



BOARD OF ANIMAL SERVICES COMMISSIONERS  
CITY OF LOS ANGELES  
Tuesday, January 12, 2009  
10:00 A.M.  
**Los Angeles City Hall**  
**200 North Spring Street**  
**Room 1060**  
**Los Angeles, California 90012**

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Tariq Khoro, President  
Kathleen Riordan, Vice-President  
Irene Ponce  
Melanie Ramsayer  
Ruthanne Secunda

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. COMMISSION BUSINESS**

- A. Election of Commission Officers for 2010
- B. Approval of the Commission Meeting Minutes for December 8, 2009
- C. Oral Report by the Commissioners on Meetings and Events attended.

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

- A. Renewal of Memorandum of Understanding with the City of Beverly Hills for Animal Care and Control Services

That the Board request that the Mayor, and subsequently the City Council, approve renewal forthwith of the Memorandum of Understanding (MOU) with the City of

Beverly Hills for animal care (sheltering) and control (enforcement) services for the second and third years, effective February 1, 2010, through January 31, 2012, to avoid service interruption.

### **3. CLOSED SESSION**

- 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.

### **4. DISCUSSION ITEMS**

None

### **5. ORAL REPORT OF THE GENERAL MANAGER**

- 6. 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.**

### **7. FUTURE AGENDA ITEMS**

Requests from Commissioners for future Agenda Items.

### **8. ADJOURNMENT**

Next Commission Meeting is scheduled for 10:00 A.M., January 26, 2010 Los Angeles City Hall, Room 1060, 200 North Spring Street, Los Angeles, California 90012.

**AGENDAS** - The Board of Animal Services Commissioners (Board) meets regularly every second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) 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, 5<sup>th</sup> Floor, Los Angeles, CA 90012. Board Agendas may also be viewed on the 2<sup>nd</sup> 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>

Please join us at our website: [www.LAAnimalservices.com](http://www.LAAnimalservices.com)

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 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 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.



**BOARD OF ANIMAL SERVICES COMMISSIONERS**

**CITY OF LOS ANGELES**

**Monday, Tuesday January 12, 2010**

**10:00 A.M.**

**LOS ANGELES CITY HALL**

**200 N. Spring St.**

**Room 1060**

**Los Angeles, CA 90012**

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**Tariq Khero, President**

**Kathleen Riordan, Vice-President**

**Irene Ponce**

**Melanie Ramsayer**

**Ruthanne Secunda**

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**1. ADMINISTRATIVE APPEAL HEARINGS**

**A. Dangerous Animal Case Number: DA 09340 WL**

**Appellant: Richard Medina and Nicole Renaud**

**Complaining Witness: Tina Madden**

**Field Operations Supervisor, West Los Angeles Animal Care Center, Lt. Jesse Castillo**

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



**SPECIAL MEETING**  
**BOARD OF ANIMAL SERVICES COMMISSIONERS**  
**CITY OF LOS ANGELES**  
Tuesday January 12, 2010  
12:00 NOON  
**LOS ANGELES CITY HALL**  
**200 N. Spring St.**  
**Room 1060**  
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**COMMISSION MEETING**

**1. COMMISSION BUSINESS**

- A. Public input regarding recruitment and selection of a Department of Animal Services General Manager

Solicitation of suggestions for the qualifications, job descriptions, performance requirements, selection criteria and recruiting ideas dealing with the appointment of a Department General Manager.

**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.)

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**BOARD OF  
ANIMAL SERVICES  
COMMISSIONERS**

TARIQ A. KHERO  
PRESIDENT

KATHLEEN RIORDAN  
VICE PRESIDENT

IRENE G. PONCE

MELANIE RAMSAYER

RUTHANNE SECUNDA

**City of Los Angeles**  
CALIFORNIA



**ANTONIO R. VILLARAIGOSA**  
MAYOR

DEPARTMENT OF  
**ANIMAL SERVICES**  
221 North Figueroa Street  
5<sup>th</sup> Floor  
Los Angeles, CA 90012  
(888) 452-7381  
FAX (213) 482-9511

KATHLEEN J. DAVIS  
Interim General Manager

**Report to the Board of Animal Services Commissioners**  
**KATHLEEN J. DAVIS, Interim General Manager**

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**COMMISSION MEETING DATE:** January 12, 2010    **PREPARED BY:** Linda Barth

**REPORT DATE:** January 6, 2010

**TITLE:** Assistant General  
Manager

**SUBJECT:** Renewal of Memorandum of Understanding with the City of Beverly Hills  
for Animal Care and Control Services

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**BOARD ACTION RECOMMENDED:**

That the Board request that the Mayor, and subsequently the City Council, approve renewal forthwith of the Memorandum of Understanding (MOU) with the City of Beverly Hills for animal care (sheltering) and control (enforcement) services for the second and third years, effective February 1, 2010, through January 31, 2012, to avoid service interruption.

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**SUMMARY:**

On April 28, 2008, the Board approved recommending to the Mayor and City Council a MOU with the City of Beverly Hills for one year, with up to two one-year extensions, for the purpose of providing animal sheltering and animal law enforcement services to this city of under 40,000 residents. After significant collaboration with the City Administrative Officer (CAO) and the City Attorney, the MOU and methodology for billing was approved by the Mayor and Council on October 15, 2008, and the MOU was executed in January of 2009 with a February 1, 2009, start date. If an extension is not approved, the MOU will expire on January 31, 2010. Given the positive experience for both parties in the first year, and the revenue source this MOU represents, staff recommends pre-approving the next two years as an efficiency measure. A 90-day cancellation clause allows either party to terminate the MOU without cause during the next two years.

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Subject: Renewal of Memorandum of Understanding with the City of Beverly Hills for  
Animal Care and Control Services

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### Results from the First Year

Beverly Hills has been an excellent and cooperative client, always paying timely. As estimated, the volume of animals handled appears to be in the range of 150 per year. Officer hours are less than estimated based on the County's billing (300 or more hours a year). In one case, the Department was very involved in helping Beverly Hills police with a cruelty/hoarding case. Generally calls are for hurt animals or strays and are easily handled along with regular services to City of Los Angeles residents in contiguous areas. No problems or adverse impacts have arisen.

In the first 10 months of the MOU, February – November 2009, as billed through December 2009:

Total Animal Intake:	136 animals
Officer Hours:	51 hours
Altered Licenses:	499
Unaltered Licenses:	24
Total Billed:	\$59,215.17

### Background

On June 7, 2005, the Department received a letter from the City Manager for the City of Beverly Hills, California, expressing interest in entering into an agreement with the Department to provide for animal regulation enforcement, animal care center services including taking strays and adopting out animals, dog licensing, and dead animal pick-up services. At that time the Los Angeles County, Department of Animal Care and Control provided those services, mostly dispatched through their shelter in Carson, California. The City of Beverly Hills had been interested in providing to their community a shelter location that was in closer proximity, and in the possibly quicker service response that the City's West LA Animal Care Center could provide. Efforts in 2005 to process an MOU for services was ultimately cancelled by City Council over concerns about the impact on the new West Los Angeles facility still in construction at that time, and whether the billing methodology achieved cost recovery.

Opening of the new West LA Animal Care Center in November of 2007 enhanced the attractiveness of the facility to the nearby Beverly Hills residents. The Center appeared to be taking in, caring for, and adopting out, animals for Beverly Hills residents, because of the proximity of the West LA location. Without having an official agreement, however, Beverly Hills residents were not forthcoming about their residency when using West LA services, and the City recouped no cost of service. That led to a renewed interest on both the City's side and that of the City of Beverly Hills, to formulate an acceptable agreement.

Subject: Renewal of Memorandum of Understanding with the City of Beverly Hills for  
Animal Care and Control Services

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New Agreement and Approved Cost Recovery Method

The greatest challenge in regard to working out an agreement amenable to both parties was calculation of costs. To revisit the concept of an agreement which would formalize the relationship with Beverly Hills and ensure the City is reimbursed for handling their animals, staff worked with the CAO on various scenarios to best capture true costs. Several assumptions guided this discussion, which served as foundation for the MOU and the billing methodology, including:

- The City of Los Angeles will not provide dead animal pickup; Beverly Hills will have to privately contract for that service.
- Euthanasia on request services to Beverly Hills residents will not be offered.
- Fees and charges for adopted animals or reunited animals continue to be collected by the Department and credited as general fund revenue.
- All overhead included in the annual CAP rate published by the CAO is applied to any cost recovery.
- The 2000 population of Beverly Hills was 33,784, with 15,035 households; 2007 population is estimated at 36,000. The City is 5.7 square miles. We extrapolated an estimate of less than 8,000 dogs and 10,000 cats residing in the City of Beverly Hills. Annual intake generated by Beverly Hills for West LA was estimated at 150 animals.

Ultimately, staff developed a formula for assessing both Department administrative costs and direct costs of West LA in providing services. The cost recovering model developed for revising the Department's fees, which incorporates hourly rates of all staff, overhead charges (benefits, days off, vehicle use, and other central services), average stays of animals, and expenses including food and medicine, was used to calculate an average "daily animal cost." The 5% of West LA's portion of Department budgeted resources was applied to the costs of Department administrative staff and supplies (for example, Personnel, Call Center, Administration, and Accounting). Each month, Beverly Hills is billed 1/12 of the annual calculated administrative overhead cost for the current month, plus the actual costs per animal day sheltered by the Department and actual costs for hours of Animal Control Officer services, less licenses paid, for the previous month. Fees for animal-related business permits, like adoption fees, are be retained by the Department. Annual overhead, fees, and costs for monthly are recalculated at the start of the fiscal year on July 1<sup>st</sup>. The current fees:

Annual Administrative/Overhead Costs	\$46,682
Hourly Charge for Animal Control Officer I	\$57.52
Hourly Charge for Animal Control Officer II	\$65.53
Per Animal Daily Charge First Week	\$28.17
Per Animal Daily Charge After First Week	\$15.43
Less Licenses Purchased Spay/Neuter	-\$15.00
Less Licenses Purchased Unaltered	-\$100.00

Subject: Renewal of Memorandum of Understanding with the City of Beverly Hills for Animal Care and Control Services

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Review of the Material Provisions of the MOU

- Term: One year, with renewals up to 2 additional years; costs are recalculated on June 1<sup>st</sup> each year for billings as of July 1<sup>st</sup>. Either party may cancel with 90 days notice. In acting to approve the MOU, although it included two one-year extensions, Council only approved one year to start.
- Services Provided: The Department intakes, cares for, adopts, reunites, or treats animals coming from persons with Beverly Hills residency, or picked up in the City of Beverly Hills. Animal Control Officers respond to calls for help or service from persons in the Beverly Hills city limits. The Department responds to or assists in education in relation to wildlife sightings. The Department receives license applications and information and processes licenses, and receives and processes animal-related business permits. Beverly Hills adopted the City's ordinances relative to animals, including the spay/neuter ordinance. Any Beverly Hills-specific legislation would not be enforced or services provided by the Department.
- Invoicing: The City of Beverly Hills pays 1/12 of the annual cost recovery fee by the 15<sup>th</sup> of each month, along with the previously month's actual charges.
- Liability: The City of Beverly Hills and the City of Los Angeles mutually indemnify and agree to defend each other, as typical with such agreements between jurisdictions.
- Other Services: Animal Cruelty investigations, should they arise, are handled by the City of Beverly Hills staff, with advice from the Department on a cost-per-hour basis. While not handling barking dogs complaints, the Department could conduct Potentially Dangerous Dog hearings for Beverly Hills, should the need ever arise. The Department assists in education information on animals, wildlife, pet ownership, and related topics, but will not trap and remove wildlife or any animals for reasons of nuisance to residents or property owners

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**FISCAL IMPACT:**

The MOU with Beverly Hills allows reimbursements of costs the City was largely subsidizing before the agreement. Total revenue for a 12-month period will exceed \$70,000 and could run to \$100,000 depending on services required and intake. All payments are deposited to the General Fund. Although this MOU is successful and should be extended for the remaining two years, a major reason for the success is that Beverly Hills is a small city, with low demand, and which is contiguous with the City on

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nearly all borders, allowing effective and efficient service without negative impact to our own residents. That may suggest that contracting with larger jurisdictions that require more dedicated services is not a good option to consider at this time.

Approved:

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**Kathleen J. Davis, Interim General Manager**

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**BOARD ACTION:**

\_\_\_\_\_ Passed

Disapproved \_\_\_\_\_

\_\_\_\_\_ Passed with noted modifications

Continued \_\_\_\_\_

\_\_\_\_\_ Tabled

New Date \_\_\_\_\_