

MEETING SUMMARY FOR THE COMMISSON MEETING OF APRIL 8, 2014

(Audio MP-3 Recording of the Meeting Available
On the Commission's Website)



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

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



DAVID ZAFT
President

ALANA YANEZ
Vice-President

JENNIFER BRENT
LARRY GROSS
ROGER WOLFSON

Commissioners, Zaft, Yanez, Brent, Gross and Wolfson were in attendance.

I. REGULAR COMMISSION MEETING

- 1. 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.)

Phyllis Daugherty: Spoke on licensing. Eight on license canvassing, costing \$24,000 per month. This is not cost effective.

Dan Guss: Spoke on backyard breeders. Complained about no response to complaints against breeders. Believes General Manager does not want to enforce breeder laws.

Jennifer Charnofsky: Rescues dogs and cats. Believes in education of spay and neuter laws in three languages: English, Spanish and Korean. Also stressed community meetings and low-cost spay and neuter.

Su Roos: Believes we are losing the battle. Believes educating the public that spay and neuter and breeding permits exist. Also wants uniform enforcement.

Yvette Burke: Stressed that shelters are being overrun by “bottle babies.” Rescue organizations do not have million dollar budgets, yet they pay the fees for rescues.

Jasmin Gabay: Commented that she rescued her dog. Does not understand why breeders are allowed. People’s eyes must be opened to the problem. She said that breeders should have to volunteer at the shelter.

Carole Davis: Handed out a report on non-compliance to Commissioners. She reported that her investigation found that pet stores were not complying with the mill-bred animal law. Must crack down on breeders and internet sales.

Irene Soriano: Commented on the transport of animals from local shelters to other areas. Transport of animals means that destination shelters will end up killing senior and at-risk animals

Kendall Wapner: Becoming monsters. Wants to know how we are going to solve the problem.

Grace Lan: Spoke on rabbits. Communication with the General Manager is not going well. Distributed pictures of rabbits and asked why the rabbits are still with the breeders.

Beverly Bernwald: If there is no human element at the shelter, we are missing the point.

Marc Peralta: Said that their destination shelters (Oregon Humane and Greenville Humane Society) have a 90% live-save rate and that their selection of animals is representative of all shelters. He issued invitation to commissioners to visit the Northeast Valley shelter anytime.

Teri Austin: Spoke on “Woofstat” report. Also mentioned lack of enforcement. Decried the loss of \$400,000 in spay and neuter funding from budget.

Laurel Kinder: Word on the street is that if an unaltered dog is impounded, it can be released if the owner says that he/she lives outside the City. Any dog that is impounded should not be released without being altered.

Natacha David: As an active rescue person, she believes the loss of animal lives could be avoided by more proactive action.

Michelle Lawrence: Rabbits are not thought of as companion pets. Gestation period for rabbits is one-half that of cats. If we can control the breeding of rabbits the population can be controlled. Also rabbits require additional space. Wants rabbit breeders to be licensed.

Lejla Hadzimuratanic: Supports the enforcement of protection of rabbits. The rules must change to include rabbits, and staff must have know-how to save rabbits.

Mary Catalano: Bumper stickers should be in Spanish as well as English and emphasize spay and neuter. If citations were allowed officers could cite unaltered dogs they observe.

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.

2. COMMISSION BUSINESS

A. Approval of the Minutes for the Meetings of February 25, 2014

Commissioner Gross made a motion to approve the minutes with the appropriate changes. The motion was seconded by Commissioner Wolfson. The motion was approved by the Commissioners present by a 5-0 vote.

3. DISCUSSION ITEMS

A. Discussion Item: Biodegradable Dog Waste Bags

Commissioner Wolfson explained the purpose of the biodegradable dog waste bags. Commissioner Wolfson explained that he was looking for ways to assist dog owners and at the same time help the environment. Assistant City Attorney Dov Lesel suggested that a Board report be prepared regarding the subject as the support of disposable bags may interfere with the City's ordinance regarding use of plastic bags.

Public Comment:

Mary Catalano: Why are you discussing "poop" bags when you can't enforce spay and neuter laws? She suggested that dog owners use newspapers which are also biodegradable and never use plastic bags.

Yvette Burke: Explained the make-up of biodegradable plastic bags. She also reported that even these bags take hundreds of years to break down.

The Commission agreed to bring this issue back as a Board report at a future meeting after additional research.

4. BOARD REPORTS

A. Board Report: Changes to Barking Dog Noise Requirement (LAMC 53.63)

A. Board Report: Changes to Barking Dog Noise Requirements (LAMC 53.63)

Assistant General Manager John Chavez presented the Board report and the reasons behind the recommended changes to LAMC 53.63. He indicated the current ordinance is difficult to enforce with the requirement that an animal bark continuously for 10 minutes or be intermittently audible for 30 minutes within a three-hour period. In addition the proposed ordinance will change a typo in the current ordinance that would require a second complaint 15 days *after* the initial complaint, not *within* 15 days of the original complaint. Commissioner Zaft read LAMC 53.63 into the record including the current time requirements. Board Secretary Ross Pool, who also supervises the Administrative Hearing Section, outlined the hearing process. He called attention to the recent appeal of a barking dog hearing where the timeframe was the basis for the appeal. The revised ordinance will clarify the basis for barking dog complaints. Commissioner Brent questioned the ordinance change. Commissioner Gross recommended that the barking dog procedure be agendized for a future meeting, especially those out in the community. Commissioner Gross believes this will give the public a change to provide public input on the subject.

Public Comment

Phyllis Daugherty: Barking dog complaints may indicate that something is wrong with the animal; could be a possible humane violation. Ideally suited to ACE program. Fine should be less than \$100.

Carole Davis: Agreed with comments by Commissioner Brent. Also believes spay and neuter programs will help the problem.

Mary Catalano: Asked that when officers visit a residence in response to a barking dog complaint, do they check the dog to see if it has been spayed or neutered.

Laurel Kinder; She commented that residents often use barking dog complaints as one part of an ongoing neighborhood dispute. Believes ordinance should only be invoked at night time.

Brenda Lynn Foster: Commented that she agreed with Commissioner Gross that this item should be agendized for public input. She also believes that a barking dog may be a dog in distress.

Anne Hager: Keep dogs inside at night; there is a difference between dogs in home vs. apartments.

Commissioner Gross made a motion to accept the Board report to update the barking dog noise requirement. The motion was seconded by Commissioner Zaft. The motion was approved by a vote of 4-1 with Commissioner Brent opposing.

Note: The Commission took a five-minute recess. The meeting resumed at 12:17 P.M., with all Commissioners present.

B. Board Report: Request for Proposal (RFP) for Animal Management Software

Assistant General Manager John Chavez presented the Board report describing the purpose of the program. He explained that the current system was 14 years old and, given the ongoing changes in technology, it made sense to determine if a more effective/efficient system is available. The RFP is merely a proposal to seek out what new programs are available in the marketplace. Mr. Chavez outlined the meeting of September 11, 2012, the last time the animal management software RFP item was on the agenda. He explained the hang-up then in getting this RFP approved was related to the make-up of the RFP review panel. He said the Department wanted a panel comprised of internal and external staff, with most coming from the Department. Some Board members, in this 2012 meeting, questioned the make-up of the review panel, the number of panelists, and preferred more outsiders. The Board did not approve the release of the RFP in 2012. Commissioner Gross clarified that the Board did take action at the time and voted 4-0 to approve a panel consisting of a mix of outside and Department reviewers as reflected in the minutes for the September 11, 2012 meeting.

At this meeting, General Manager Brenda Barnette indicated that each departmental user group – field, shelter, medical, administrative, systems -- would have a representative on the panel. Panelists would also include the Information Technology Agency (ITA) and another external expert. She also reported that ITA suggested that an “off-the-shelf” program be procured rather than developing a customized, in-house system. Commissioner Brent suggested that having an outside component would likely be fairer. Assistant City Attorney Dov Lesel made it clear that the September 2012 Commission motion is still in effect and in order for a different review panel to be put into place, the Department would have to bring a recommendation to the Commission.

Public Comment

Carole Davis: Explained there was no need for a new system as upgrades were available to the current system.

Phyllis Daugherty: Supported Ms. Davis. Believes the Department does not have a clear vision of what they want. Also believes the current Chameleon system is state of the art.

Teri Austin: She has issues with the issuance of past RFPs and how they were done. Would like to see a list of who receives the RFP.

Periel Stanfield: Asked why Chameleon has not been upgraded, as software companies usually regularly update their programs

Commissioner Zaft made a motion to approve the Board Report recommending that the RFP be released, but bring the issue of the panel's make-up to the Board at a future meeting. Commissioner Gross seconded the motion. The motion was approved by a vote of 5-0 of the Commissioners present.

5. ORAL REPORT OF THE GENERAL MANAGER

The General Manager Brenda Barnette commented on the following items:

- Mill-bred animals ban
 - Number of complaints and how handled (copies of complaints and notices to comply)
 - Summary of actions taken by the Permits Section to enforce 53.73 LAMC (attached)
 - Copy of Notices to Comply issued by Permits Section
 - Letter sent to Puppy and Me to cease and desist activity in violation of 53.73 LAMC
 - Letter sent to all permitted pet stores requiring that they provide info on who animals were obtained from and to whom they were sold (attached)
 - Explanation of why it took a few months for the ordinance to be in full effect.
 - Motion to ban mill-bred animals from pet stores was introduced in May 2011
 - Council adopted the ban on October 31, 2012.
 - It went into effect on December 17, 2012, with a six-month period for pet shops to comply (June 17, 2013).
 - First letter to pet stores, dated June 18, 2013
 - Second letter sent on June 27, 2013
 - However, during this time, Council also directed the City Attorney to work with Animal Services and change the definition of pet stores/kennel.
 - Why? Would-be pet stores selling shelter animals in retail spaces would be required to get a kennel permit. But, obtaining a kennel permit in an area zoned commercial/retail would require going through an expensive Conditional Use Permit process.
 - The solution: Change the definition of pet stores and kennels. The City Attorney worked with City Planning and the Planning and Land Use Management (PLUM) Committee to develop the definition.
 - Council approved the definitions on December 3, 2013 (Ordinance 182816) became effective on January 19, 2014.
 - Third letter sent to pet stores on January 27, 2014

- On Tuesday, April 1, 2014, the Personnel and Animal Welfare Committee approved the proposed ordinance banning several inhumane traps. This draft ordinance also allows the Department to issue rules/regulations relative to making acceptable traps, like box/cage/culvert traps, more humane. Some of these rules/regulations include outlawing poisonous bait, more frequent inspections of traps, and where a trap can/cannot be placed, among others. This draft ordinance will now be heard in City Council on April 9, 2014.
- On a related note, the General Manager met with Citizens for Los Angeles Wildlife (CLAW) last week. They discussed various ideas, one of which was to have residents in rustic areas, like Laurel Canyon, be trained and permitted as wildlife rehabbers.
- New Hope (NH) Update: (1) the new NH policies/procedures are now effective which, among other things, means that there are no pull fees for Red- and Blue-listed animals that are rescued by NH partners; and (2) the effect of the ASPCA grant (that covers NH pull fees) will extend at least through 2014. It was designed to encourage private nonprofits to pull dogs from City shelters. If Animal Services sees an increase in the numbers of pets pulled, it may be able to reapply and get this grant extended. Most funders want to see results and this one is dependent on the New Hope partners themselves.
- The PAW Committee will be reviewing the proposed ordinance banning bull hooks on April 8, 2014, 3:00pm.
- The ASPCA is expected to begin its spay/neuter clinic in the South Los Angeles (Chesterfield Square) shelter on April 15. As such, there are several last-minute facilities issues (such as new locks, parking) and final contract terms that are being worked on now.
- The Mayor will be having his State of the City address on April 10. The General Manager plans on attending. The Department is hoping to get a preview of his proposed budget, which is due on April 20. Since that is a Sunday, the public can expect to see his proposed 2014-15 budget the following day.
- A Request for Qualifications for an elephant veterinarian will be released this week. This RFQ will seek qualified vets to check on the health of circus animals, especially elephants being brought in by Ringling Bros. in early July 2014.
- The General Services Department (GSD) will be starting the dog and cat habitat construction at the East Valley shelter. This modification will take out underutilized space in the center of the shelter, and provide habitats to showcase our animals and spur adoptions. Construction is currently projected to take about six months to complete.

- The General Manager received emails relating to a particular incident where rabbits were seemingly held in poor living conditions. It was the same location that the Department has been working on over the last several months in Van Nuys. Reported numbers ranged as high as 170 rabbits. An ACO spoke with the resident/rabbit owners who stated that he gave his 57 rabbits to the rescues due to his cancer and inability to care for them. The owner said his partner still has 57 rabbits. These emails triggered conversations about using the Animal Sterilization Fund to spay/neuter rabbits, even though the Fund has ever only been used for dogs/cats. The latter issue will be addressed at a future Board of Animal Services Commissioners meeting.
- Vouchers:
 - History of the vouchers: The focus has always been dog/cat sterilization only.
 - In 1972, Veterinary Medical Trust Fund was created to be in compliance with the Food and Agricultural Code, which mandates that adopters have to place a s/n deposit. Upon proof of sterilization, this deposit was then refunded to the adopter (This occurred 99% of the time; rarely did this money go to a private vet.)
 - In 1977, the Animal Sterilization Fund was established to account for donations and pay for sterilization services.
 - The next major change occurred in 1991. At this time, LAAS stopped operating its own s/n clinics, which benefited both shelter animals and public animals. In response to this operational change, LAAS started the adoption s/n program. We entered into LOAs with private vets to perform sterilization surgeries on shelter animals only.
 - In 1991, LAAS started the \$20 “free vouchers” which allowed the public to obtain these vouchers and take them to private vets. This \$20 would offset (but not completely pay for) the cost of sterilization surgeries for the public.
 - In 1992, we started taking \$2 from every dog license to fund the Animal Spay and Neuter Trust Fund. This Trust Fund was created to account for this \$2 fee and pay for the cost of sterilization surgery that exceeded the deposit amount. (For example, if the adopter paid a deposit of \$28, but the surgery cost \$40, then the Fund paid for the difference: \$12.)
 - In 1999, the General Fund began subsidizing the Animal Sterilization Fund. In prior years, this subsidy was \$1.1 million; this year, it is \$710,000.
 - In 2010, two funds (Veterinary Medical Trust Fund and Animal Spay and Neuter Trust Fund) were consolidated into one Fund: the Animal Sterilization Fund.
- Who can get them and why
 - In the past, these Funds offered free pet sterilization to eligible seniors and disabled residents; and eligible residents in low-income

areas. Funds were also available to provide discounted sterilization services to the general public.

- These funds were also used to reimburse veterinarians to sterilize shelter animals.
- Today, the Animal Sterilization Fund pays for the following:
 - \$70 certificates for low-income/senior citizens/disabled residents. This covers the entire cost of the surgery (maximum three dogs, three cats)
 - \$30 discount coupons to reduce the cost of spay/neuter surgeries for the general public (maximum three dogs, three cats).
 - Reimbursements to private veterinarians who perform surgeries for shelter animals.
 - Reimbursements to two private contractors providing s/n surgeries at three locations (with a soon-to-be opened s/n clinic in SLA)
 - Mobile spay/neuter services (Amanda Foundation)

Public Comment

Phyllis Daugherty: Thinks we should promote the next meeting more as it is at the South Los Angeles (Chesterfield Square) shelter.

Teri Austin: Ask the Mayor's office for more money for the Animal Sterilization Fund to continue.

Commission availability for the Meeting of April 22, 2014.

6. ADJOURNMENT

Commissioner Yanez made a motion to adjourn the meeting. Commissioner Brent seconded the motion and it was approved on a vote of 4-0 by all Commissioners present.