



MINUTES
BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

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

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

ADMINISTRATIVE APPEAL HEARING

Commission President Khero called the Administrative Appeal Hearing to order at 10:25 A.M. Present were Commissioners Khero, Riordan, Ponce, and Quincey. Commissioner Brown arrived at 11:00 A.M.

1. Appeal of the General Manager's Decision in License Revocation Case – BR 06354SL

Appellant: Ms. Winifred Smith

Complaining Witness: Mr. Earnest Grant

District Manager, South Los Angeles Animal Care Center, Jorge Figueroa, Captain

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

Commissioner Quincey motioned to uphold the General Manager's original decision to revoke the dog licenses for **"Sunshine", License Number L08-110940; "Pebbles", License Number L08-110941 and "Thunder", License Number L08-110942 and any other dogs owned by the Appellant, Ms. Winifred Smith.** The motion was seconded by Commissioner Brown and passed on a vote of 3-2.

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

2. Appeal of the General Manager's Decision in Barking Dog Case – BD 06563WL

Appellant: Ms. Elaine Vega and Ms. Maria Vega

Complaining Witness: Mr. Mark Rosenberg

District Manager, West Los Angeles Animal Care Center, Jesse Castillo, Captain

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

Commissioner Riordan motioned to uphold the General Manager's decision to reissue **License Number L07-191181** for dog "**Lilah**", and **License Number L07-191182** for dog "**Mitzi**", modifying the original Terms and Conditions set forth in the Notice of Order, dated November 21, 2006. The motion was seconded by Commissioner Quincey and passed on a vote of 5-0.

Determination: General Manager's Decision Upheld, License Reissued with Terms and Conditions.

COMMISSION MEETING

Commission President Khero called the Commission Meeting to order at 11:30 A.M. Present were Commissioners Khero, Riordan, Brown, Ponce and Quincey.

1. ORAL REPORT OF THE GENERAL MANAGER – EDWARD BOKS

- November 21: The Department graduated its first class of Animal Control Officers under the leadership of Officer Chris Carroll, who recently assumed overseeing the ACO Training Program. Nine officers graduated the program and received their badges.
- November 29: The Department will host the Grand Opening of the new West Valley Animal Care Center at 10:00 AM. Commissioners Riordan, Ponce and Quincey attended, as well as Council Member Greig Smith and Assembly Member Lloyd Levine.
- December 2: The General Manager attended the Stray Cat Alliance fund raising event with Commissioner Riordan and Council Member Dennis Zine. At the event, Assembly Member Lloyd Levine was honored for his work on AB 1634. Also Commissioner Riordan's public service announcement with Cardinals Manager Tony LaRussa was publicly viewed for the first time.
- December 4: Assembly Member Lloyd Levine held a press conference at the East Valley Animal Care Center to announce the kickoff of the second round of his AB 1634 Spay/Neuter campaign. Bob Barker and other celebrities and media attended the press conference. Along the same lines, the Department is still working with City Council, the Mayor's Office, and the City Attorney's Office on the development of a Citywide spay/neuter ordinance.
- The Department announced that it is actively recruiting for Public Relations Specialist and a Volunteer Program Manager.
- The Department's 6th veterinarian officially started her first day working for the Department on December 10, 2007. These are the most veterinarians the Department has employed at one time in its ninety-eight year history.
- The General Manager announced that the November Statistics were made available on the Department's Website. The General Manager encouraged the Commission to view the statistics carefully as the numbers address many of the issues raised by a recent Daily News article that was more sensation than fact.

Public Comments

Phyllis Daugherty: Commented on the exact wording of the newly revised AB 1634 and asked if it could be released as a public document to be reviewed.

2. COMMISSION BUSINESS

A. Approval of the Commission Meeting Minutes of November 13, 2007

Commissioner Riordan motioned to hold the approval of the minutes for the November 13, 2007 Commission Meeting over to the next Commission Meeting. The motion was seconded by Commissioner Quincey and passed on a vote of 5-0.

Action Item: Approval of the Commission Meeting Minutes of November 13, 2007 to be tabled as an agenda item for the January 14, 2008 Commission Meeting.

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

Commissioner Ponce attended the New Leash On Life fundraiser event held on November 16. Commissioner Riordan attended the Stray Cat Alliance fund raising event on December 2. She also reported that she recently met with a group called Grief Haven to discuss establishing a community dealing with pet loss. Commissioners Riordan, Ponce, and Quincey all attended the West Valley Animal Care Center Grand Opening on November 29. Commissioners Khoro and Brown had nothing to report.

C. 2008 Commission Meetings Schedule

Commissioner Quincey motioned to approve the 2008 Commission Meetings Schedule. Commissioner Ponce seconded the motion on the contingent that the dates could be changed as needed. The motion was passed on a vote of 5-0.

3. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

A. Revised New Hope Policy and Procedure

Ms. Linda Barth, Assistant General Manager, reported that the Los Angeles Municipal Code (LAMC) includes a provision for the General Manager to reduce fees to 501 (c) 3 rescue organizations who sign a participant agreement (LAMC 53.11 (o)). The Department had revamped and improved such partnerships through the development of the New Hope Program in July 2006 with the goal to maximize the Department's and the rescue organizations' resources in their shared mission to save lives. New Hope Partners were given 24/7 access to Animal Care Centers to select animals on the New Hope Alert at no charge, including waived fees for spay/neuter surgery, microchipping, vaccinations, and additional medical treatment. The program has proven to be very successful, with more than 121 organizations signed on as New Hope Partners to date. However, the City Council and the CAO recently expressed concern in regards to the huge increase in the amount of waived fees incurred by the Department in the past year related to the New Hope Program. Further analysis has shown that New Hope Partners are at capacity and therefore, "fee-free" adoptions are not resulting in a significant increase in adoptions. As a result, the New Hope Ad Hoc Committee has recently revised the New Hope Policy and Procedure Manual, Partnership Agreement and Information Forms, and Reporting Requirements. The proposed revisions will result in an overall increase in revenue for the Department.

The Commissioners expressed concern with moving forward and taking action on the board report without

first receiving more input from other members of the public. The Commissioners agreed to continue the agenda item on the Special Commission Meeting scheduled for Monday, December 17, 2007.

Action Item: Approval of the Board Report on the Revised New Hope Policy and Procedure to return as an agenda item for the December 17, 2007 Special Commission Meeting.

B. Recommendations for the LAAS Volunteer Program Revision

The Department initiated several steps in 2006 to upgrade the volunteer program including the execution of a Professional Services Contract (C-111099) in December 2006 with a well-qualified consultant, Erica Meadows, to provide a review, identify weaknesses and recommend program improvements. Review and Analysis of Los Angeles Animal Services Volunteer Program, (Report) was submitted in July 2007. The Report provides both overarching findings and many specific suggestions. The Department worked closely with the consultant during preparation of the Report, and was able to incorporate some suggestions immediately with positive results. The Department recommended that the Board receive and file the Volunteer Program Report and direct Department staff to further implement findings of the Report.

Commissioner Riordan requested to have report listing the daily attendance of all the volunteers signed-in from the thirty days. Ms. Barth responded that Department's Logistics Database that tracks volunteer hours would be able to produce the documented information.

Action Item: Approval of the Board Report on the Recommendations for the LAAS Volunteer Program Revision to return as an agenda item for the December 17, 2007 Special Commission Meeting.

C. Classification of Feral Cats for Statistical Purposes

In June of 2005, the Board received information about supporting the concept of Trap-Neuter-Return (TNR) for feral cats. That is, the Department would prefer to advocate for catching and sterilizing of wild cats and then returning them to their home areas to prevent breeding. A major element in the reporting or study of TNR is statistics defining the feral cat situation and trends both by area and over time. Currently the Department does not have the type of statistics this effort requires.

The Animal Control Officers, medical staff, and Animal Care Technicians of the Department continue to follow the instruction of the Board prohibiting animal behavioral assessment. However, in conformance with state law, staff does make note in the Chameleon animal database observed behavior of animals in our care, including growling, food aggressiveness, fighting, hissing, biting, and other overt behaviors. In the case of cats that clearly demonstrate feral behavior, staff can make notes in Chameleon about behavior that is characteristic to feral cats. When a cat that has shown behavior indicating it is not socialized to humans is euthanized, modifiers such as "fractionous" or "behavior observed," may be noted. This passive approach fails to clearly identify all cats which may be feral, because some feral cats are released to rescuers or other caretakers; others may be euthanized for suffering, or die due to injury or sickness, and the modifiers in those cases would be "irremediably suffering," or "medical," without any capture of the feral nature of the cat.

Commissioner Riordan expressed concern that establishing a classification to identify feral cats could contribute to the existing belief that behavioral assessment will lead to early euthanasia. She advised that the

Department explore other options to measure the feral cat population.

D. Amend Los Angeles Municipal Code (LAMC)

At the meeting of July 23, 2007, staff presented to the Board recommendations on streamlining the process for annually reviewing and setting fees and charges, which are currently set forth explicitly in LAMC 53.00 et. seq. The recommendation, to amend the LAMC to delegate authority to the Board to set fees and charges relating to impound, adoption, or redemption, based on a cost recovery model and subject to review by the City Administrative Officer, was based on a fee-setting provision for the Fire Commission in the LAMC. The July 23, 2007, action, as amended in the Board meeting, also recommended giving the Board authority to waive fees for adoption promotional events, beyond the current restricted authority of the General Manager to waive fees for non-profit rescue partners and for special events three days per year. Worthy promotional efforts can also sometimes be delayed because every waiver also requires LAMC change by ordinance. The Budget and Finance Committee of the City Council considered the recommendations about fee setting and waivers for special events to eliminate the ordinance-requirement

Public Comments

Phyllis Daugherty: Felt there the Board Report was titled incorrectly because there was no reason to remove fees. Anytime the General Manager is going to be discounting or giving away public property, it is a violation of both state and federal law.

The Commissioners agreed to continue the agenda item on the Special Commission Meeting scheduled for Monday, December 17, 2007.

Action Item: Approval of the Board Report to Amend Los Angeles Municipal Code (LAMC) to return as an agenda item for the December 17, 2007 Special Commission Meeting.

Commissioner Brown left the Commission Meeting at 12:30 P.M.

4. DISCUSSION ITEMS

A. Fiscal Year 2008-09 Off Budget Funds Overview

Ms. Barth presented a listing of all off-budget funding sources, their balances, and projected expenditures for FY 2008-09, that do not appear in the Adopted Budget along with their allowable usages. There are five Off Budget Funds. The Animal Spay & Neuter Trust Fund 543 is used to provide pet sterilization service to residents of the City who meet eligibility requirements as established by the General Manager and approved by the City Council. The Veterinary Medical Trust Fund 841 receives minimal sterilization payment from public adopting an animal, and deposit of sterilization fee for animals which cannot be sterilized due to age or health. Upon proof of sterilization, deposit is refunded. Otherwise, forfeited deposits are reverted to the Animal Sterilization Fund if the animal is not sterilized within a given time period. Payment is issued to veterinary hospitals. The Animal Sterilization Trust Fund 842 is used to provide sterilization services to residents and to subsidize dog and cat sterilizations adopted from City animal shelters. The Animal Welfare Trust Fund 859 is used to augment established programs and activities of the Department, other than those

involving pet sterilizations. Finally, the Electronic Animal Identification Device Fund 41C is used to receive revenues and make expenditures in connection with the implantation of Electronic Animal Identification Devices by the Department or its authorized agent.

B. Summary of Final Fiscal Year 2008-09 Budget Submittal

In the current fiscal year, the Mayor and the Council approved a 5% efficiency cut for the Department's Budget. Although \$20 million was needed to pay all the Department's salaries, \$1 million was cut. The Department however, was able to survive the reduction because the Mission Valley Animal Care Center and the expanded Harbor Animal Care Center did not open. For next year's Budget, the Mayor has instructed the Department to somehow establish requested additional or expanded programs with the budget that the Department already has.

The City of Los Angeles has negotiated an agreement with the unions representing many of the Department's employees, which Council will soon approve, that will give a cost of living adjustment of a 2% increase as of past July, another 2% increase this upcoming January, and another 3% increase next July, for a net total of a 7% increase in salaries. Additionally the Mayor has also asked for an 8% efficiency cut in Department budgets. In order to meet the Mayor's request, the Department is proposing to execute one or a combination of the following scenarios:

- Not open one of the new animal care centers.
- Close one of the centers to the public and use it as a training facility and a center to hold evidence animals.
- Reduce the operation hours of the animal care centers.

Public Comments

Curt Steindler: Commented that the grimness of the Department's budget situation was worse than it actually seemed and suggested that the Department try to think of better scenarios to meet the 15% budget cut. Said he would work with the Neighborhood Councils to try and provide some relief for the Department.

5. PUBLIC COMMENT PERIOD

Phyllis Daugherty: Wondered why there had been no mention by the Department to seek ways to generate revenues. Felt the Department should focus on their Licensing Program and collecting fees from the Breeders Permits. The Department has never created citable language to enforce the new Animal Humane Care ordinance. The Department is still going to be performing free spay/neuter for feral cats and pit bulls. The Department needs to be more proactive in maintaining itself. Commented that she believed that Prop F did not allow the Department to close a shelter to hold strictly evidence animals.

Commissioner Khero left the Commission Meeting at 1:20 P.M.

6. FUTURE AGENDA ITEMS

Requests from Commissioners For Future Agenda Items:

- Commissioner Riordan wanted a report on the Foster Care Program.

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- Commissioner Riordan wanted a report on Pia Sulk and Humane LA.
- Commissioner Riordan requested a future agenda item on the humane treatment of horses.

7. ADJOURNMENT

Commissioner Riordan motioned to adjourn. The motion was seconded by Commissioner Ponce and passed on a vote of 3-0. The Commission Meeting was adjourned at 1:25 P.M.