



**MINUTES**  
**BOARD OF ANIMAL SERVICES COMMISSIONERS**  
**CITY OF LOS ANGELES**

Monday August 13, 2007  
10:00 P.M.  
CITY HALL  
200 N. Spring St.  
Room 1060  
Los Angeles, CA 90012

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

**ADMINISTRATIVE APPEAL HEARING**

Commission President Khero called the Administrative Appeal Hearing to order at 10:12 A.M. Present were Commissioners Khero, Riordan, Atake, Brown, and Quincey.

**1.      Appeal of the General Manager's Decision in License Revocation Case – DA 07309EV**

Appellant: Daryl Pine

Complaining Witness: Laura Knight

District Manager, East Valley Animal Care Center, Wendell Bowers, Captain

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

Commissioner Atake motioned to uphold the General Manager's decision to revoke **License Number L07-062001**, for dog "**Leo**". The motion was seconded by Commissioner Quincey and passed on a vote of 5-0.

**Determination: General Manager's Decision Upheld, License Revoked.**

## COMMISSION MEETING

Commission President Khero called the Commission Meeting to order at 11:16 A.M. Present were Commissioners Khero, Riordan, Atake, Brown, and Quincey.

### **4. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION** (Taken out of order.)

#### **A. South Los Angeles Annex Program for Special Training of Pit Bull Mixed Breed Dogs and Related Training Opportunities (Pit Bull Academy)**

The Department developed a pilot program for the South Los Angeles Animal Care Center Annex proposing to employ ex-offenders to work with pit bull and pit bull mix dogs impounded among the City's Animal Care Centers. The program, developed with the consultation of the Villalobos Rescue Center, featured use of regular part-time salary authority and good coordination with Villalobos' volunteers and public training classes. This program was coined a "Pit Bull Academy." As originally proposed, the Department would hire six people currently on parole as Relief Animal Regulation Workers, subject to approval under existing City of Los Angeles hiring procedures. The Department would also hire two people experienced in training the pit bull breed, to serve as senior employees, also in accordance with City rules. These positions are exempt from Civil Service and serve as At-Will employees. Dogs with the best prospects of being adopted would be the focal point of the training.

Program evaluations would be completed at the conclusion of a six-month term, and follow-up evaluations of the program's participants would document milestones achieved, including further employment for the participants and the number of animal adoptions. The pilot program concept is also being considered as the subject for an upcoming reality television show, which could result in increased exposure for the City's gang violence prevention initiatives and the Department's Animal Care Centers, ultimately leading to increased adoptions.

On July 31, 2007, Councilmember Zine introduced a Motion, seconded by Councilmember Rosendahl, requesting the Department to provide a comprehensive report to Council about the proposed "Pit Bull Academy" program prior to a grand-opening date of August 4, 2007 (Council File 07-2421). The questions raised by the Motion focused on concerns about contracting, cost, and liability. On August 3, the Council first discussed the Motion, learning key facts about the program. While Council generally supported the goals of the program in terms of increasing animal adoptions and helping ex-offenders with job training, further information and reports were requested prior to execution of the planned program.

Ms. Claudia Farfan, Sr. Personnel Analyst I, explained that as part of the Pit Bull Training Program the Department Personnel Ordinance would give the General Manager the authority to appoint however as-needed authority positions for the respective fiscal year, provided that funds are available to fund these as-needed positions. Typically, the as-needed authority is utilized to meet the temporary critical need, and one who occupies a position that is exempt from civil service.

Ms. Julie Butcher commented that the union is trying to help make the situation work. With the introduction of a new program such as the Pit Bull Training Program, the concept is that there is a legal obligation to notify the union and give the union the opportunity to bargain over the wages, hours, and terms of conditions of employment. This however, was not done as the Commission was bypassed for their input. Ms. Butcher

believed that the program should have come to the Commission first to raise concerns and questions and inform the process. Currently, the employees are already doing everything that has been asked of them, and they have been overworked as a result. The employees could surely use help of individuals coming off of parolees.

#### Public Comments

Michael Lee: Wanted to know how the program started. The kennels are very short staffed and help is needed. The money set aside for part-time workers should have been put towards the kennels. More ACOs and ACTs are needed. The General Manager would do much better if he took the time to listen to the employees.

Jason Elias: Commented on a couple of inaccuracies with regards to the staff report. Clarified that part-time employees are allowed to work up to 1,040 hours per year. Part-time work will never take the place of full-time sustained employment. If there are vacancies, a vocational worker program can be created to get individuals on track for civil service employment.

Donald Sherman: The workers deserve the rights for health benefits, insurance, and retirement. The General Manager has denied them that right.

Bob Schoonover: Felt that the program sounded as if being a parole qualified an individual to be a dog trainer. The program circumvents the entire system. The union, Commission, City Council, and Personnel Department did not know about all the program details. There are a lot of serious problems with the program.

Teresa Sanchez: The union did work with the Department for six years to develop a full-time City job vocational worker program for the License Canvassing and Collection Division. The General Manager eliminated this program in his first budget with the Department. The union has a strong commitment to developing occupational training, vocational opportunities with the civil service process. The union could develop a dog training vocational employment program with the Department, but as a matter of principle, would have to make it with permanent jobs, civil service with full-time benefits.

Commissioner Khero left the Commission Meeting at 12:00 P.M. and returned at 12:18 P.M.

James Ross: With the City, you have to file an application, take a written test, an oral test, be placed on a waiting list and wait. After that you have to take more tests and do more interviews. Why take a parolee for this program and put him at the head of the class? Why give a criminal fifteen minutes of fame instead of a hardworking employee.

Lance Delaney: Pit bulls are not the kind of dogs that can be trained. They are not sociable. Why promote a program to train these kinds of dogs? Did not feel the program was going to be productive.

Phyllis Daugherty: Reported that there are twelve animals per cage at the South Los Angeles facility. The Department needs the Annex to house as many animals as possible. Civil Service probationary period would give the General Manager plenty of time to evaluate an employee. Felt there was no critical need. Positions for long-term individuals who would be a benefit to the Department for long-term would be better. Commented that breed-specific programs were in violation of State laws.

Daniel Guss: Commented on the General Manager's failure to report to the Commissioners, the union, the Personnel Department, the Budget and Finance Committee, and the Public Safety Committee. Said he would be writing an article for the Los Angeles Times

Commissioner Brown motioned to continue further discussion on the South Los Angeles Annex Program for Special Training of Pit Bull and Pit Bull Mixed Dogs and Related Job Training Opportunities, and that the Board receive all information on the program for the August 27, 2007 Commission Meeting. The motion was seconded by Commissioner Quincey and passed on a vote of 5-0.

**Action Item: South Los Angeles Annex Program for Special Training of Pit Bull and Pit Bull Mixed Dogs and Related Job Training Opportunities to be tabled as a discussion item for the 08/27/07 Commission Meeting.**

**2. COMMENDATION FOR ANIMAL CARE TECHNICIANS: COLIN MORIARTY, MARTHA NUNO, AND PAT OTT** (Taken out of order.)

The General Manager recognized Mr. Colin Moriarty, Ms. Martha Nuno, and Ms. Patricia Ott for their leadership efforts and dedication to the Department in the development of a comprehensive program to provide care for the orphan neonate kittens. Under the direction and training of Ms. Ott, the volunteers have successfully worked to help lower the monthly death toll of neonate kittens from over 1,000 per month to 350 per month.

**5. DISCUSSION ITEMS** (Taken out of order.)

**B. Humane LA Project Summary and Consultant Report**

A directive from the Mayor inspired this concept for General Managers of City Departments to collaborate together and leverage programs and resources, enhancing the level of City services at the point of delivery, with respect to achieving multiple City goals. The resulting initiative was labeled Humane LA, and defined as a program aimed at improving the quality of life in neighborhoods by engaging kids, seniors, families, gang members, and community leaders in programs that foster empathy and increase our respect for one another.

The method behind Humane LA is to mix existing programs and resources, and not create entirely new ones. Success may result in receiving new resources from grants and other sources to help us do more with programs that we have always wanted to expand. Specifically, General Managers were asked to send staff to join a preliminary Humane LA planning Task Force, which met from February to July of this year. Attendees discussed existing programs and needs. The Task Force also met with representatives of humane groups, to get input in how outside efforts could better merge with City programs to support humane activities and behaviors.

For assistance, the Department engaged Dr. Pia Salk under a short term Letter of Agreement for less than \$20,000, in accordance with the City Charter and Administrative Code requirements. Dr. Salk was charged with providing leadership and expertise in developing a new City-wide Community Outreach Program, Humane LA. Dr. Salk's educational training in psychology, her professional work in social sciences, and

her leadership experiences in animal welfare programs such as Animal Rescue New Orleans (ARNO) made her uniquely qualified to guide the pre-planning work.

Mr. Anthony Sanchez, Management Analyst II, reported that the total number of hours for work on this project was capped at 200 hours, with a \$100.00 per hour fee and a maximum payment not to exceed \$20,000.00. All Standard City Contracting Provisions were incorporated into her Letter of Agreement. Her total billings so far are for 114 hours, \$11,400.

Dr. Salk has chaired four formal meetings, engaged in numerous small meetings and consultations, and produced a draft report that has been commented upon by participants in the planning Task Force. She is working on the final document, for transmittal to the Mayor, and expects to have it completed in September 2007.

#### Public Comments

Phyllis Daugherty: Commented on Ms. Salk's inexperience in dealing with the City and the City's various departments. Mentioned Ms. Salk was very young, a recent PhD graduate. Commented that Ms. Salk had met with the Sam Simon Foundation, introducing herself as a close personal friend of Mr. Boks and had asked them to fund the consultant position. There is no description of what she does for the Department.

Daniel Guss: Wanted to know more about Ms. Salk's credentials and if she had worked with any government before working with the City. Wanted to know about her personal relationship with the General Manager. Why is a psychologist doing the job of a government relations business position without a government relations background?

#### C. South Los Angeles Spay and Neuter Clinic Program Report

The Commissioners requested that the Department provide the Board with answers to questions and concerns regarding the South Los Angeles Spay and Neuter Clinic Program at the next Commission Meeting.

#### Public Comments

Phyllis Daugherty: Informed the Board that the veterinarian at the South Los Angeles Clinic consistently leaves early. As a result, the Clinic has asked Dr. Mackey to perform spay/neuter procedures for their animals on several occasions. Asked why is the Department asking outside veterinarians to perform spay/neuter.

Commissioner Brown motioned to continue the Discussion Item on the South Los Angeles Spay Neuter Clinic Program Report to the August 27, 2007 Commission Meeting. The motion was seconded by Commissioner Riordan and passed on a vote of 5-0.

**Action Item: Discussion on the South Los Angeles Spay and Neuter Clinic Program returns to the agenda for the 08/27/07 Commission Meeting.**

#### **1. ORAL REPORT OF THE GENERAL MANAGER – EDWARD BOKS (Taken out of order.)**

- The University of Missouri's Law Enforcement Training Institute conducted a forty-hour training course on national cruelty investigation for 30 participants: 19 Department employees, including all members of the Animal Cruelty Task Force, 5 LAPD Officers, and 6 LA County and Orange County Animal Control Officers. Commissioner Riordan generously provided refreshments for all who attended the training course.
- 5 Animal Care Technician Supervisors recently completed the American Humane Association's Shelter Operations School. The sixteen-hour school was conducted in Pasadena, CA.
- 4 employees have been promoted to serve as lieutenants, after completing a 32-hour management-training program. Now all six shelters have a lieutenant to oversee the Animal Control Officers assigned to serve that particular shelter.
- The Department has begun a three-month training course for eleven new Animal Control Officers.
- Captain Helen Brakemeier succeeded Captain Nancy Moriarty as the new Acting Director of Shelter Operations. Captain Moriarty would serve as a Center Manager. Captain Wendell Bowers succeeded Captain Karen Knipscheer as the new Acting Director of Field Operations. Captain Knipscheer would oversee the Training Program.
- The Department is working with the CAO and the Mayor's Office to bring back the seven District Supervisor positions. These mid-level management positions are currently vacant.
- On Tuesday, August 14, City Council will be considering two of the Commission Recommendations, one to instruct the City Attorney to draft a spay/neuter ordinance, and the other to instruct the City Attorney to draft a mandatory microchipping ordinance.
- **July 2007 Statistics Compared to July 2006:** Dog and cat adoptions increased 21%, with dog up 25% and cat adoptions up 15%. There were 2,199 adoptions in July 2007. Additionally, 478 dogs and cats were placed thru the Department's New Hope partners. Dog and cat euthanasia decreased 28%. Euthanasia for a 12-month period (August 2006 – July 2007), reached a historic low with 16,858 dogs and cats. This is a 15% decrease to the previous 12-month period. The annual euthanasia rate has decreased significantly in each of the past six months.

#### Public Comments

Phyllis Daugherty: The number of animals in the streets is escalating. Commented that there has never been seven District Managers or shelters. In the past, there were three District Managers, which was later cut down to two.

Daniel Guss: Questioned the shelter numbers presented by the General Manager. Claimed the General Manager was narrowly defining the term "euthanasia" and was not reporting the truth. Commented on the General Manager's lack of credibility with City Council.

### 3. COMMISSION BUSINESS

#### A. Approval of the Commission Meeting Minutes of July 9, 2007 and July 23, 2007

#### Public Comments

Daniel Guss: Clarified a comment he had previously made at the July 23, 2007 Commission Meeting regarding the election of the Commission Officers. Felt the minutes did not reflect his opinion of Mr. Jim Bickhart's influence over the election. Felt that the minutes also did not reflect his objection to the vote altogether.



Commissioner Riordan motioned to continue the approval of the minutes for the July 9, 2007 Commission Meeting to the next Commission Meeting. The motion was seconded by Commissioner Atake and passed on a vote of 5-0.

**Action Item: The approval of the Commission Meeting Minutes for July 9, 2007 to return as an agenda item for the August 27, 2007 Commission Meeting.**

Commissioner Atake motioned to continue the approval of the minutes for the July 23, 2007 Commission Meeting to the next Commission Meeting. The motion was seconded by Commissioner Brown and passed on a vote of 5-0.

**Action Item: The approval of the Commission Meeting Minutes for July 23, 2007 to return as an agenda item for the August 27, 2007 Commission Meeting.**

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

Commissioner Atake volunteered at dog adoption events on July 23, August 4, and August 11. Commissioners Khoro, Riordan, Brown, and Quincey had nothing to report.

**4. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION**

**B. Motion by Commissioner Riordan pursuant to Contractual Limitations for the General Manager**

**Public Comments**

Phyllis Daugherty: Supported the motion. Not sure who is doing things for the Department or who is qualified. Such contracts are not being reviewed by the CLA or the CAO and the Council does not know what is happening. There is a crisis within the Department in terms of direction and control.

Commissioner Riordan motioned that due to the FY07-08 budgetary constraints, any contract for Personal Services above five thousand dollars (\$5,000) comes before the Board with the following information:

1. The personal services cannot be performed by the Department or any other City staff.
2. The Union and Personnel Department are informed of such a search.
3. Outreach as been done by the Department to determine whether the proposed provider is the most qualified and only provider for the service.
4. The proposed provider has the background conditions, credentials, and experience for the service.

The motion was seconded by Commissioner Atake and passed on a vote of 5-0.

**5. DISCUSSION ITEMS**

**A. City Attorney's Legal Opinion Regarding Commission's Current Authority Regarding Mr. Jeffrey De La Rosa's Dog "Stu"**

Assistant City Attorney Dov Lesel provided the Board with copies of Section 53.34.4 and Section 53.18.5(q) of the Los Angeles Municipal Code (LAMC). These code sections address the authority of the Board of

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Animal Services Commissioners and the General Manager following an appeal and determination by the Board in certain cases. The following is language taken directly from the LAMC Sections 53.34.4 and 53.18.5(q):

Section 53.34.4 (d) 3: *“In the event the Board has received and heard an appeal and made a determination that the dog or other animal is a dangerous animal, copies of that Board action shall be served upon the General Manager and appellant”*

Section 53.18.5 (q) 10: *“A decision of the Board is final It becomes effective when served upon the General Manager and appellant by the Board.”*

Section 53.34.4 (d) 3: *“Upon expiration of five days after completion of said service, the General Manager shall sign an order authorizing destruction of said dog or other animal. Any dog, or other animal, declared to be a dangerous animal shall be humanely destroyed.”*

Commissioner Riordan wanted know the possibility of augmenting the record of the De La Rosa case to allow for behavioral evaluation to be used in his appeal process. Commissioner Atake requested to agendize a motion to move the dog “Stu” to an outside rescue group and a motion that the Commission review the record and find the procedural errors in the case to draft a letter for the appeal process, protecting its integrity for the August 27, 2007 Commission Meeting.

#### Public Comments

Daniel Guss: Believed that Mr. De La Rosa was actively pursuing an appeal. There will be a public relations nightmare for the Department if the dog “Stu” is held for over two years. The dog has not had a bath or a haircut in two years and is in poor condition. Requested an emergency voting session to vote on the issues.

Pam Holt: Human pettiness should never be tolerated when animal suffering is involved. Asked the Commission to do the right thing and not deprive the dog of that which is natural. Advised the Commission to keep in mind the Department themes of creating happiness by bringing pets and people together, saving animals’ lives, and creating a humane LA. The Department should practice what they preach.

#### 6. PUBLIC COMMENT PERIOD

Daniel Guss: Mentioned that he is writing five articles for the Los Angeles Times about the pit bull issue, mandatory spay/neuter, and other Department topics. The headline from Thursday’s Daily News article read “Does Bok’s Rehab Plan With Pit Bulls Include a Cat House.” Commented that the General Manager had told City Council that the Commission knew of the cat bordello and that parolees for the pit bull training academy have not been fired.

Phyllis Daugherty: Commented on the spay/neuter report to be reviewed by City Council. Mentioned that Ms. Judy Mancuso, who had led the failed campaign in Sacramento, is now acting as a lobbyist for the City ordinance. The Commission needs to know if Ms. Mancuso will continue to act for the City ordinance. The Department needs to make the City ordinance a cooperative effort, in which the opposition is engaged, not confronted.



## **7. FUTURE AGENDA ITEMS**

Requests from Commissioners For Future Agenda Items:

- Commissioner Atake requested a discussion item on the Citywide mandatory spay/neuter ordinance.

Commissioner Khero left the Commission Meeting at 2:12 P.M.

Public Comments

Daniel Guss: Advised the Board to consider prohibiting the General Manager from speaking before City Council without the Board first approving the issues. There should be a vote of no confidence in the General Manager. Reminded the Board of his Daily News article.

## **8. ADJOURNMENT**

Commissioner Riordan motioned to adjourn. The motion was seconded by Commissioner Atake and passed on a vote of 4-0. The Commission Meeting was adjourned at 2:17 P.M.