



MINUTES
BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

Monday, December 12, 2005
10:00 A.M.
CITY HALL
200 N. Spring St.
Room 1060
Los Angeles, CA 90012



Commissioners: Kathleen Riordan, President
Tariq Khero, Vice President
Marie Atake
Glenn S. Brown
Deborah A. Knaan

COMMISSION MEETING, 10:00 A.M.

Commission President Riordan called the Commission meeting to order at 10:12 A.M. Present were Commissioners Riordan, Khero, Atake, and Brown. Commissioner Knaan was absent.

1. REPORT OF THE GENERAL MANAGER – GUERDON H. STUCKEY

The General Manager was not present at the Commission meeting. There was nothing to report.

2. COMMISSION BUSINESS

A. Approval of Minutes For November 14, 2005

Commissioner Riordan requested to review a copy of the audiotapes from the November 14 meeting to verify if the appropriate changes were made to the minutes. Commissioner Khero motioned that the approval of the minutes for November 14 be tabled to the next Commission meeting to allow the Commission president time to review the audiotapes so that the minutes accurately reflect what occurred in that meeting. The motion was seconded by Commissioner Atake and was approved on a vote of 4-0.

B. Meetings/Events Attended

Commissioner Atake volunteered at dog adoption events held on November 19, December 3, and December 10. She also attended the Katrina Animals Super Adoption Event at Barker Hanger at the Santa Monica Airport on December 11. Commissioner Khero attended the rehearing of the White matter on December 3 at Councilman Bill Rosendahl's Office in West Los Angeles. Commissioner Brown visited the South Los Angeles shelter on November 19 and spoke with several staff members and volunteers at the shelter.

3. GENERAL MANAGER RECOMMENDS FOR NEW BOARD ACTION

A. Board Report: Report on Raising Cat Limit Ordinance

Commander David Diliberto, Director of Field Operations, reported on the request to increase the legal limit for cats in the rules and regulations of the City of Los Angeles. Currently, the City does not allow more than three adult cats at a location unless it is in a manufacturing zone and is permitted as a Cat Kennel or

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Boarding facility. The department wanted to amend the Los Angeles Municipal Code so that anyone living in an apartment would be limited to three cats, but anyone in a single family dwelling could have up to six cats or ten cats on a half-acre plus sized lot without a permit as long as the cats were spayed or neutered. A person could still have three unaltered cats, but if they wanted between four and six or four and ten cats, all cats would have to be spayed or neutered. Recognized cat rescue groups would be allowed to keep up to fifteen adult cats.

Public Comments

Phyllis Daugherty: Supported the idea to increase, but was concerned that something similar needed to be written to address the issue of cat breeders. She also wanted something to be written to address the issue of kittens and when a kitten can actually be considered an adult cat.

Lois Newman: Believed that the legal limit of cats allowed on one's property should be based on the size of that property. In New York, the landlord sets the limit for cats.

Scott Sorrentino: felt that a better solution would be to eliminate limits for cats entirely. Mentioned that there are currently two states that actually consider cat limit laws to be unconstitutional.

Bill Dyer: Agreed with Mr. Sorrentino. Commented that the City of Santa Monica did not have any ordinances that limited the number of cats on one's property. Eliminating limits for cats would increase the room available at the shelters and reduce the killing.

Curt Steindler: Assured the cat rescue groups that the documentation required from them is standard procedure for all rescuers. Mentioned that cats are more damaging to the environment, and pointed out that unlike San Francisco, which is isolated on a peninsula, Los Angeles is quite near to national parks.

Commissioners Khero and Riordan felt that limits on cats should be lifted without the specification of number, stating that the real issue to focus on was the living conditions for the cats. Commissioner Riordan also wanted to differentiate between the establishing of limits and the establishing of a cattery. A cattery can be defined as a facility used for the breeding and boarding of cats for profit. Operating such a facility would require obtaining a business license, which is not the case with the cat limits. Commissioner Riordan said that the amendments to the rules and regulations should apply across the board for all individuals to eliminate possible loopholes. Commander Diliberto was optimistic that the increase would encourage people to come to the shelters and adopt more cats. He also felt that the increase for cats would decrease the number of complaints the Department handles, stating that complaints are often retaliatory measures used by neighbors.

Commissioner Riordan asked Commander Diliberto to come back at the next Commission meeting on January 9, 2005 with a revised report that included the suggestions made.

B. Board Report: Report on Licensing to Public Safety Committee

Mr. Ross Pool, Management Analyst II, reported on the costs of \$100-licenses for unaltered dogs and its effect on its constituents at the request of City Council Member Bernard Parks. A statistical analysis was done for the three years prior to the pet over-population ordinance and the three years after it ('03, '04 and '05). The analysis showed that there has been a significant reduction in the total number of valid dog licenses and in the difference between the altered and unaltered licenses issued. Thirty-five years ago, the

Department had issued approximately 260,000 dog licenses. Currently, the number of dog licenses is approximately 130,000. This was the result of a combination of several factors such as the use of an electronic database system to maintain records, the elimination of the License-Canvassing Program, and the reduction of staff due to hiring freezes. Mr. Pool also included an economical analysis, citing the idea of economist Arthur Laffer that, "as license fees increase, the revenue collected also increases. However after a certain point, the ability to collect additional revenue is lessened because of an unwillingness or inability to pay." The unaltered dog license fee of \$100 appears to have reached this point. Mr. Pool recommended that solutions to the problem would be to include an Amnesty Program, an enhanced Marketing Program to encourage licensing, a reduction in the unaltered licensing fee to \$75, a reduction in the fine for failure to obtain a license to \$250, and a License-Canvassing Program.

Public Comments

Lois Newman: Strongly advised that the altered dog license fee be raised to \$15.00 and that everyone should be able to afford to pay the fee. Felt that there should be more focus on spaying and neutering.

Laura Beth Heisen: Indicated that it would be much cheaper for dog owners to have their dogs spayed and neutered for free at the vans instead of paying the \$100 unaltered fees. Suggested that the unaltered fee be increased further to create a greater differential. Disagreed with the Laffer Curve theory.

Phyllis Daugherty: Creating a greater differential for the fee would fail. Supported the \$100 unaltered license fee as an adequate incentive. The reduction over the past thirty-five years has a lot to do with dead animals that were not previously removed from the databases. Commented that the Amnesty program would be unfair to those dog owners who actually do pay for their licenses. Also supported the reduction to a \$250 fine for not obtaining a license.

Bill Dyer: Believed that the unaltered license fee should be kept at \$100 instead of \$75 to better curb the problem of pet over-population. If individuals are not able to pay the \$100 fee, they should be fined.

Rachel Paap: Agreed with Mr. Dyer that the fee was not an issue. Encouraged to have licensing a part of spay/neutering at the vans as a way to increase dog licensing.

Commissioners Khoro and Riordan agreed that implementing a program that would make licensing available at spay/neuter clinics and vans would greatly increase dog licensing. Mr. Pool responded that the issue would have to be brought before the Controller and Finance Department before it could be addressed as an agenda item because it involved the use of City funds. Mr. Jeff Brill, Sr. Management Analyst II, added that the Department was looking into assigning hired animal licensing canvassers to accompany the spay/neuter vans, giving dog owners the opportunity to license their pets right away when they bring them in for the spay/neuter procedure.

Commissioner Riordan suggested that the Department send their report back to the City Attorney's Office and factor in the additional dog related services such as the spay/neuter vans and treatment for remedial ailments to show that the Department bears greater costs than that of the \$100 unaltered license fee. When that report is returned by the City Attorney's Office, it could be brought before the Board and then forwarded to the Department of Public Safety. Commissioners Riordan and Atake wanted the Commission to consider increasing the \$100 unaltered license fee based on the additional services that were not originally included. Commissioner Brown stressed the importance of education and outreach costs to also be factored in.

REGULAR AGENDA ITEMS

C. Report and Discussion: Unaccounted for Animals reported in Official Department Statistics

Mr. Brill reported that there was an 11% increase in the number of unaccounted animals from fiscal year 2004 to fiscal year 2005. He commented that he and Commander Diliberto would have the City contractor visit the shelters to reassess them for installing more security cameras. Mr. Brill said that the Departments would begin providing the Board with quarterly statistics on both the outtakes and intakes of animals. The data would be compiled and tracked through Chameleon.

Public Comments

Phyllis Daugherty: Commented that the lack of continuity in the Department and in the Commission has been the main problem. Claimed that she and Ms. Julie Butcher have gone before the Public Safety Commission and City Council several times to ask for increased security cameras, but that no one from the Commission has. The security cameras that the shelters have are inadequate except for those at the South Los Angeles Center.

Tina Clark: Asked for a breakdown on the euthanasia statistics to show which animals were sick, unadoptable, or considered dangerous.

Lisa Edmondson: Urged to have the statistics on rabbits separated from the reptiles and other animals.

Scott Sorrentino: Wanted the statistics to be made available to the public before the actual day of future Commission Meetings.

Curt Steindler: Believed that the statistics should be made available monthly to the public on the Department Website. Suggested that the statistics on rabbits and wild animals should be listed separately.

Mary Cummings: Wanted the Commission Meeting agendas to include on-line links to the reports so that the public could review the statistics further in advance.

D. Report and Discussion: Volunteer Program

Ms. Heidi Huebner, Volunteer Coordinator, reported on the guidelines for volunteers and the conditions for their termination. When volunteer issues arise, staff warns the volunteer and a report of the incident or violation is filed. If the problem cannot be resolved, the staff will notify Ms. Huebner of the issue. Any staff member has the authority to terminate a volunteer. Commander Diliberto added that volunteers would be dismissed immediately on the spot depending on egregious acts such as those involving physical violence. Ms. Huebner commented that volunteer should contact her if they are having difficulties dealing with certain staff members so that the problems could be resolved. Volunteers should also contact her if they do not understand the reasons for termination.

Public Comments

Tina Clark: Concerned with volunteers telling potential adopters that animals will be euthanized if not adopted. Also concerned with volunteers posting information not pre-approved by the Volunteer Office.

Melanie Pozez: Participated in the Katrina Animals Super Adoption Event. Thanked Ms. Huebner and Mr. Stuckey for their efforts in implementing change in the Department.

Scott Sorrentino: Felt that the guidelines had a negative tone that discouraged volunteer interest. Asked the Commission to address the issue of volunteers walking the dogs at the shelters.

Mary Cummings: Shared her experience of being fired as a volunteer on November 16 by Ms. Huebner. Claimed that she did not violate the volunteer guidelines and was not given any previous warnings before being dismissed. Interested in an appeal process.

Commissioner Riordan suggested that an appeals process be made available for volunteers that have been terminated by the Department. Deputy City Attorney Dove Lesel clarified that the issue regarding an appeal process could be discussed with Ms. Huebner and other staff members. The issue could also be placed on a future agenda to be voted on. Commissioner Khoro agreed with Mr. Sorrentino with the need to re-word the guidelines to be more positive and encouraging. Ms. Huebner said she would work with staff to include the Commission's suggestions.

E. Report and Discussion: Animal Auctions

Commander Diliberto reported that the majority of the Department staff does not support the idea of having animal auctions. Citizens are not fond of animal auctions either, often coming away with negative feelings. Employees spend a significant amount of time and effort in explaining the procedures to customers, and then responding to the complaints. The department makes approximately \$106,000 per year on auctions. The staff would much rather prefer one of three options or a combination of these ways: a first come, first served option, a priority list, and a lottery.

Public Comments

Phyllis Daugherty: Animals are considered property that comes under state and federal law. Auctions are done to avoid a gift of public funds or to establish a lottery, which is considered to be a form of gambling. Auctions provide individuals who are willing to invest the most money and the most care in an animal.

Laura Palmer: Mentioned that animal auctions do not exist in Santa Clara County. Shared with the Commission an incident in which her boss attempted to adopt a dog from one of the shelters and was denied at the last minute due to an auction. Did not agree with the auctioning of living beings.

Scott Sorrentino: Suggested that the Department move to get rid of animal auctions entirely. Agreed with the County's procedures in using a priority list. Said that it is a public relations problem because the public feels so strongly on the issue. Many individuals voice their complaints to editors.

Tina Clark: Agreed with Mr. Sorrentino to eliminate animal auctions. Auctions validate the idea that animals are property that can be easily disposed of. Auctions allow people to believe that it is acceptable to abandon animals or return them to the shelters when they become inconvenient. The Department needs to educate the public that animals are not property.

Curt Steindler: The report is incomplete. California native reptiles and other native animals cannot be auctioned.

Jackie De Havlin: Shared an incident in which a young boy urged his mother to continue bidding at an auction for a dog until the bidding reached as high as \$600.

Richie Ramone: Commented that he had experienced frustration when he was denied on his attempt to adopt a dog due to an animal auction. Less fortunate people do not get the same opportunity to adopt animals. Felt that the priority list method would be a better solution.

Commissioner Riordan commented that she is opposed to the animal auctions. She reasoned that an individual's use of wealth to win the auctions is not an indication that one is a better owner. Commissioner Riordan wanted to place the issue of animal auctions on a future agenda to be voted on and eliminated. Mr. Lesel had been reviewing the laws concerning City auctions and was aware that not all jurisdictions in California followed auctioning as a process. He said that he would review the position of the City Attorney's Office on auctioning. Commissioner Khoro stated that eliminating animal auctions would be moving conceptually towards the Department's mission of saving animals' lives.

5. PUBLIC COMMENT PERIOD

Jackie De Havlin: A press release on the activities of the Bureau of Humane Law Enforcement, in regards to Angel Puss, contained several factual errors from the Department of Animal Services.

Phyllis Daugherty: Mentioned that a breeder's permit would allow an individual to maintain as many unaltered animal on their property as the wished. There is no penalty or method of enforcement to prevent them from doing so. Urged the Commission to keep the report as was written by the Department, but that they also add a requirement for their animals to be micro-chipped. Micro-chipping would prevent abandonment. Felt that the auctions gave animals value because people would be investing in the animals.

Mary Cummings: Suggested that the City investigate Mr. Stuckey's lack of action in rescuing the animals that were being kept at the Angel Puss facility. Thanked all the hard-working employees and the Commissioners of the Department for their efforts in saving animals' lives.

Lois Newman: Angered by the department's actions in handling the animals from Angel Puss. Blamed Angel Puss and the Department for the deaths of thousands of cats and dogs over the past thirteen years. Accused the employees of having no training in the law. Demanded that the Department pay for the legal education of their animal control officers and employees. Claimed that she would go to the State Attorney General's Office and have the Department shut down and see that no organization like Angel Puss exists in the City.

Scott Sorrentino: Asked that the Commission pass a resolution to send to the City Council for an investigation to possible collusion, conspiracy, and obstruction of justice with respect to the Department's actions relating to Angel Puss & Pooch Rescue. Said that everyone is responsible for the harm and the killings that have taken place at the Angel Puss facility. Commented that the pet limit laws discourage responsible pet owners, decree capacity, and that they are also unconstitutional. Also commented that there is no direct correlation between nuisance and the number of pets.

Christi Metropole: Testified that the cats at the Angel Puss facility were kept in horrendous conditions. Many of the cats needed massive medical care. Said that it was egregious that the City Attorney was going after the Bureau of Humane Law enforcement who helped rescue the animals. The real perpetrators are the people at Angel Puss & Pooch Rescue.

Rosa Bertozzi: Furious about the Angel Puss issue and outraged that the City Attorney is going after the Bureau of Humane Law Enforcement. Shared her experience of trying to rescue animals that were being kept at the Angel Puss facility. Commented on the poor conditions the animals were in.

Laura Palmer: Spoke about her interest in adopting an evidence dog being kept at the North Central Center. Asked for advice.

Bill Dyer: Visited Angel Puss and reported the conditions of the animals to the local City shelter, but no action was taken. Commented on a news story about the selling of cat and dog furs that appeared on the Larry King talk show.

Paula Maxwell: Worked at the Bureau of Humane Law Enforcement and was present when the animals were rescued from the Angel Puss facility in Canoga Park. Shared her account of the conditions the animals were in. Urged the City Attorney to prosecute the case to the full extent of the law.

Brian Acree: legal council for the Bureau of Humane Law Enforcement. Commented on the background of their organization and on their authority and training. The Bureau strives to raise the level of enforcement of California's animal laws. Their desire is to work with the Department and the City Attorney's Office to stop animal abusers. Strongly urged the Commission and the City Attorney to prosecute the Angel Puss case.

Jane Garcia: Asked about the clearance of the South Los Angeles Annex in anticipation of the filming for "Rocky VI." In regards to the \$100 unaltered license fee, she mentioned that many people do not want to spay or neuter their animals.

Commander Diliberto confirmed that filming for "Rocky VI" would be occurring at the South Los Angeles Annex. Animals were not harmed or euthanized for the filming preparation. The Department is working on a deal with Mr. Sylvester Stallone to provide for free spay and neutering procedures.

5. ADJOURNMENT

Meeting was adjourned at 12:40+P.M.