



MINUTES
BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

Monday August 27, 2007
6:00 PM
San Pedro Regional Library-Meeting Room
931 Gaffey Street
San Pedro, California 90731

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

COMMISSION MEETING

Commission Vice-President Riordan called the Commission meeting to order at 6:20 pm. Commissioner President Khero joins the meeting at 6:40 pm.

1. ORAL REPORT OF THE GENERAL MANAGER—EDWARD BOKS

- KTLA is partnering with LAAS to film and air a pet adoption segment every Friday morning as part of the newscast. In the past two months, 35 animals have been featured on this segment and 30 of those animals have been adopted.
- On May 21, 2007, the Mayor awarded the Department a commendation for being the highest volume pet adoption agency in the US for Fiscal Year 06/07. There was a bit of a minor controversy when LA County Animal Control released a statement that they were the highest volume pet adoption agency, releasing a new set of unsubstantiated numbers that showed an increase of 6000 over their past numbers. To avoid this confusion in the future, LAAS challenges LA County to post their adoption statistics monthly on their website. LAAS was honored for its transparency by Maddie's Foundation for being forthcoming with statistics. There also was an unsubstantiated claim that LAAS is artificially lowering its euthanasia rates by euthanizing animals at the time of impound before they can be logged into Chameleon. LAAS invites anyone with evidence to back up this claim to please come forward.
- Malibu adoption event on 8/26 at Calamigos Ranch. 50 animals from LAAS Animal Care Centers participated.
- Former AGM Knaan had initiated a program that recently came into fruition called Save-A-Life transport. The pilot program launched on July 13, 2007 and has been directly responsible for saving 50 dogs, which are taken from the New Hope Red and Green Alert lists. There are 20 different agencies throughout CA who want to participate in this program. Currently, LAAS is working with five agencies as part of the pilot program.

(Commissioner Atake and Commissioner Riordan would like to continue discussion about this program at a later date as they have questions regarding issues with temperament testing, etc.)

Action Item: Commissioner Riordan and Commissioner Atake would like to add discussion of this program as a future agenda item.

- The Department now has four veterinarians on staff and we recently interviewed a fifth veterinarian and extended an offer and we are waiting for a response.
- New Hope Coordinators recently received some marketing training from one of our volunteers on how to better promote animals in need in their email blasts.
- There is a new Animal Control Officer (ACO) academy under way. Twenty officers are being trained. The Commissioners are invited to come talk to the training class.
- LAAS is in the process of rolling out the Humane Animal Review Team (HART) program discussed at the last Commission meeting. The pilot program is taking place at the North Central Animal Care Center where four individuals are reviewing, discussing, and evaluating euthanasia decisions and alternatives.

(Commissioner Atake was expecting some explanation about the Pet Staff press release. GM Boks explained that Pet Staff is an organization of dog trainers that have donated 350 hours of pro-bono training to our animals and staff to help make our animals more adoptable. Commissioner Atake expressed concern that the program had not been brought to the Commission first. Commissioner Riordan wondered whether there should have been an RFP issued for other groups to have the opportunity to provide training. GM Boks explained that these are volunteers and all groups are welcome to come and volunteer their services to the Department.)

Action Item: Commissioner Riordan would like to add discussion of this program as a future agenda item.

2. COMMISSION BUSINESS

A. Approval of the Commission Meeting Minutes of July 9, July 23 and August 13, 2007

July 9, 2007 Minutes

Commissioner Riordan asks that item # 4A-a report about Stu, be removed from the minutes as it was not read. Also the sentence that states, "...the behavioral evaluation was denied at the appeal hearing..." should be changed to read that "...the behavioral evaluation was denied prior to the initial hearing."

July 23, 2007 Minutes

Commissioner Riordan asks that item # 3B, page 5, which reads, "...additionally the drafted ordinance will be returned to the Board for the approval of the language" should be changed to read, "...additionally the drafted ordinance will be returned to the Board for a vote for final approval."

Commissioner Atake remembers that Daniel Gus stated that his quote was misquoted in response to item # 2A and she does not see the revision. He stated it was no use for the Commission to vote.

August 13, 2007

Action Item: Approval of the Minutes to return as an agenda item for the Commission Meeting on 9/10/07

B. Message from Councilmember Janice Hahn

Dolores Canonzaes read a message from Councilmember Janice Hahn, welcoming the Commission to the district. She looks forward to having the Commission meet again in the Harbor area when the new shelter and community room are opened. Councilmember Hahn has some concerns about the agenda

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item on the Pit Bull Academy. Specifically, she is concerned about the City's liability about the program being proposed. She believes that there are better ways to use our City's resources. She looks forward to meeting with the General Manager to address some of her questions regarding the academy.

Commissioner Riordan asked Ms. Canonzales what some of the local animal-related issues were that were of concern to Harbor residents. Ms. Canonzales stated that one of the big issues in the San Pedro and Point Fermin area is the feeding of the feral cats and how a program can be developed that will not endanger the local wildlife.

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

Commissioner Atake attended dog adoptions on 8/18 and 8/25.

3. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

A. Board Action Regarding "Stu" Under Restrictions Set-forth By the Office of the City Attorney (item 3C taken out of order)

Commissioner Riordan stated that she had drafted letter that she will later share with the Commissioners. Procedurally, she feels that the Commission failed the appellant. Upon listening to the tape, she noticed that none of the Commissioners received any of the documents prior to the appeal. Her issue is that she realizes that the City may say that that should take place throughout the appeal process and that this is a matter for Mr. de la Rosa's attorney to address. However, she feels in order to restore the integrity of the Commission, it would be appropriate for them to acknowledge what they have done wrong during this hearing. There are three things that she has noted that were not along the procedural mode that the Commission has normally taken during appeals.

Commissioner Brown stated he was not aware of anything improper in his decision at that particular time, nor has the City Attorney or anyone else brought anything to his attention. He invites the evidence to show where he may have erred in judgment or did not consider all the evidence.

Commissioner Riordan replied that there are two issues that Commissioner Brown and Commissioner Kher0 were not aware of during the appeal. The Commission acknowledges in the transcript and on the tapes that they did not receive the notice of appeal or the documentation. Commissioner Atake agreed and read the account from the transcript. Commissioner Riordan also believes that there was ex-parte communication and the appellant was contacted before the appeal which led to prejudicial bias prior to the appeal, which is revealed on the tape. Also, she believes that Mr. de la Rosa was denied an evaluation of his dog prior to the hearing, denying him the tools to prepare a fair case. Commissioner Riordan believes that the Commission owes the Defendant an apology and perhaps a letter stating that they have erred in their ways.

Commissioner Atake expressed her agreement and said this is why she had asked for this to be a voting item, so that they can acknowledge that a former Commissioner acted with misconduct and therefore the process was tainted.

Commissioner Riordan noted that Commissioner Atake and Commissioner Khero were unaware of these issues and had conducted themselves professionally during the hearing and with the utmost integrity. She wants it to be noted on the record that there were procedural errors in regard to this hearing.

Commissioner Quincy stated that he has no knowledge about this hearing and can not vote about Stu

since it happened before he was a member of the Commission. Commissioner Riordan stated that Commissioner Quincy is welcome to abstain on any vote if he wishes.

Commissioner Riordan stated that she believes that as long as there is an appeal pending for Stu that the Department needs to show good faith and not put the dog down and that a stay of execution is prejudicial because it will cost an additional \$10K. We should honor the appeal process and let the courts decide. Therefore the dog should be moved to a private kennel.

Commissioner Quincy questioned the legality of sending the dog to a sanctuary since it is in the custody of LAAS. He does not feel that the City of Los Angeles should pawn the care and responsibility for the dog off on someone else. He also questioned the liability issues if the dog disappears while at a private kennel. He believes that LAAS should keep the dog until a decision is made by the appellant court and then abide by that decision until there is another appeal.

Commissioner Atake stated that at the June 25, 2007 meeting, the City Attorney said that the dog can be moved. Assistant City Attorney Lesel agreed and clarified that the move can only take place with the approval of the City's risk management in terms of protocol, waivers, bonds, assurances, etc. that the City's liability will not be enhanced by it.

Commissioner Khoro clarifies that there are two proposals on the table for the evening: (1) the transfer of the dog to a kennel, and (2) the letter.

Public Comments:

Jeff de la Rosa: Thanked the Commissioners for putting Stu on the agenda and read a letter from a woman in New Zealand regarding Stu.

Gary Castleman: Attorney for Jeff de la Rosa. Trainer, Bobby Dorafshar is willing to take Stu for as long as it takes. A notice of appeal was recently filed. Dr. Polsky, an animal behaviorist, was not allowed to see Stu prior to the hearing. Stu was acting in self defense and had no history of violence or aggression prior to the incident.

Dr. Richard Polsky: Animal behaviorist. GM Boks had asked him to evaluate Stu for the Department, but he had to decline because he had already been retained by the defense. He stated his qualifications. He was called to give an objective evaluation of Stu for the civil hearing. He examined Stu's past history and discovered no past evidence of human aggression. The two bites to the victim are indicative of fear-based aggression. He came to the conclusion that the attack was provoked by the victim.

(Commissioner Riordan asked for clarification that Dr. Polsky did attempt to evaluate the dog before the hearing and that that request was denied. Dr. Polsky stated in the affirmative and that he was not clear why, but Mr. de la Rosa had called him and said that they would not let him do the evaluation. Commissioner Brown asked for clarification whether LAAS told Dr. Polsky that he could not evaluate the dog or whether Mr. de la Rosa told Dr. Polsky that LAAS would not allow him to evaluate the dog. Dr. Polsky stated that he had been told by Mr. de la Rosa that he would not be allowed to evaluate the dog and had not spoken to anyone at the Department.)

Mary Stallmo: She is a representative of senior citizens that have animals. She feels the hearing was mishandled and questions what would have been the result if this had involved a senior who did not have the money for a defense.

Pam Holt: She spoke about Stu's incarceration in isolation. She asked for Stu to be released from the system once and for all.

Serena Stallmo: Restated the details of Stu's hearings and requested that Stu be placed in a private kennel or rescue.

Michael Bell: There are two organizations that work with pit bulls in CA and have turned them around, including Bad Rap Dogs in SF and Downtown Dog Rescue in LA. There is no reason why Stu should be in the shelter system for two years.

Bill Dyer: This has become the year of the pit bull. The evidence seems to suggest that Stu should be released. The risk to the City applies to any animal that is adopted from the City's shelters. He believes that the Commission should demand that Stu be released to Bobby.

Jeff de la Rosa: He clarified that when Stu was transferred to the South LA Annex, he had asked Lt. Figueroa if Dr. Polsky could come and evaluate Stu. Lt. Figueroa said he would check. The request was denied and he stated that no outside person would be allowed to evaluate the dog because of liability issues. Mr. de la Rosa met with Capt. Kramer who had been a hearing examiner and after hearing the facts of the case, Capt. Kramer stated that the case should have been dismissed, but it wasn't.

Commissioner Riordan acknowledged concerns that Stu has been put on the agenda many times. She stated that although Stu is one animal, he is a reflection of future cases that the Department may have. What the Commission chooses to do for Stu should be what they will do for other animals. She hopes that Stu will fall under an Evidence Foster. She has toured Mr. Dorafshar's facility and he is very safety oriented and runs a top notch operation. She feels very assured that it will be a very safe and secure setting for Stu.

Bobby Dorafshar: Owner of New Leash on Life and K-9s Only. He is willing to take Stu for free of charge. He will evaluate and rehabilitate Stu within two months to prove to the Department that this is not a dog that is going to kill somebody. He will take Stu with certain terms.

Commissioner Brown asked Mr. Dorafshar if he would be willing to sign a waiver or indemnify the City. Mr. Dorafshar stated that he would and that he has liability insurance if the dog bites anyone.

Commissioner Riordan stated that it appears that the credibility of the people involved in the Stu incident are being questioned this evening. She believes that the dog was denied an evaluation prior to the hearing and she asks the Commission to look at the procedural processes that she addressed earlier in the evening and to put the personalities on the shelf. This is about whether or not the Commission and the Department provided the due process that everyone in the City deserves.

Assistant City Attorney Lesel was asked for a timeline for moving Stu. He stated that it is in Risk Management's hands and it could take anywhere from a few days to a few weeks. GM Boks assured the Commission that the Department will do everything it can to expedite the process.

Commissioner Riordan makes a motion that Stu be moved to a sanctuary as soon as possible per Risk Management's guidelines. The motion was seconded by Commissioner Atake and passed on a vote of 4-0, with 1 abstention.

Commissioner Atake would like to discuss the Commission's ability to protect the integrity of its own process. She stated that the Commission's ability to correct its own process failure should not depend

on where other parties stand. It should be able to take action when it learns that the process has been violated. She would like to make a motion that the Commission write a letter to acknowledge its past performance with regards to the Stu case.

Commissioner Khoro stated for the record that he is uncomfortable with writing a letter to the Court of Appeal based upon some very specific allegations of impropriety. He stated that it is a significant step and one that he would not be comfortable taking this evening. As a lawyer, he knows that the record of this proceeding can act in a similar fashion as a letter and he supports making as complete a record this evening as to where the Commission has erred. Everyone should be careful to make whatever points concerning the proceedings that they want to make here, just in case the Commission does not approve the letter. Writing a letter may be setting a precedent, which concerns him.

Commissioner Brown would like to review what has taken place and his involvement, because he is not ready to concede that he made any misstep in his deliberation or whether something happened that he was not aware of. As an investigator and a lawyer, he would like to see what the path has been before he goes on record and starts signing documents. At this moment, he will not sign any letter.

Commissioner Riordan states that she has already discussed the situation with Commissioner Atake and asks the City Attorney if she can discuss the matter with any of the other Commissioners. Assistant City Attorney Lesel reminds her that if she discusses the matter other Commissioners outside of this meeting that she will be in violation of the Brown Act, however distributing a copy of the letter that she has written for review via email is acceptable as long as there is no communication about the document between any of the Board members as that would be considered a serial meeting. Any changes to the document that furthers the deliberative process may present a problem. The City Attorney would like to review the letter first and will talk to Mr. Pool about a way to distribute the document, perhaps in Board report format, to which no changes can be made and it must be discussed at the next Board meeting.

Commissioner Atake would also like to state her thoughts about the two Commissioners that were at the appeal because she finds the comments made by a former Commissioner disturbing which she feels were unfairly biased.

Commissioner Riordan suggests that is the Commission does want to consider the letter that the Commissioners do go back and read the transcript of the hearing. Commissioner Riordan wants to go on record that she did witness the former Commissioner telling her that she did have a ex-parte conversation with the defendant prior to the appeal. Commissioner Atake also states that she remembers that the former Commissioner said she had spoken to the defendant before the appeal and that she had called him a liar.

Commissioner Riordan withdrew her motion to submit a letter on behalf of the Commission to the Court of Appeals regarding the Stu hearing procedural errors.

B. Pit Bull Academy Resolution

Assistant General Manager Linda Barth provided a timeline and evolution of the discussion of this pilot project, in addition to some attachments and information for the Commission to review. The project was first discussed in January 2007 when Tia Torres of the Villalobos Rescue Center presented a proposal to allow our Department to model a program that she had successfully operated at her own center that involved ex-offenders working with animals that needed rehabilitation. Program was designed to be an enhancement to the current programs in the South LA area where we have an overwhelming number of pit bulls and pit bull mixes. A series of meetings followed including a briefing with Councilmember of CD 10 in February and he was interested and enthusiastic, introduction of the program concept to various

City agencies at the Humane LA Task Force meeting in March, conversations with representatives of CDD who expressed interest in the program and who had possible grant funding, and a meeting with the Mayor's Office regarding possible grant funding for the program in May. A Right of Entry Permit letter was issued to Ms. Torres in April and the CAO's Risk Management group was consulted and advised the Department in regards to insurance and indemnity needs for the pilot project. The program is currently completely on hold and LAAS is working with the City Attorney, CAO, Council support staff's Chief Legislative Analyst, and others to talk about what additional information might be needed and how to move forward.

Commissioner Brown concerned that all this activity happened without involvement of the Commission.

Commissioner Riordan would like to make a motion that the City Attorney review the Right of Entry permit letter. She is concerned that Ms. Torres was taking over the entire South LA Annex and that she was allowed to engage in fundraising activities.

GM Boks clarified that there was no contractual arrangement and that the City would not lose or forfeit control of the South LA Annex and that only City employees would be allowed to work there. AGM Barth clarified that the permit letter describes the fact that Ms. Torres is allowed to come to the area to do improvements, it does not obligate her to do anything, it does not obligate LAAS to do anything, and it speaks about a certain part of the Annex that she is allowed to occupy that was never defined because the program was put on hold.

Commissioner Riordan asked for clarification on the parolees hired unofficially on July 17, 2007, but then laid off. AGM Barth stated that there are five on payroll and that three of them receive no hours pending further discussion with Council.

Cinimon Clark, trainer and behaviorist for the Pit Bull training program and a City employee. Gave her credentials, answered questions and spoke about pit bulls in the shelter system, rehabilitation and how she has to choose dogs for euthanasia.

GM Boks stated that on 8/30 there will be a roundtable meeting with Ms. Torres, Councilmember Zines office, Personnel, Julie Butcher, and the Mayor's Office to address all the bureaucratic issues. Most of the Council has expressed its support of the program and the CAO has issued a report to the Personnel office.

Public Comments:

Bill Dyer: The pit bull program is wonderful and innovative and it will bring credit to the City.

Phyllis Daugharty: She does not feel that this is a program that should take place on City property.

Judy Cairns: She is opposed to the pit bull program.

Michael Bell: He likes the concept of the pit bull program. He believes the Commission is not using its power effectively.

Kim Carnochon: Spoke in support of Villalobes Rescue Center and Tia Torres' training classes. She supports the pit bull program.

Commissioner Riordan made a motion which states, "whereas the General Manager planned and publicly announced the utilization of a City property for a major new pit bull rehabilitation program,

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whereas a permit was drafted with a non-profit agency to implement this program, whereas parolees were non-competitively hired and commenced work possibly in violation of City employment regulations, and whereas parolees were subsequently relieved of their duties without notice, whereas the aforementioned occurred without Commission, Council and City Attorney review and input, the Commission requests that the City Attorney advise as to any liabilities that might exist with respect to the Permit and in consultation with Personnel and/or the Union and recommend what can be done to address these and/or any related issues." The motion was seconded by Commissioner Atake and passed on a vote of 4-0, with 1 opposed.

- C. Establish a Department Policy to Guide the Handling of Permit Applications That Include Elephant Walks and Similar Events for the Public (item 3A taken out of order)

The Board decided to hold the agenda item over to the September 10, 2007 Commission Meeting.

4. DISCUSSION ITEMS

- A. South Los Angeles Spay and Neuter Clinic Program Report

The Board decided to hold the agenda item over to the September 10, 2007 Commission Meeting.

5. PUBLIC COMMENT PERIOD

Alfredo Giddens: Complained about problems with the Call Center and ACO dispatch in the South LA area in regards to stray dog issue.

Andrew Vilicich: Rash of dogs stolen in the last 30 days in the Harbor area. Lack of response on behalf of LAPD in regards to animal matters. Asked for assistance from LAAS.

Ray Patricio: Member of the Northwest San Pedro Neighborhood Council. Commented on lack of enforcement of leash laws and pooper scooper ordinances in San Pedro. Requested a report of how many citations have been issued in a one year period in the Harbor area.

Lisa Edmondson: She would like the Commission to include rabbits in the Spay/Neuter coupon program.

Phyllis Daugharty: Comments regarding the functioning of the Department.

Evelyn Walton: She would like the Commission to include rabbits in the Spay/Neuter coupon program. Concerned about high temperatures in rabbit area at North Central.

Zsuzsa Blakely: Commented about actions of the Department and pit bulls in South LA.

Jeff de la Rosa: Supports the pit bull academy and hopes that his case stays out of the opinion forming regarding the academy.

Judy Cairns: Commented that they need an ACO in the Harbor area after dark. Feral cat issue in the Harbor area. Concerned that New Hope adopted cats are being dumped.

6. FUTURE AGENDA ITEMS

Making the extended shelter hours permanent, Spay/Neuter Coupons for Rabbits, Report on Save-a-Life Program, report on when RFP process is required and RFP procedures, and Report on field deployment.

Commissioner Khero and Commissioner Brown will not be present at the Commission meeting on September 10, 2007.

8. ADJOURNMENT

Commissioner Khero motioned to adjourn. The motion was seconded by Commissioner Brown and passed on a vote of 5-0. The Commission Meeting was adjourned at 8:55 P.M.