



**BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Monday, May 14, 2007
10:00 A.M.
LOS ANGELES 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 J. Quincey, Jr.

Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. For information please call (213) 482-9501.

Si require servicios de traduccion, favor de notificar la oficina con 24 horas por anticipado.

**REGULAR COMMISSION MEETING WILL COMMENCE IMMEDIATELY
FOLLOWING THE APPEAL HEARINGS SCHEDULED FOR 10:00 A.M.**

COMMISSION MEETING

- 1. ORAL REPORT OF THE GENERAL MANAGER**
- 2. EMPLOYEE COMMENDATION FOR ANIMAL CARE TECHNICIAN MARIO OCHOA, NORTH CENTRAL ANIMAL CARE CENTER**
- 3. COMMISSION BUSINESS**
 - A. Approval of the Commission Meeting Minutes of March 27 and April 9, 2007.
 - B. Oral Report by the Commission on Meetings and Events attended.

C. Proposed: Change of Meeting Day and Time.

Consideration by the Commissioners to move the day and time of the Commission meeting from its present time on Monday at 10:00 A.M. to Tuesday at 11:00 A.M. Appeals would be heard on Tuesday at 10:00A.M.

4. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

A. Revised Commission Appeals Policy.

That the Board approves and directs staff to implement a revised Commission Appeals Policy for barking dog and dangerous animal cases. The revised document streamlines and brings the policy into conformity with current ordinances.

B. Ordinance Requiring Mandatory Microchipping of Redeemed Dogs and Cats.

Request the City Council to direct the City Attorney to prepare an Ordinance amending the Los Angeles Municipal Code to require mandatory microchipping of any cat or dog redeemed by an owner and, direct staff to enact policies and regulations pursuant to such Ordinance, upon Council enactment of Ordinance.

C. Appeal Process for Volunteer Suspension or Termination.

Approval of a proposed policy and process that provides volunteers an opportunity to appeal a suspension or termination, and appointment of a Commissioner to participate in the Volunteer Appeal Panel.

5. DISCUSSION ITEMS

A. Customer Service Training.

Update on recent Customer Service Training conducted for Department employees.

B. Status of Form D-300, Companion Animal Health Awareness Report, Use and Follow-Up

Update on effort to follow-up on sterilization for animals adopted without being spayed or neutered because of medical deferral, as documented on the D-300, and general update on use of the form.

6. PUBLIC COMMENT PERIOD - (Comments from the public on items of public interest within the Board's subject matter jurisdiction and on items not on the Agenda.)

7. FUTURE AGENDA ITEMS

Requests from Commissioners for future Agenda Items.

8. ADJOURNMENT:

Next Commission Meeting is scheduled for May 29, 2007, in Room 1060, Los Angeles City Hall

AGENDAS - The Board of Animal Services Commissioners (Board) meets regularly every second (2nd) and fourth (4th) Monday of each month at 10:00 A.M. Regular Meetings are held at City Hall, 200 North Spring Street, Room 1060, in Los Angeles, CA 90012. The agendas for Board meetings contain a brief general description of those items to be considered at the meetings. Board Agendas are available at the Department of Animal Services (Department), Administrative Division, 221 North Figueroa Street, 5th Floor, Los Angeles, CA 90012. Board Agendas may also be viewed on the 2nd floor Public Bulletin Board in City Hall East, 200 North Main Street, Los Angeles, CA 90012. Internet users may also access copies of present and prior agenda items, copies of the Board Calendar, as well as electronic copies of approved minutes on the Department's World Wide Web Home Page site at <http://www.laanimalservices.com/CommissionAgendas.htm>

Three (3) members of the Board constitute a quorum for the transaction of business. The Board may consider an item not listed on the Board Agenda only if it is determined by a two-thirds (2/3) vote that the need for action arose after the posting of an Agenda. Some items on the Agenda may be approved without any discussion.

The Board Secretary will announce the items to be considered by the Board. The Board will hear the presentation on the topic and gather additional information from Department Staff. Once presentations have finished, the Board President will ask if any Board Member or member of the public wishes to speak on one or more of these items. Each speaker called before the Commission will have one (1) minute to express their comments and concerns on matters placed on the agenda.

PUBLIC INPUT AT BOARD MEETINGS – Public Participation on Agenda Items. Members of the public will have an opportunity to address the Board on agenda items after the item is called and before the Board takes action on the item, unless the opportunity for public participation on the item was previously provided to all interested members of the public at a public meeting of a Committee of the Board and the item has not substantially changed since the Committee heard the item. When speaking to an agenda item other than during Public Comment (see Public Comment below), the speaker shall limit his or her comments to the specific item under consideration. California Government Code Section 54954.3.

Public Comment. The Board will provide an opportunity for public comment at every regular meeting of the Board. Members of the public may address the Board on any items within the subject matter jurisdiction of the Board as part of Public Comment.

Speaker Cards. Members of the public wishing to speak are to fill out one speaker card for each agenda item on which they wish to speak and present it to the Board secretary before the item is called.

Time Limit for Speakers. Speakers addressing the Board will be limited to one (1) minute of speaking time for each agenda item. The Chairperson, with the approval of a majority of the Board, may for good cause extend any speaker's time by increments of up to one (1) minute. Total speaker time on any agenda item will be limited to ten (10) minutes per item and fifteen (15) minutes for Public Comment, unless extended as above.

Brown Act. These rules shall be interpreted in a manner that is consistent with the Ralph M. Brown Act, California Government Code Section § 54950 et seq.

STANDARDS OF CONDUCT. Speakers are expected to behave in an orderly manner and to refrain from personal attacks or use of profanity or language that may incite violence.

Please join us at our website: www.LAAnimalServices.com

All persons present at Board meetings are expected to behave in an orderly manner and to refrain from disrupting the meeting, interfering with the rights of others to address the Board and/or interfering with the conduct of business by the Board.

In the event that any speaker does not comply with the foregoing requirements, or if a speaker does not address the specific item under consideration, the speaker may be ruled out of order, their speaking time forfeited and the Chairperson may call upon the next speaker.

The Board, by majority vote, may order the removal from the meeting of any speaker or audience member continuing to behave in a disruptive manner after being warned by the Chairperson regarding their behavior. Section 403 of the California Penal Code states as follows: "Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor".

VOTING AND DISPOSITION OF ITEMS – Most items require a majority vote of the entire membership of the Board (3 members). When debate on an item is completed, the Board President will instruct the Secretary to "call the roll". Every member present must vote for or against each item; abstentions are not permitted unless there is a Conflict of Interest for which the Board member is obliged to abstain from voting. The Secretary will announce the votes on each item. Any member of the Board may move to "reconsider" any vote on any item on the agenda, except to adjourn, suspend the Rules, or where an intervening event has deprived the Board of jurisdiction, providing that said member originally voted on the prevailing side of the item. The motion to "reconsider" shall only be in order once during the meeting, and once during the next regular meeting. The member requesting reconsideration shall identify for all members present the Agenda number and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of three members of the Board.

When the Board has failed by sufficient votes to approve or reject an item, and has not lost jurisdiction over the matter, or has not caused it to be continued beyond the next regular meeting, the issue is again placed on the next agenda for the following meeting for the purpose of allowing the Board to again vote on the matter.



**SPECIAL MEETING
APPEAL AGENDA**

**BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Monday, May 14, 2007
10:00 A.M.
LOS ANGELES 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 J. Quincey, Jr.

Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. For information please call (213) 482-9501.

Si require servicios de traduccion, favor de notificar la oficina con 24 horas por anticipado.

ADMINISTRATIVE APPEAL HEARING 10:00 A.M.

1. Appeal of the General Manager's Decision in License Revocation Case – **DA 06376 NC**
Appellant: Barbara Solorio
Complaining Witness: Anna Katiforis
District Manager, North Central Animal Care and Control, Gil Moreno, Lieutenant
Hearing Coordinator, Department of Animal Services, Keith Kramer, Captain
2. Appeal of the General Manager's Decision in Barking Dog Case – **BD 06338 WV**
Appellant: Clint and Janice Languein
Complaining Witness: Eishun Fukui
District Manager, West Valley Animal Care and Control, Jan Selder, Captain
Hearing Coordinator, Department of Animal Services, Keith Kramer, Captain

AGENDAS - The Board of Animal Services Commissioners (Board) meets regularly every second (2nd) and fourth (4th) Monday of each month at 10:00 A.M. Regular Meetings are held at City Hall, 200 North Spring Street, Room 1060, in Los Angeles, CA 90012. The agendas for Board meetings contain a brief general description of those items to be considered at the meetings. Board Agendas are available at the Department of Animal Services (Department), Administrative Division, 221 North Figueroa Street, 5th Floor, Los Angeles, CA 90012. Board Agendas may also be viewed on the 2nd floor Public Bulletin Board in City Hall East, 200 North Main Street, Los Angeles, CA 90012. Internet users may also access copies of present and prior agenda items, copies of the Board Calendar, as well as electronic copies of approved minutes on the Department's World Wide Web Home Page site at: <http://www.laanimalservices.com/CommissionAgendas.htm>

Three (3) members of the Board constitute a quorum for the transaction of business. The Board may consider an item not listed on the Board Agenda only if it is determined by a two-thirds (2/3) vote that the need for action arose after the posting of an Agenda. Some items on the Agenda may be approved without any discussion.

The Board Secretary will announce the items to be considered by the Board. The Board will hear the presentation on the topic and gather additional information from Department Staff. Once presentations have finished, the Board President will ask if any Board Member or member of the public wishes to speak on one or more of these items. Each speaker called before the Commission will have one (1) minute to express their comments and concerns on matters placed on the agenda.

PUBLIC INPUT AT BOARD MEETINGS – Public Participation on Agenda Items. Members of the public will have an opportunity to address the Board on agenda items after the item is called and before the Board takes action on the item, unless the opportunity for public participation on the item was previously provided to all interested members of the public at a public meeting of a Committee of the Board and the item has not substantially changed since the Committee heard the item. When speaking to an agenda item other than during Public Comment (see Public Comment below), the speaker shall limit his or her comments to the specific item under consideration. California Government Code Section 54954.3.

Public Comment. The Board will provide an opportunity for public comment at every regular meeting of the Board. Members of the public may address the Board on any items within the subject matter jurisdiction of the Board as part of Public Comment.

Speaker Cards. Members of the public wishing to speak are to fill out one speaker card for each agenda item on which they wish to speak and present it to the Board secretary before the item is called.

Time Limit for Speakers. Speakers addressing the Board will be limited to one (1) minute of speaking time for each agenda item. The Chairperson, with the approval of a majority of the Board, may for good cause extend any speaker's time by increments of up to one (1) minute. Total speaker time on any agenda item will be limited to ten (10) minutes per item and fifteen (15) minutes for Public Comment, unless extended as above.

Brown Act. These rules shall be interpreted in a manner that is consistent with the Ralph M. Brown Act, California Government Code Section § 54950 et seq.

STANDARDS OF CONDUCT. Speakers are expected to behave in an orderly manner and to refrain from personal attacks or use of profanity or language that may incite violence.

All persons present at Board meetings are expected to behave in an orderly manner and to refrain from disrupting the meeting, interfering with the rights of others to address the Board and/or interfering with the conduct of business by the Board.

In the event that any speaker does not comply with the foregoing requirements, or if a speaker does not

address the specific item under consideration, the speaker may be ruled out of order, their speaking time forfeited and the Chairperson may call upon the next speaker.

The Board, by majority vote, may order the removal from the meeting of any speaker or audience member continuing to behave in a disruptive manner after being warned by the Chairperson regarding their behavior. Section 403 of the California Penal Code states as follows: "Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor".

VOTING AND DISPOSITION OF ITEMS – Most items require a majority vote of the entire membership of the Board (3 members). When debate on an item is completed, the Board President will instruct the Secretary to "call the roll". Every member present must vote for or against each item; abstentions are not permitted unless there is a Conflict of Interest for which the Board member is obliged to abstain from voting. The Secretary will announce the votes on each item. Any member of the Board may move to "reconsider" any vote on any item on the agenda, except to adjourn, suspend the Rules, or where an intervening event has deprived the Board of jurisdiction, providing that said member originally voted on the prevailing side of the item. The motion to "reconsider" shall only be in order once during the meeting, and once during the next regular meeting. The member requesting reconsideration shall identify for all members present the Agenda number and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of three members of the Board.

When the Board has failed by sufficient votes to approve or reject an item, and has not lost jurisdiction over the matter, or has not caused it to be continued beyond the next regular meeting, the issue is again placed on the next agenda for the following meeting for the purpose of allowing the Board to again vote on the matter.

**BOARD OF
ANIMAL SERVICES
COMMISSIONERS**

TARIQ A. KHERO
PRESIDENT

KATHLEEN RIORDAN
VICE PRESIDENT

MARIE ATAKE

GLENN S. BROWN

ARCHIE J. QUINCEY, JR.

City of Los Angeles
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
5th Floor
Los Angeles, CA 90012
(888) 452-7381
FAX (213) 482-9511

EDWARD A. BOKS
General Manager

Report to the Board of Animal Services Commissioners

Edward A. Boks, General Manager

COMMISSION MEETING DATE: May 14, 2007

PREPARED BY: Linda J. Barth

REPORT DATE: May 10, 2007

TITLE: Assistant General Manager

SUBJECT: Appeal Process for Volunteer Suspension or Termination

BOARD ACTION RECOMMENDED:

That the Board:

1. Approve the proposed Appeal Process for Volunteer Suspension or Termination, as attached; and,
 2. Appoint a Commissioner to serve, until further notice, as the Commission representative on Volunteer Appeal Panels as they may be convened.
-

SUMMARY:

In January 2007, consultant Erica Meadows began work to assess the Department's current Volunteer Program. Her deliverables are an overall summary report on the Program, recommendations for improvements that will strengthen the Program's value and satisfaction for volunteers, and a draft of a new, comprehensive Volunteer Manual. Her first steps included surveying current volunteers and the staff that work with volunteers, and she immediately began identifying areas for improving training, retention, and collaboration. Some clearly positive suggestions, such as the teambuilding of our recent volunteer potlucks, have been tried out already. A preview of some of Ms. Meadows' findings and recommendations have been reported to the Board at previous meetings. In accordance with the timetable set forth earlier this year, Ms. Meadows is on track to complete her work by the end of this month. By mid-June, staff will have prepared a Report to the Board transmitting her report, summarizing her findings, and requesting approval for Program recommendations. Among the recommendations there will likely be some new or changed forms or agreements

AN EQUAL OPPORTUNITY EMPLOYER

Visit our website at www.LAAnimalServices.com

Subject: Appeal Process for Volunteer Suspension or Termination

for volunteers to sign when they join the Program, and those will be among specific items for consideration by the Board with the rest of the program. Although there is already enthusiasm for implementing some of the recommended new agreements or other program elements, no volunteer will be required to sign new agreements prior to action by the Board.

In this recent period, however, although not directly related to the work of the consultant, there have been suspensions of a few volunteers. In the context of the on-going work to improve the Volunteer Program overall, the Board and others, including staff of Councilmember Bill Rosendahl, suggested development of a formal Appeal Process for volunteers who undergo disciplinary action. The proposed Appeal Process is attached.

The Appeal Process is a result of input and collaboration from various sources. Staff received guidance from the Board, from Council office staff, and from the consultant. We also surveyed policies of other notable volunteer programs in Southern California at animal care agencies, hospitals, and museums. We reviewed City employee discipline appeal practices and the volunteer discipline practices of other City departments. To generalize, very few volunteer programs offer a formal, written Appeal Process, and Animal Services will be notably progressive to take this step. Most volunteer programs would handle a challenge to a suspension or termination matter on a case by case basis, as this Department has up to this point. While further discussion on the Appeals process can continue, and refinements or modifications might be recommended in the future, staff strongly endorses approval of the Appeal Process as proposed, to formally offer an avenue of appeal to those few volunteers that have been suspended in the recent months. For those situations, the timelines included in the policy will not begin until the Board approves an Appeal Process and the affected volunteers are notified.

Key provisions of the proposed Appeal Policy are as follows.

- Employees and volunteers must all follow established rules, policies, and procedures of the LA Animal Services Department. The Department has responsibility to convey all rules and policies to volunteers and to take steps to be sure rules and policies are understood.
- In cases when a volunteer repeatedly or habitually does not follow the rules, the volunteer will be reminded of the rules or policies in a one-on-one discussion with either the Volunteer Liaison or the Center Manager of the Animal Care Center at which he or she volunteers. This is not meant to be a disciplinary action, but an extra effort to be sure a volunteer understands the rules. A note memorializing the discussion about the rules will be placed in the volunteer's folder with a copy to the volunteer, but the volunteer is not required to sign anything. As a side note, a volunteer's folder may be inspected at any reasonable time by the volunteer upon advance request. Also, there is no direction that complaints or accusations of outside persons would be placed in a volunteer's folder. This Appeal Process does not contemplate that any suspension or termination of a volunteer would be taken except upon direct and specific investigation and documentation by staff, although an outside complaint might

Subject: Appeal Process for Volunteer Suspension or Termination

be impetus for investigation and ultimately part of documenting an eventual suspension or termination.

- Suspensions would be imposed if a volunteer violates the rules, policies, or procedures of the LA Animal Services Department after more than one discussion, or if a violation is an illegal action or so serious that the life of a person or animal is jeopardized. The Center Manager would be the staff level making this decision, and determining the length of suspension which can range from 30 days to no more than six months, depending on the nature of the violation. Details of the suspension and justification will be the subject of a memo placed in the volunteer's folder.
- A termination would occur when a volunteer breaks rules again after a suspension, or if a violation results in injury or damage to persons, animals, or property. Again, the Center Manager is the staff level making the decision, and again would place a memo in the volunteer's folder explaining the termination. The Center Manager would determine if the volunteer could re-apply after one year or after two years, depending on the nature of the violation.
- A volunteer may appeal both suspension and termination.
- The first level of Appeal would be to the Director of Volunteer Programs. A volunteer will have ten days to file, and the Director of Volunteer Programs will have ten days to respond in writing. Both writings will go into the volunteer's folder.
- The second level of Appeal would go to the Director of Shelter Operations, who will convene an Appeal Panel and serve as non-voting secretary. The Panel will consist of the Assistant General Manager for Operations, an appointed member of the Animal Services Commission, and a designee from the New Hope Steering Committee or other representative of the animal rescue/humane community such as a Neighborhood Council Director of Animal Welfare. The panel will review the facts relating to the suspension or termination, and interview the volunteer and relevant staff members, which will be at minimum the Center Manager. The written recommendation will be sent to the General Manager who will make the final determination and notify the volunteer in writing. Volunteers will have ten days to file a second level Appeal and the Department will have fifteen days to respond. Both writings will again go into the volunteer's folder.

FISCAL IMPACT:

There are only negligible staff salary costs incurred for reviews and convening of a panel to process Appeals, but there is a potential for significant savings when volunteers feel respected and have recourse on suspensions and terminations, so that they are comfortable in offering their valuable services to the Department.

Subject: Appeal Process for Volunteer Suspension or Termination

Approved:

Edward A. Boks, General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____

**BOARD OF
ANIMAL SERVICES
COMMISSIONERS**

TARIQ A. KHERO
PRESIDENT

KATHLEEN RIORDAN
VICE PRESIDENT

MARIE ATAKE

GLENN S. BROWN

ARCHIE J. QUINCEY JR.

City of Los Angeles
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
5th Floor
Los Angeles, CA 90012
(888) 452-7381
FAX (213) 482-9511

EDWARD A. BOKS
GENERAL MANAGER

Commission Appeals Policy

It is resolved the pursuant to the authority given to the Board in Section 53.18.5(q)(2) to establish rules and procedures consistent with Section 53.18.5(q)(2) LAMC, the Board of Animal Regulation Commissioners (in the following "Board") in its session on May 14, 2007, adopted the following revised Commission Policy with respect to barking dog and dangerous animal appeals.

The President of the Board shall appoint annually in July a Commissioner to serve as the "Appeals Commissioner" as hereinafter provided in connection with the Board's function as appeals tribunal.

The Appeals Commissioner shall have the responsibility as further described below to:

1. Review the Appeals Records. By notifying Board staff to schedule an appeal, the Appeals Commissioner confirms that an appeal has met all the prerequisites for a valid appeal.
2. Chair the actual Appeals Hearing including moving the initial motion with respect to each appeal.
3. On behalf of the Board, signing the notices of Board decisions for all appeals that have been chaired by the Appeals Commissioner.

Rules and Procedures for Appeals

These rules and procedures replace the "Appeals Procedures" of the Board of April 13, 1989, revised November 1993, and the Appeals Commission Policy adopted December 11, 2000, and the "Modification of the Procedures" of April 10, 2000.

A) Appeals of the General Manager's decisions

Pursuant to Section 53.18.5(q)(1) LAMC, any decision of the General Manager to declare a dog to be a dangerous animal, to revoke a dog license or reissue a dog license upon terms, conditions, and restrictions, or to refuse to reinstate the privilege to own a dog pursuant to 53.18.5(r) LAMC, may be appealed to the Board by the owner of the dog (hereinafter

AN EQUAL OPPORTUNITY EMPLOYER

Visit our website at www.LAAnimalServices.com

referred to as "Appellant", when addressed in the context of the appeal), provided the dog owner appeared at the administrative hearing (Section 53.18.5(q)(3) LAMC).

B) Prerequisites for a valid appeal

- 1) The appeal shall be in writing and shall be on an appeal form provided by the Department.
- 2) The Appellant shall set forth specifically on the form wherein the Appellant believes that the decision of the General Manager is not supported by the evidence or where any hearing before a Hearing Examiner was not conducted in accordance with Section 3 of Chapter 5 of the LAMC.
- 3) No appeal shall be considered if filed or postmarked later than 15 days after the decision of the General Manager was served upon the owner of the dog. If the 15th day falls on a Saturday, Sunday or holiday, postmarking or filing on the next business day shall suffice.
- 4) No appeal shall be considered, if the Appellant has failed to appear at the hearing before the Hearing Examiner.
- 5) The appeal may not be based upon "new evidence"; i.e. evidence not presented at the administrative hearing (Section 53.18.5(q)(6) LAMC).
- 6) The appeal may not be based on a challenge to the legality of the Los Angeles Municipal Code.

C) Appeals Commissioner

The Appeals Commissioner shall have the following responsibilities:

- 1) To direct staff to notify the Appellant in the event the appeal does not comply with the prerequisites of a valid appeal because it is based solely on new evidence or the appellant failed to appear. The notification shall inform the Appellant that he/she may wish to seek legal advice in regards to legal remedies, including the possibility of a petition for a writ of mandate (Section 1084 et sec. CCP).
- 2) If the appeal, otherwise complies with the aforementioned appeal prerequisites, and is not based solely on new evidence, the Appeals Commissioner shall review the record of appeal and notify staff for scheduling.
- 3) The Appeals Commissioner shall chair the Appeal Hearing.

D) Appeals Materials

Within ten (10) days after an appeal is filed, the Department shall transmit to the Appeals Commissioner copies of the following documents (hereinafter "the record of appeal"):

- 1) The appeal form as completed by the Appellant.

- 2) The General Manager's Decision and Notice of Order.
- 3) The Hearing Examiners Report.
- 4) The list of charges as filed by the local Animal Care Center.
- 5) If the Department and the Appellant have entered into an agreement with respect to the appeal (hereinafter "appeal stipulation"), then the appeal materials shall include the written appeal stipulation. If the complaining witness consented to the appeal stipulation, the written consent shall also be provided.
- 6) Record of notification or any other specific documentation in the file if relevant to the appeal.

E) Preparation for the Appeal Hearing

- 1) Preparation of the Board – One week before the scheduled hearing date, the Department shall provide each Board member with the items listed above in Section D, these Rules and Procedures for Appeal. In addition, at all times before and during the hearing, the entire case file shall be kept available for review by the Board.
- 2) Publication and Notification of the Participants – The location, date, and time of the appeal hearing, the name of the appellant and a statement that the appeal challenges a decision of the General Manager in a dangerous animal or barking dog case identified by date and case number, shall be published in the form of a Commission meeting agenda in accordance with the Brown Act. The aforementioned Commission meeting agenda shall be sent to the Appellant, the Complaining Witness and their respective representatives not less than five (5) days before the scheduled appeal hearing date (Section 53.18.5(q)(4) LAMC).

F) Appeal Hearing

- 1) The Appeals Commissioner or in case of his or her absence, the Board President, shall chair the hearing.
- 2) The entire hearing shall be audio recorded.
- 3) The Appeals Commissioner may remind the participant that in accordance with Section 53.18.5(q)(6) LAMC that the Board is prohibited from considering new evidence, and may review the grounds for appeals as being that the hearing was not conducted in accordance with the LAMC or that the decision of the hearing officer was not supported by the evidence..
- 4) The Department representative shall provide a summary of the matter and of the General Manager's decision of up to two (2) minutes.
- 5) The Complaining Witness and the Appellant may address the Commission orally for of up to five (5) minutes each.

- 6) Any Board Member may ask any question related to the appeal of any participant at any time.
- 7) After the presentations the Appeals Commissioner shall make a motion with respect to each appeal.
- 8) If the Board's decision does not grant the Appellant the relief sought by the Appellant, the Appeals Commissioner shall inform the Appellant orally about Appellant's right to file a petition for a writ of mandate with the Los Angeles Superior Court within 90 days after the appeals decision was served upon the Appellant (Section 1084 et sec. CCP).
- 9) If a majority of Board Members cannot agree on a decision within the time allowed by the law (Section 53.18.5(q)(7) LAMC), the General Manager's decision shall be deemed affirmed without further action by the Board.

G) Documenting the Appeal Decision

- 1) Form – Board decisions shall be in writing and signed by the Board Member who chaired the appeal hearing.
- 2) Reasons – Pursuant to Section 53.18.5(q)(9) LAMC, a Board decision to reverse or modify the General Manager's decision shall enumerate the ground(s) which form the basis for the Board's action and specify where in the record of appeal the evidence supports each ground so enumerated.
- 3) Writ of Mandate – In the case of a decision which does not grant the Appellant the relief sought by the appellant, the notification letter shall include information as stated above in Section F, item 8 above.
- 4) Effectiveness - Pursuant to Section 53.18.5(q)(10) LAMC, a decision of the Board is a final administrative decision within the meaning of Section 1094.6(e) and (f) CCP. The Board's decision shall be deemed effective when served upon the General Manager and the Appellant.

**BOARD OF
ANIMAL SERVICES
COMMISSIONERS**

TARIQ A. KHERO
PRESIDENT

KATHLEEN RIORDAN
VICE PRESIDENT

MARIE ATAKE

GLENN S. BROWN

ARCHIE J. QUINCEY, JR.

City of Los Angeles
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
5th Floor
Los Angeles, CA 90012
(888) 452-7381
FAX (213) 482-9511

EDWARD A. BOKS
General Manager

Report to the Board of Animal Services Commissioners

Edward A. Boks, General Manager

COMMISSION MEETING DATE: May 14, 2007

PREPARED BY: Ross Pool

REPORT DATE: May 1, 2007

TITLE: Management Analyst II

SUBJECT: Revised Appeals Policy

BOARD ACTION RECOMMENDED:

That the Board:

1. Approve and direct staff to implement the updated and revised Appeals Policy, attached; and
 2. Appoint an Appeals Commissioner to serve the remainder of the current one-year term and the succeeding full term, ending June 30, 2008.
-

SUMMARY:

On December 11, 2000, the Commission adopted an "Appeals Commissioner Policy (Policy)". The Policy detailed the responsibilities of the Commission, the Department staff, and appellants in the filing and processing of Barking Dog and Dangerous Animal Appeals.

In order to streamline the Policy and ensure that it meets all current state and local codes, the Department has, in conjunction with the Office of the City Attorney, revised various sections. The Policy, furthermore, has been rewritten to make it better understood by the general public. The most notable changes in the Policy are:

- The President of the Board will annually appoint a Commissioner to serve as the Appeals Commissioner rather than the Vice President of the Board automatically serving in that role,
- Removes the section that denotes what admonitions should appear in the General Manager's letter since that is a precursor to the appeals process,

AN EQUAL OPPORTUNITY EMPLOYER

Visit our website at www.LAAnimalServices.com

Subject: Revised Appeals Policy

-
- Removal of the requirement that the Appeals Commissioner ask the participant to submit any written statements prior to the oral presentation and removes authority of the Appeals Commissioner to pre-review and turn down appeals without a hearing.

The implementation of the revised Policy will have no material effect on the ability of an appellant to avail themselves of the appeals procedure. Rather it is designed to simplify and streamline the time it takes for the Board to hear an appeal and render a decision. It also serves to emphasize key aspects of the appeal process relative to requirements for valid appeals and the basis on which the Board can sustain an appeal.

FISCAL IMPACT:

There is no fiscal impact on the Department's annual budget resulting from the approval of the revised Policy.

Approved:

Edward A. Boks, General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____

**BOARD OF
ANIMAL SERVICES
COMMISSIONERS**

TARIQ A. KHERO
PRESIDENT

KATHLEEN RIORDAN
VICE PRESIDENT

MARIE ATAKE

GLENN S. BROWN

ARCHIE J. QUINCEY, JR.

City of Los Angeles
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
5th Floor
Los Angeles, CA 90012
(888) 452-7381
FAX (213) 482-9511

EDWARD A. BOKS
General Manager

Report to the Board of Animal Services Commissioners

Edward A. Boks, General Manager

COMMISSION MEETING DATE: May 14, 2007

PREPARED BY: Linda J. Barth

REPORT DATE: April 30, 2007

TITLE: Assistant General Manager

SUBJECT: Ordinance to Require Mandatory Microchipping of Cats and Dogs Redeemed by Owner

BOARD ACTION RECOMMENDED:

That the Board:

1. Request the City Council to direct the City Attorney to prepare an Ordinance amending the Los Angeles Municipal Code to require mandatory microchipping of any cat or dog redeemed by an owner at the same fee as for adopted cats or dogs, and in addition to any other applicable fees or charges for owner redemptions; and,
 2. Direct Staff to enact policies and regulations pursuant to such Ordinance, upon Council enactment of Ordinance.
-

SUMMARY:

During the Mayor's Fiscal Year 07-08 Budget Hearing, discussion occurred regarding implementation of mandatory collection of the existing \$5.00 cat registration fee, to be payable at the time a cat is adopted or returned to its owner only. The principal purpose of such a regulation would be to increase the potential for reunifying cats with their owners when lost, and marginally for the purpose of generating modest revenue. At the meeting of April 9, 2007, the Board rejected this recommendation. In so doing, the Board supported the concept of helping more lost pets be redeemed through increased microchipping. All animals adopted through the Department, or transferred to rescue partners through the New Hope Program, are microchipped if they do not already have one. The suggestion of the Board was

AN EQUAL OPPORTUNITY EMPLOYER

Visit our website at www.LAAnimalServices.com

**Subject: Ordinance to Require Microchipping for
Cats and Dogs Redeemed by Owner**

to extend this program so that any redeemed animal must also be microchipped prior to being returned to the owner.

Microchips are tiny enough to be injected under the skin via a hypodermic and each microchip contains a personal, one-of-a-kind identification number that associates an animal as part of a family. The personal information connected to each chip includes the animal's guardian, veterinarian's information, alternate contact and the animal's personal information. All animals admitted to an L.A. Animal Services Shelter are scanned for a microchip upon arrival. If a microchip is detected, a nine-digit number will appear and we will contact the current microchip manufacturer's (AVID) 24-Hour hotline. After a quick search of the PETract database, the animal's guardian can be contacted. The general public also may contact any of our L.A. Animal Services Shelters and schedule an appointment to have their companion animal injected with a microchip, at a minimal cost.

Section 53.15.5 of the Municipal Code addresses Electronic Animal Identification Devices, commonly referred to as microchips.

The Department of Animal Services shall implant each dog and cat adopted out of the Department's shelters with an Electronic Animal Identification Device approved and provided by the Department. The fee for the implanted device shall be \$15.00, to be paid by the person adopting the dog or cat in addition to any other adoption related fee.

Any owner of a dog or a cat may have an Electronic Animal Identification Device provided and implanted by the Department in the dog or cat. The fee for such implanted device shall be \$25.00.

Requiring implantation of microchips for cats and dogs which are redeemed by owners has several benefits for the companion animal and family:

- An increase in pet-owner reunifications, and attendant decrease in euthanasia.
- Program would be advertised as a means of saving pets and increasing pet-owner reunifications.
- Funds generated in excess of purchasing costs are transferred annually to the General Fund, offsetting cost of labor to order, track, register, and implant microchips.

In light of the potential benefits, staff proposes that animals which have strayed or are otherwise lost and taken in to the Department be microchipped like any new adopted animal at time of redemption. The cost would be the same cost as for microchipping an adopted cat or dog, and the primary purpose is to increase the likelihood of reunification and decreasing the time needed to bring pet and owner back together.

**Subject: Ordinance to Require Microchipping for
Cats and Dogs Redeemed by Owner**

Because LAMC 53.15.5 specifies which animals are microchipped and for what price, an ordinance is required to modify the Code with this proposal. Upon adoption of an ordinance by the City Council and concurrence of the Mayor, the Department will immediately notify all staff responsible for processing redemptions to ensure prompt implementation.

FISCAL IMPACT:

Microchips with registration costs included are approximately \$9.00 each on the existing City Contract. The cost to the Department of collecting and processing the fee for this program will be minimal, since the fee will be assessed at the same time as other fees are being processed. The following is a historical overview of the potential revenue that would have been derived from cat redemptions and from dog redemptions, had mandatory microchipping been required for these animals during the period of 2004-2006.

Dog-Owner Reunifications from Shelters			
Year	Number of Reunifications	Fee	Potential Revenue
2004	4,351	\$15	\$62,265
2005	4,543	\$15	\$68,145
2006	4,030	\$15	\$60,450

Cat-Owner Reunifications from Shelters			
Year	Number of Reunifications	Fee	Potential Revenue
2004	270	\$15	\$1,350
2005	573	\$15	\$2,865
2006	289	\$15	\$1,445

Approved:

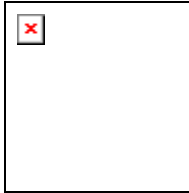
Edward A. Boks, General Manager

BOARD ACTION:

_____ Passed _____ Disapproved _____

_____ Passed with noted modifications _____ Continued _____

_____ Tabled _____ New Date _____



APPEAL PROCESS

Volunteer Suspension or Termination

At LA Animal Services we value the integrity of each employee, volunteer and partner contributing to the professional delivery of excellent customer service and the humane treatment of animals, in an atmosphere of open, honest communication, predicated on our trust in and respect for each other.

In order for employees and volunteers to successfully work together on saving animals' lives, all must also follow the established rules, policies, and procedures of the LA Animal Services Department. As explained in the Volunteer Handbook, a volunteer may be suspended or terminated for noncompliance with Department policy or procedures. The Department has also set up an appeal process for volunteers who have been suspended or terminated.

The Volunteer Liaison or Center Manager at an Animal Care Center may from time to time update one or more volunteers about policies and procedures. The Department staff has responsibility to be certain that all volunteers have clear understanding of the rules and policies that are in place. However, there may be a case in which a volunteer repeatedly or habitually does not comply with the rules and policies of the Department. In those situations, the volunteer will be reminded of the rules or policies by either the Volunteer Liaison or the Center Manager of the Animal Care Center at which he or she volunteers in a one-on-one format. A note will be placed in the volunteer's folder with the date of the discussion and a list of the rules or policies that were reviewed. A copy of the note will be given to the volunteer when the one-on-one discussion takes place. A volunteer's folder may be inspected at any reasonable time by the volunteer upon advance request.

Volunteer Suspension or Termination

Suspension: If a volunteer violates the rules, policies, or procedures of the LA Animal Services Department after more than one discussion and note to the volunteer's file, or if a violation is an illegal action or so serious that the life of a person or animal is jeopardized, the volunteer will be suspended for 30 days to six months, depending on the nature of the violation, by the Center Manager, or staff member acting in that capacity. A memo will be placed in the volunteer's folder with the start date and term of the suspension, and the reason for the suspension. A copy of the memo will be given to the volunteer.

Termination: In the event a volunteer, after returning from suspension, again violates the rules, policies, or procedures, or if a violation results in injury or damage to persons, animals, or property, the volunteer will be terminated from the program by the Center

Manager, or staff member acting in that capacity. Terminated volunteers may not re-apply to the LA Animal Services Volunteer Program for at least one year and up to two years, depending on the nature of the violation. A memo will be placed in the volunteer's folder with the termination date and date that the volunteer can reapply, if he or she chooses, along with the reason for the termination. A copy of the memo will be given to the volunteer.

Volunteer Suspension or Termination Appeal Process

A volunteer may appeal both suspension and termination.

First Level of Appeal: Within ten calendar days of the suspension or termination, the volunteer may submit a written appeal to the Director of Volunteer Programs asking for reinstatement. This request may be by mail, in-person, or sent by FAX. The Director of Volunteer Programs will investigate the appeal and respond back in writing to the volunteer within ten calendar days. The Director of Volunteer Programs may contact the volunteer at any time within the ten days to ask questions or discuss the appeal, but is not required to do so. A copy of the appeal and of the response will be placed in the volunteer's folder.

Second Level of Appeal: A volunteer may appeal a second time if the Director of Volunteer Programs upholds the suspension or termination. A second-level suspension or termination appeal must be submitted in writing to the Director of Shelter Operations within ten calendar days by mail, in-person, or by FAX. The Director of Shelter Operations will convene a panel consisting of the Assistant General Manager for Operations, an appointed member of the Animal Services Commission, and a designee from the New Hope Steering Committee or other representative of the animal rescue/humane community such as a Neighborhood Council Director of Animal Welfare. The panel will review the facts relating to the suspension or termination, and interview the volunteer and relevant staff members, which will be at minimum the Center Manager. Within 15 calendar days, the panel will submit a written recommendation, prepared by the Director of Shelter Operations, to the General Manager, who will make a determination about the appeal based on the panel's recommendation, and respond in writing to the volunteer within 20 calendar days. In the event that the timeline cannot be met due to absences or other circumstances beyond control of the Department, the Director of Shelter Operations will consult with the General Manager to identify substitutes for the missing panelist(s). Alternatively, the volunteer making the appeal will be asked if he or she is willing to extend the response timeline. The decision of the General Manager, upon review of the panel's recommendation, shall be final. A copy of the appeal and of the response will be placed in the volunteer's folder.