed the staff to prepare a Board Report addressing the increase in the license fee for unaltered dogs.

#### **GENERAL MANAGER RECOMMENDS FOR BOARD ACTION**

##### **B. Board Report: Tethering Ordinance**

Commander Diliberto presented the draft ordinance from the Office of the City Attorney. Although the Commission had previously voted on the ordinance, it had been so long it was felt that another approval was required prior to submittal to the City Council. Commissioner Riordan questioned the vague tethering portion and was concerned that officers would not understand the term "time necessary for the dog owner or custodian to complete a task". Commander Diliberto indicated that officers are able to tell the difference between a temporary task and running a business such as a body shop. Commissioner Knaan and Khero also indicated that the word temporary was vague and open to questions. The Deputy City Attorney Dov Lesel agreed to change the ordinance to read that it would be a "temporary task for a reasonable period".

##### **Public Comment**

Scott Sorrentino: Questioned why this is the first that he is able to see the ordinance. Concerned about exemptions and wanted to know where the thinking was in this. Also believes that when the ordinance change is made it should be accompanied by a media campaign.

Sue Freeman: Questioned why there were exemptions for government agencies and non-profit agencies considering that the tethering is temporary.

Mary Catalano: Wanted to add that a lot of people are dumping their animals and they arrive at the shelter with chains on and they should be cited for that.

Pam Wilkinson: As an animal lover hates tethering completely. Officers must make the call on an individual basis. Let the media inform people before officers take the dog.

Commissioner Rubalcava made a motion to approve the recommendation of the General Managers report with the changes approved by the City Attorney. The motion was seconded by Commissioner Knaan and was approved 4-0.

##### **C. Board Report: New Shelter Hours**

Commander Diliberto reported on the new proposed shelter hours of operation. The new hours are Tuesday and Thursday 8:00 A.M. to 7:00 P.M. year round. The General Manager indicated that the issue of new hires was discussed with the unions and all new hires will be informed that they may be required to work extended hours. He also mentioned the target date for the new hours of operation is September 1, 2005. Commissioner Khero asked about the September start date for the new hours. The General Manager indicated that the Department did not have sufficient staff to start prior to that date. All clerical staff had been asked to work the extended hours and all declined. Commissioner Knaan asked about the delay in training and deployment of the staff. It was explained that the civil service hiring program is very bureaucratic and time consuming.

Public Comment

Mary Catalano: Would appreciate it if the pound were open later so as to have it more accessible. Doubts that during the workday there are many adoptions between 8 and 5. The longer hours will make it easier to get the kids and return to the shelter to see the animals and make a decision.

Sue Freeman: Agrees with previous speaker. Believes the shelter should be open until 8:00 P. Most shelters have a cut-off time for when you actually start your last adoption. People should have enough time to complete the adoption process prior to the closing.

Commissioner Rubalcava made a motion to accept the General Manager's recommendation. The motion was seconded by Commissioner Khero. The motion passed 4-0.

C. Board Report: Feral Cat Trap, Neuter and Return

Commander Diliberto presented the report on the Feral Cat Trap, Neuter and Return policy. Commissioner Riordan asked if this had to be incorporated into the Municipal Code. In addition she did not think the feral cats required rabies shots would like to see distemper vaccines. Deputy City Attorney Dov Lesel questioned what the Commission was being asked to vote on. He suggested that there was more to the policy than was in the Board Report

Public Comment

Pam Wilkinson: Believes Commissioner Riordan understands the feral cat problem. She is unable to trap all the feral cats but she can share her knowledge of where they can get traps, how to use them and where to get free spay and neuter services.

Scott Sorrentino: Unsure of what was being proposed. Believes there are more people who know a lot about the problem of feral cats and would be happy to help create a policy. Requested that the Department assemble knowledgeable people together so they may help write the policy.

Elyse Mayberry: Thanked the Commission for the vouchers because everything, up to this point, was done out of their own pocket. Spoke on the value of the feral cats, as they are responsible for reducing the rat population.

Christi Metropole: Believes that domestic and feral cats are one in the same. Asked the Commission to watch the video from Alley Cat Allies. The most important thing about trap, neuter and return is the ability of the staff to speak on it.

Donna Baker: She has written a workshop and it has been endorsed by the LA County Animal Care and Control. They hosted the first workshop in Long Beach. The purpose of the workshop is to educate people during a six week, two hour per night course.

Lauren Laster: What is required is that staff be educated and a source for feral cat so when the public calls in they can be informed of the programs.

Mary Catalano: The shelter staff has to be involved. When she is at the shelter there is a lot of shoulder shrugging going on.

Sue Freeman: Asked that additional vouchers be earmarked for the feral cat program. Does not want the feral cats to be counted as one of the three cats per households.

Sue Taylor: She is one of three groups that pass out vouchers. They go really well. Suggest the program be expanded and that other groups be required to keep records.

Karn Myers: Thanked LAAS for offering its discount feral vouchers this past year. With the vouchers she has been able to do many more cats than otherwise.

Carol Long: Thinks it is wonderful to see so much progress that the Department is taking seriously the whole process of TNR. When calling the Department her experience has been very positive.

Commissioner Rubalcava made a motion to continue the item until the next meeting. The General Manager indicated this was not possible to be ready for the next meeting. The motion was amended to the meeting of June 27<sup>th</sup>. Commissioner seconded the motion. The motion passed 4-0

**4. PUBLIC COMMENT PERIOD - (Comments from the public on items of public interest within the Board's subject matter jurisdiction.)**

Mary Catalano: This is about the cats at the pound now, there are mothers coming in with Kittens, either owner surrender or strays. The kittens should be staying with their moms until they are 8 weeks old and can be fixed. But many times when the mom and kittens are coming in they are putting the mom in one cage and there are younger litter ages in a cage being labeled 8 weeks even though they are younger. They are adopting out underage under weight kittens that are not old enough to have surgery and they are letting them go out intact. They are adopting to people in the South LA area, they are taking a 12.00 deposit for the kittens to get them fixed and there is no guarantee that they will get them fixed. The problem is that they should not be separating the kittens from the mother and not adopting them out so young and intact. I would rather see the kitten's dead. I would rather see the mother's dead. Because they are going out there and reproducing. These people are not responsible enough to return the animals. We were told by the administration that they want adoption rate up and that is why they are separating the kittens because that is what everyone wants to adopt. You can find this out thru your own records. We need to spay and neuter everything so all the killing can stop. Kittens being killed with their mom are better than going out there and making a billion more cats. So you have to stop this

Scott Sorrentino: I would like to suggest that when there is a popular item on the agenda that is going to involve the majority of the public that are here if that item can be the first item. Certainly a lot of the people are not prepared to take the entire afternoon off and they are here to talk about a very specific issue so if you could be sensitive to those potential items that would be the reason why the gallery is packed. Second I would like to ask that the board reports be available at the same time as the agenda is available, I think it is going out to you folks before they are here, so it seems to me that if they can be available at the same time on the website. It is very hard to come to a meeting in the morning and read thru pages of things and not be able to form a critique of what it is or make suggestions about it. The last thing is I wanted to make an announcement to the commission that the Rescue Alliance will be sponsoring another adoption event July 16<sup>th</sup> Animal Independence day, at the East Valley Shelter. It will be similar the Save A Sweetheart event, we hope there will be more participation by the rescue groups that are part of the Alliance. It would be fantastic to empty the shelter. The idea of the event is to think about the animals getting their independence and finding a new home.

**Lisa Janes:** Life for Paws/ adoption partner. First let me say in the recent months there have been many good changes happening in LAAS. I would like to thank Mr. Stuckey and the commission for listening and making the changes. The staff has been more rescues friendly and open to getting the animals rescued and adopted. However I'm applauding at the disaster at West Valley in regards to the construction work. I have addressed this to Linda Gordon and have not had a response to my second email on this matter. It is not just a matter of sending these animals to another shelter and especially the annex where there are no photos of these animals on the website. Commander Diliberto just mentioned that there were less transfers in the spring and summer, which means less animals out of west valley or back to West Valley. There have been no contingency planned for the loss of 14 kennels, the construction wanted to take away more kennels and the staff stood their ground and said no. 14 kennels amount to at least 28 animals that do not have a space at the shelter. The consistent noise is stressing out the animals and staff and it is appalling. There are cramped corners and I'm surprised that no one has got hurt. there is no parking. I have received many calls and emails by the rescue groups and public asking why the shelter is closed? It is hard to find the entrance. Signage was good for a while but now it is not, I have photos. It is disgraceful; it is an accident waiting to happen. Something has to be done Mr. Stuckey.

**5. ADJOURNMENT**

Meeting was adjourned at 12:15 P.M.