



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Tuesday, February 14, 2012
10:00 A.M.

**Los Angeles City Hall
200 North Spring Street
Room 1060
Los Angeles, California 90012**

Melanie Ramsayer, President
Terri Macellaro, Vice-President
Tariq Khero
Kathleen Riordan
Vacant

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.

COMMISSION MEETING

1. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

A. Commission Rules of Decorum

B. Policy on Accepting Gifts (Continued from January 24, 2012)

Approve the Gift Acceptance Policy to accommodate a situation that may arise if fewer restricted gift opportunities (of \$5,000 or more) are available than donors who want to contribute.

C. Proposed Repeal of State Mandate on Animal Adoption ("Hayden Law")

That the Board adopt and transmit to the City Council a resolution supporting the position proposed by Councilmember Paul Koretz that the City formally oppose the proposed repeal of the "Mandate on Animal Adoption ("Hayden Law")

pending before the State Legislature as part of a larger effort to relieve local jurisdictions of so-called unfunded mandates.

2. 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.)

Public Comments: The Brown Act prohibits the Board and staff from responding to the speakers' comments. Some of the matters raised in public comment may appear on a future agenda.

3. COMMISSION BUSINESS

- A. Presentation of 30-Year Pin to Brenda Van Den Bosch.
- B. Commissioner Secunda's Statement at the January 24, 2012 Meeting.
- C. Approval of the Commission Meeting Minutes for January 10, 2012.

4. ORAL REPORT OF THE GENERAL MANAGER

5. DISCUSSION ITEMS

- A. The Board of Animal Services Commissioners will meet in closed session with the City Attorney as its legal counsel pursuant to Government Code section 54956.9(a) to discuss litigation involving Trap-Neuter-Return in case No. BS115483, The Urban Wildlands Group, Endangered Habitats League, Los Angeles Audubon Society et al vs. City of Los Angeles, et al.

The Board of Animal Services Commissioners will meet in closed session with the City Attorney as its legal counsel pursuant to Government Code section 54956.9(a) to discuss personnel issues.

6. ADDITIONAL GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

- A. Revised Report re: Proposed Amendments to Code sections pertaining to Spay/Neuter and Breeding Permits.

That the Board recommend to the City Council amendments to the Los Angeles Municipal Code as follows (see Section 2 for details): Amend the spay/neuter ordinance exemption procedure as it relates to breed registries, changing the definition of registries qualifying an animal for exemption; Amend the breed registry exemption procedure to include a provision specifying that a breed registered puppy with a puppy certificate issued by the Department may be exempted until it reaches eight months of age by a one-time-only renewal of the puppy certificate; Delete the exemption as it relates to an animal being trained

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for various purposes; Change the exemption procedure as it relates to obtaining a medical deferment, adding requirements and other details; Delete references in the Code to the Spay/Neuter Advisory Committee, which has completed its work and disbanded; Add a section to the spay/neuter Code requiring the sterilization under most circumstances of stray owned animals impounded by the Department; Amend the Code section on penalties to specify that penalties imposed by that section are not waivable if the non-compliant owner transfers or abandons the animal in question; Add a section requiring periodic updating and/or clarification of terminology, as necessary and appropriate; Amend the Code section on the Dog License Tax and Penalties to accommodate the procedure regarding breed registered puppies described in number 2 above; Add sections to the breeding permit Code requiring that animals permitted to breed be microchipped and setting forth additional requirements for and restrictions upon the issuance of breeding permits.

Additionally, instruct staff to: Update Standard Operating Procedures and ancillary documents to ensure that all staff has access to clear information on how to enforce the spay/neuter and breeding permit Code sections and process exemption requests fairly and accurately; Modify the Department's record-keeping to ensure that all categories of licenses and spay/neuter exemptions are tracked separately and that the licensing status of individual dogs can be readily ascertained; Undertake a review of all fees, fines and timing requirements associated with implementation and enforcement of the spay/neuter and breeding permit code sections to determine any necessary changes.

7. ADJOURNMENT

Next Commission Meeting is scheduled for 7:00 P.M. February 28, 2012, West Valley Animal Shelter, 20655 Plummer Street, Chatsworth, California 90012.

AGENDAS - The Board of Animal Services Commissioners (Board) meets regularly every second (2nd) and fourth (4th) Tuesday 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, MP-3 audio files of meetings 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. 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

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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 except in public comment which is limited to three (3) minutes. 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

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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.



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1. ADMINISTRATIVE APPEAL HEARING

- A. Barking Dog Revocation Case Number: BR 11393 EV
Appellant: Juan Pena
Complaining Witness: Melodie Knight
Field Operations Supervisor, East Valley Animal Care Center, Lt. Troy Boswell
Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst II

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ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
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(888) 452-7381
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BRENDA F. BARNETTE
General Manager

Report to the Board of Animal Services Commissioners

Brenda Barnette, General Manager

COMMISSION MEETING DATE: February 14, 2012 **PREPARED BY:** Brenda Barnette

REPORT DATE: February 9, 2012

TITLE: General Manager

SUBJECT: Commission Rules of Decorum

BOARD ACTION RECOMMENDED:

That the Board adopt Rules of Decorum substantially based upon those adopted by the Los Angeles City Council (as set forth below) and request that the City Attorney provide formal guidance regarding their implementation.

1. SUMMARY:

The Board of Animal Services Commissioners ("Board") has a duty to conduct business efficiently and effectively. We welcome the participation of the general public. Members of the public who attend the Board's meetings have an obligation to allow the meetings to run in an efficient and civil manner.

In satisfying the need for individuals to exercise their First Amendment rights at the Board's meetings we should not sacrifice the goal of handling the items of business on the agenda. These items represent the needs and interests of the Department and the animals and broad public who comprise its constituency.

The Board should put in place a set of rules which allow individual members of the public to speak before the Board in a manner that does not unduly interfere with, delay or disrupt the meetings, or offend the sensibilities of those participating or in attendance.

The Los Angeles City Council ("Council") in 2009 revised its Rules of Decorum ("Rules") to reflect the need to address circumstances created by occasionally disruptive or

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Subject: Rules of Decorum

abusive public speakers which set forth certain ground rules to provide the presiding officer and other City staff with tools to ensure proper decorum.

The Council's Rules address such utterances as personal, impertinent, unduly repetitive, slanderous or profane remarks, or loud, threatening, personal or abusive language. They also address activity that could disrupt or impede the orderly conduct of the Council's meetings.

The Department believes that adapting the Council's Rules of Decorum for use by the Board will provide the Board members and the public with increased expectations that meetings will proceed in an orderly and civil manner. Further, the City Attorney, who guided the Council in its adoption of the revised Rules, should provide guidance to the Board in the effective, proper and lawful implementation of its version of these Rules.

2. PROPOSED RULES OF DECORUM:**1. Rules of Decorum.**

During a meeting of the Los Angeles Board of Animal Services Commissioners, there is the need for civility and expedition in the carrying out of public business in order to ensure that the public has a full opportunity to be heard and that the Board has an opportunity for its deliberative process. While any meeting of the Board is in session, the following rules of decorum shall be observed:

- a. All remarks shall be addressed to the Board as a whole and not to any single member, unless in response to a question from a member.
- b. Persons addressing the Board shall not make personal, impertinent, unduly repetitive, slanderous or profane remarks to the Board, any member of the Board, staff or general public, nor utter loud, threatening, personal or abusive language, nor engage in any other disorderly conduct that disrupts, disturbs or otherwise impedes the orderly conduct of any Board meeting.
- c. No person in the audience at a Board meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Board meeting.
- d. Signs, placards, banners, or similar items shall not be permitted at any time in the Board's meeting room unless expressly permitted by the Presiding Officer.
- e. The Presiding Officer shall have the ability to determine time limits for public comment based on the need to move the meeting's agenda in a timely manner, and to adjust them as necessary.

Subject: Rules of Decorum

- f. The Presiding Officer of the Board, with the help of the Sergeant-at-Arms should one be present, shall be responsible for maintaining the order and decorum of meetings, as set forth more fully below.

2. Enforcement of Decorum.

At the discretion of the Presiding Officer or upon a majority vote of the Board, the Presiding Officer may order removed from the meeting room any person who fails to observe these rules of decorum, including committing any of the following acts of disruptive conduct in respect to a regular, adjourned regular or special meeting of the Board:

- a. Disorderly, contemptuous or insolent behavior toward the Board or any member thereof, tending to interrupt the due and orderly course of said meeting; and
- b. Personal, impertinent, unduly repetitive, slanderous or profane remarks to the Board, any member of the Board, staff or general public; and
- c. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting; and
- d. Disobedience of any lawful order of the Presiding Officer, which shall include an order to be seated or to refrain from addressing the Board; and
- e. Any other unlawful interference with the due and orderly course of said meeting.

Any person so removed shall be excluded from further attendance at the meeting from which he/she has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Board, and such exclusion shall be executed by the Sergeant-at-Arms (or other appropriate law enforcement officials) upon being so directed by the Presiding Officer. These enforcement provisions are in addition to the authority held by the Sergeant-at-Arms to maintain order pursuant to his or her lawful authority as a peace officer.

3. Penalties.

Any person who has been ordered removed from a meeting may be charged with a violation of Penal Code Section 403, or other appropriate Penal Code or Los Angeles Municipal Code sections. In addition, any person so removed on the basis of disruptive conduct described above may not be allowed to address the Board for up to a maximum of six (6) meeting days of the Board during which the Board has convened in regular session. The period of prohibition from addressing the Board will be determined by the Presiding Officer, or the Board

Subject: Rules of Decorum

upon a vote, based on the number and severity of prior incidents of disruptive conduct.

FISCAL IMPACT:

None.

Approved:

Brenda Barnette, General Manager

BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____

DRAFT

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BRENDA F. BARNETTE
GENERAL MANAGER

Report to the Board of Animal Services Commissioners

Brenda F. Barnette, General Manager

COMMISSION MEETING DATE: February 14, 2012

PREPARED BY: Brenda Barnette

REPORT DATE: February 9, 2012

TITLE: General Manager

SUBJECT: Revised Report re: Proposed Amendments to Code sections pertaining to Spay/Neuter and Breeding Permits.

BOARD ACTION RECOMMENDED:

That the Board recommend to the City Council amendments to the Los Angeles Municipal Code as follows (see Section 2 for details):

1. Amend the spay/neuter ordinance exemption procedure as it relates to breed registries, changing the definition of registries qualifying an animal for exemption.
2. Amend the breed registry exemption procedure to include a provision specifying that a breed registered puppy with a puppy certificate issued by the Department may be exempted until it reaches eight months of age by a one-time-only renewal of the puppy certificate.
3. Delete the exemption as it relates to an animal being trained for various purposes.
4. Change the exemption procedure as it relates to obtaining a medical deferment, adding requirements and other details.
5. Delete references in the Code to the Spay/Neuter Advisory Committee, which has completed its work and disbanded.
6. Add a section to the spay/neuter Code requiring the sterilization under most circumstances of stray owned animals impounded by the Department.
7. Amend the Code section on penalties to specify that penalties imposed by that section are not waivable if the non-compliant owner transfers or abandons the animal in question.
8. Add a section requiring periodic updating and/or clarification of terminology, as necessary and appropriate.

Subject: Revisions to the City's Spay/Neuter and Breeding Permit CodesPage 2

9. Amend the Code section on the Dog License Tax and Penalties to accommodate the procedure regarding breed registered puppies described in number 2 above.
10. Add sections to the breeding permit Code requiring that animals permitted to breed be microchipped and setting forth additional requirements for and restrictions upon the issuance of breeding permits.

Additionally, instruct staff to:

11. Update Standard Operating Procedures and ancillary documents to ensure that all staff has access to clear information on how to enforce the spay/neuter and breeding permit Code sections and process exemption requests fairly and accurately.
 12. Modify the Department's record-keeping to ensure that all categories of licenses and spay/neuter exemptions are tracked separately and that the licensing status of individual dogs can be readily ascertained.
 13. Undertake a review of all fees, fines and timing requirements associated with implementation and enforcement of the spay/neuter and breeding permit code sections to determine any necessary changes.
-

1. BACKGROUND:

Ordinance

In January 2008, the City Council approved a spay/neuter ordinance ("Ordinance") intended to require the majority of companion animals in Los Angeles to be sterilized. The ordinance became fully effective in October 2008. Public Service television and radio spots were created and distributed to stations (and movie theaters) to encourage public awareness of the ordinance and the Department's Animal Control Officers (ACOs) began enforcing the ordinance in the context of their day-to-day enforcement-related activities. On April 29, 2011, the Los Angeles Superior Court ruled in the City's favor against a legal challenge to the legality of the ordinance.

Advisory Committee

The Council's action mandated the creation of a Spay/Neuter Advisory Committee ("Committee"), whose March 2009 preliminary report and October 2009 final report set forth a number of useful strategies for enhancing the City's spay/neuter activities.

The Department has implemented a number of key concepts mentioned in the reports, including the creation of updated spay/neuter literature, updating of information on the Department's website, staff training on spay/neuter issues and programs, data-driven targeted spay/neuter outreach and service provision programs in high-need areas, increased emphasis on targeting subsidies to low-income pet owners, improved procedures for tracking D-300 temporary exemptions from spay/neuter for animals adopted from shelters, partnerships with

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private sector entities to expand spay/neuter services in the city and to provide additional resources to subsidize spay/neuter surgeries.

Another key Committee recommendation was to explore possible amendments to the Ordinance in order to address issues that have arisen relative to its implementation and enforcement. Because the City's existing breeding permit is an important adjunct to intact licenses in this context, the Committee also recommended amendments to the Code section that established it.

Exemptions

Since the ordinance became effective in October 2008 the Department has monitored the data associated with implementation of the Ordinance, such as numbers of citations, exemptions and breeding permits issued relating to the ordinance. The data (see chart below) suggests that the provisions allowing animals to be exempted from the spay/neuter requirement by virtue of owners purchasing an intact license and a breeding permit constitute the most popular route to obtaining an exemption. (Other means of obtaining exemptions were employed but have not proven to be as popular or, for that matter, necessary.) However, one would expect a more direct correlation between the number of intact licenses and the number of breeding permits purchased annually than appears to exist.

Chart 1

| | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 (thru 11/22) |
|--|---------|---------|---------|---------|---------|-------------------|
| Altered licenses | 104,293 | 102,452 | 106,728 | 106,642 | 105,259 | 103,720 |
| Intact licenses | 11,584 | 10,143 | 8,359 | 5,174 | 3,626 | 2,215 |
| Working dog licenses (can be altered or intact) | 545 | 509 | 430 | 204 | 282 | 289 |
| Breeding permits | 288 | 571 | 835 | 949 | 1,475 | 717 |
| Medical exemptions | | | 17 | 75 | 94 | 87 |
| Citations | | | 12 | 483 | 376 | 245 |

The noteworthy increase in the issuance of breeding permits through 2010 roughly coincides with implementation of the Ordinance (enforcement began on October 1, 2008). The requirement for the intact license paired with a breeding permit was included in the ordinance to "raise the bar" for allowing owners to obtain exempt status for their dogs without meeting any of the ordinance's other exemption criteria. However, the number of breeding permits plus other types of exemptions (specifically medical plus working dogs) doesn't approximate the number of intact licenses issued.

According to the Committee report, through September 2009, after roughly one year of Ordinance implementation, the Department's records showed that 81% of all exemptions granted were the result of dog owners obtaining breeding permits in addition to intact licenses. Based on Chart 1 above, it appears that documented exemptions (including breeding permits)

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account for a minority of intact licenses issued, suggesting that there could be both implementation and record-keeping issues that should be addressed going forward.

Since the provision was first proposed, various observers have expressed concern that allowing intact licenses to be issued in conjunction with breeding permits was creating an unintended monetary incentive for owners of intact dogs to breed them when they otherwise might not have intended to do so. No conclusive evidence supporting or refuting this concern has yet been gathered. However, the Superior Court, in its 2011 consideration of the legality of the ordinance, several times mentioned the importance of this provision in making the Ordinance legally defensible. Independently, the Committee concluded that this provision should be retained provided that several aforementioned amendments to the breeding permit Code section were undertaken.

The relatively small number of other exemptions and working dog licenses issued since 2008 suggests that health issues, show status, service status and registration status are thus far not having a major impact on the total number of animals being exempted. But questions have been raised (based on a relatively small number of problem cases) over the Department's ability to consistently apply these criteria, and under what circumstances.

Of additional concern is the likelihood that these numbers reflect the ongoing challenges in "penetrating the market" relative to enforcing the City's dog licensing requirements as well as the provisions of the spay/neuter ordinance. Steps already have been taken to improve the licensing procedures (such as the recently approved "omnibus licensing ordinance") and better market dog licenses. Heightened awareness of licensing should, as a matter of course, heighten awareness of the spay/neuter ordinance.

2. RECOMMENDATIONS

A. Amendments to the Spay/Neuter Code [LAMC 53.15.2(b)]

1. Amend LAMC Section 53.15.2(b)A. substantially as follows:

"The dog or cat is a breed approved by and is registered with a national or international breed registry with registration guidelines as outlined below, the animal is actively used to show or compete and has competed in at least one show or sporting competition hosted or staged by, or under the approval of, a national association. The owner shall provide verified proof of competition to the Department with each application for a new or renewal license by a method agreed to by, and to the satisfaction of, the General Manager.

"At a minimum, the breed registry must require identification of the breed, date of birth, names of registered sire and dam, the name of breeder, and record-keeping relating to breeding, transfer of ownership and death."

Comments: The existing exemption, which allows breed and show registries to apply for recognition by the Department and the Board as acceptable for the purpose, has not been an effective or widely used procedure. Many of the registries themselves lack qualifying guidelines or standards, and do not actually require dogs to be intact as a requirement of

Subject: Revisions to the City's Spay/Neuter and Breeding Permit Codes

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being registered. Being intact is a requirement only for certain types of competitions and those circumstances merit consideration for exemptions only as long as the animal is actively competing.

In order to ensure that an animal is actively competing, the Department is proposing that only national registries with rigorous record-keeping requirements be deemed acceptable. Additionally, owners of animals exempted under this section should be required to provide verified proof of competition or have the exemption revoked. This verification should be provided on paper, by facsimile or electronically, based on procedures to be determined by the General Manager.

2. Amend LAMC Section 53.15.2(b)A. to add language substantially as follows:

"Any puppy for which a puppy certificate has been obtained pursuant to Section 53.15(g) and which meets the requirements for breed registry specified herein may be exempted from compliance with other provisions of this Section until it reaches the age of eight months provided a one-time-only renewal of the puppy certificate has been obtained from the Department."

Comments: Many owners of breed registered puppies don't decide on the career path for their dogs relative to competition and breeding until after the animal reaches the four-month threshold at which the Code requires them to be sterilized. This provision provides a means for the Department to bring these dogs into the licensing system while providing the owner extra time to determine whether the animal must be sterilized.

3. Delete LAMC Section 53.15.2(b)B. (other types of exemptions based on registries and training)

Comments: Similar to #1, the existing approach has resulted in few exemptions and raised questions about the qualifying guidelines or standards for the registries. Additionally, the provision requires that an exempted animal have been trained or be in training for any one of several activities, and there are no accepted professional standards or licensing procedures for animal training that can be used to validate an exemption request.

4. Amend LAMC Section 53.15.2 (b)(2)E. substantially as follows:

"The owner of the dog or cat provides a letter to the Department from a licensed veterinarian certifying that the animal's health would be best served by spaying or neutering after a specified date; or that due to age, poor health, or illness it is unsafe to spay or neuter the animal; or that arrangements have been made to spay or neuter the dog or cat within 60 days after the compliance deadline and the dog or cat is spayed or neutered within that 60-day period. If the animal has not been spayed or neutered by the specified date and is not recommended for a lifetime exemption by the veterinarian for reasons of old age or permanent infirmity, the owner must obtain a new letter in full compliance with this provision. This letter shall include the veterinarian's license number, the date by which the animal may be safely spayed or neutered, and be updated periodically as necessary. The letter must also include evidence of applicable medical diagnostics to justify the exemption. In addition, if the letter from the licensed veterinarian certifies that arrangements have been

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made to spay or neuter the dog within 60 days from the date the dog reaches the age of four months, and the dog is spayed or neutered within that 60-day period, the owner shall qualify for the lower license fee and license tax for an altered dog. It shall be the owner's responsibility to comply with the spay/neuter provisions of this chapter, including paying the license fee and license tax."

Comments: Since the ordinance became law, it has become evident that there need to be standards applied to health exemption letters from veterinarians so that the Department can be sure that health considerations continue to be relevant. Requiring that the health exemption be renewed either when the requested delay period ends without the animal having been sterilized will provide a means of doing so. Additionally, requiring diagnostic justification will bolster the credibility of the medical exemption. The Department should develop procedures as necessary to ensure that the requirements are complied with.

5. Amend LAMC Section 53.15.2 to delete Section (b)(8) pertaining to the Spay/Neuter Advisory Committee.

Comments: The Spay/Neuter Advisory Committee established by the original Ordinance completed its work on October 31, 2009, and disbanded at that time. A number of its recommendations are reflected in this report. The continued presence of language mandating its existence is therefore unnecessary.

6. Amend LAMC Section 53.15.2 to add a new Subsection (b)(8) substantially as follows:

"An unaltered dog or cat found running at large and impounded as a lost or stray animal shall be required to be spayed or neutered before being redeemed by its owner or custodian. The owner or custodian shall have the option of having the procedure accomplished by the Department in accordance with its accepted procedures, or having it accomplished by a private veterinarian of the owner's choice with notification of completion of the procedure being provided to the Department within 7 days.

"In cases where the Department directly undertakes the procedure, the current specified cost set by the Department for the procedure shall be charged to the owner or custodian as part of the redemption process. However, if the animal is licensed and is being impounded for the first time, it may be redeemed by its owner or custodian without being spayed or neutered provided that all other applicable provisions of this section, including the animal qualifying for an exemption or the owner having a valid current breeding permit, are complied with. If these provisions are not previously complied with but the owner corrects the defects and pays a fine of \$250, the owner also may redeem the animal without it being spayed or neutered. These provisions shall apply to any animal meeting the requirements described herein notwithstanding any prior exempted status with the exception of animals meeting the provisions of Section 53.15.2 (b) E. regarding medical exemptions.

"The owner or custodian of the unaltered animal shall be responsible for the established costs of impoundment, which may include daily boarding costs, vaccination, medication, and any other diagnostic or therapeutic applications as required. The owner or custodian shall comply with any additional impoundment procedures. Any fee that may be imposed shall be

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applicable to an owner or custodian who surrenders or fails to redeem an animal that is subject to this section if the owner or custodian fails to otherwise comply with applicable provisions of the Code.

"All or part of fees specifically associated with the impoundment may be waived at the Department's discretion if the owner consents to have the animal sterilized prior to or in conjunction with redemption. Any animal impounded for a second time under this provision must be sterilized prior to redemption, with no fees to be waived."

Comments: This provision is intended to combat irresponsible pet ownership by reducing the number of instances wherein an unaltered animal is found at large, subjected to impoundment and returned to its owner only to have the circumstances repeated at a later date. A remedy similar to this proposal was originally a part of proposed state legislation in 2009.

7. Amend Section 53.15.2(b)(7) to add language substantially as follows:

"The penalties provided shall not be waived by the Department upon the transfer or abandonment of the dog or cat by the non-compliant owner. All penalties shall be imposed in addition to any other applicable civil or criminal penalties"

Comments: This provision, recommended by the Spay/Neuter Advisory Committee, is intended to prevent an irresponsible pet owner from walking away from his or her compliance obligations without being held accountable and to clarify the difference between administrative fees and penalties imposed upon violators.

8. Amend LAMC Section 53.15.2 to add a new Subsection (b)(9) substantially as follows:

"The Department, through its Board, shall from time to time clarify and publish definitions of terms in this subsection, including, but not limited to: "registry," "recognized national association," "actively used to show or compete" and so forth.

B. Amendments to the Dog License Tax - Penalties Code [LAMC 53.15(g)]**1. Amend LAMC Section 53.15(g) substantially as follows:**

"Puppy certificate. For a dog under the age of four months old, the Department shall, in addition to any other fees charged at the time the dog is adopted by the Department, charge an amount equal to the annual license tax and fee for a spayed or neutered dog and issue a puppy certificate for such dog. The puppy certificate shall expire when the dog is four months old. Within 45 days of the expiration date of the certificate, if the Department is provided with satisfactory evidence that the dog has been sterilized and has received an anti-rabies vaccination, the owner shall be provided with a valid license at no extra charge. The one year license shall expire on the expiration date of the anti-rabies vaccination. Any person adopting or purchasing a dog from any other source may also purchase a puppy certificate from the Department or from any person or organization authorized by the Department to issue a puppy certificate.

"A puppy certificate may be renewed once for a period of four additional months pursuant to the provisions of Section 53.15.2(b)A."

Comments: This complements recommendation 2.A.2 above which establishes a "grace period of four months for breed registered puppies for which puppy certificates have been obtained.

C. Amendments to the Breeding Permit Code [LAMC 53.15.2(c)]**1. Amend LAMC Section 53.15.2 (c) 4. to add a provision H. substantially as follows:**

"Any breeding permit holder shall implant each offspring born to a permitted animal with an animal identification device identifying the breeder and owner of the animal. Upon transfer of ownership of the animal, the identity of the breeder should remain listed along with the identity of the new owner."

2. Amend LAMC Section 53.15.2 (c) 4. to add a provision I. substantially as follows:

"Any breeding permit holder shall comply with all applicable local, state and federal requirements for humane standards of operation, maintenance and housing of animals and shall be subject to inspection by the Los Angeles Department of Animal Services at its sole discretion."

3. Amend LAMC Section 53.15.2 (c) 4. to add a provision J. substantially as follows:

"A breeding permit shall be denied to any person or commercial establishment convicted of, or otherwise penalized for, animal neglect, abuse or cruelty, or of failure to obtain appropriate licenses or permits for the animal for which the breeding permit is being sought"

Comments: LAMC Section 53.15.2 (c) establishes the City's breeding permit, a key element of the majority of ordinance exemptions granted since October 2008. The Committee's recommendations set forth a series of proposed amendments to the breeding

permit requirements to make more rigorous the requirements for obtaining such a permit, and placing breeding permit applicants on clearer notice of what would be expected of them whether or not they chose to breed an unaltered animal. These include requirements to encourage and motivate responsible breeding and deny breeding rights to owners unwilling or unable to treat animals humanely and/or prevent unplanned reproduction. The Committee's recommendation regarding increasing the price of a breeding permit is based on the \$120 permit fee that existed at the time the Committee issued its report. The City Council has subsequently raised the fee to \$235. Further increases to this fee, as well as the Committee's recommendations to increase various fines associated with violations, should be considered for possible implementation either separately or in the context of the review of fees and charges normally undertaken as part of the preparation of the Department's annual budget.

Processing of Exemption Requests

The Department should ensure that all staff involved with licensing adheres to rigorous and consistent standards in evaluating exemption requests involving any criteria that may remain should the Board and the City Council accept the Department's recommendations contained herein. If necessary, the Department's Standard Operating Procedures for this process should be adjusted in pursuit of that goal, and the Department will ensure that a summary of exemptions, including these standards, will be readily available to all staff involved in dealing with exemption requests.

Standards should include:

- A. The pet must be present at time exemption is granted and microchip must be verified.
 - Animal should first be checked for an existing microchip
 - Microchip must be current and linked to requestor and breeder before exemption is given
 - If pet has no microchip, exemption cannot be granted until pet receives a microchip
- B. If the animal is from a shelter or rescue group, the pet *must* be spayed or neutered per the Food and Ag Code 30503 & 31751.
- C. A medical exemption is not open-ended unless specified and verified in the initial veterinarian's letter, and is valid only if:
 - In circumstances when an animal has been fostered, the medical exemption is provided to the Department by a 501(c)3 rescue partner, *not* from a foster parent care provider.
 - The medical exemption is well documented; a single, unsupported letter from a veterinarian should not be considered sufficient justification. There must be:
 - 1. Proof of applicable diagnostics to justify the exemption
 - 2. Information on how long the exemption period should last and a date provided for follow-up with the requestor
 - The full procedure must be repeated with new documentation if an owner seeks to extend the medical exemption beyond the initial specified time period.

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Record-Keeping

Preparation of this report has revealed that the Department currently does not break out each category of working dog permits and ordinance exemptions in its data base. This hinders the ability to gain a full understanding of how the ordinance is functioning, including both its strengths and weaknesses. Going forward, the Department should track all categories of working dog permits and spay/neuter exemptions granted as separate items in the data base.

FISCAL IMPACT:

These amendments have no specific impact on the General Fund per se. Compliance with the spay/neuter and breeding permit ordinances typically is overseen by existing shelter, field and administrative staff and these amendments are not intended to require additional staff or resources for implementation. Improved compliance with the spay/neuter requirements is expected to have a generally beneficial impact on Departmental finances over the mid- and long-term.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

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