



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

NOTE TIME CHANGE

Tuesday, February 9, 2010
11:00 A.M.

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

Melanie Ramsayer, President
Irene Ponce, Vice-President
Tariq Khero
Kathleen Riordan
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. Approval of the Commission Meeting Minutes for January 12 and 26, 2010
- B. Oral Report by the Commissioners on Meetings and Events attended
- C. Oral Report on Status of the General Manager Recruitment

2. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

- A. Penalties for Violation of Proposed Animal Transfer Permit Requirements

That the Board request that the Mayor, and subsequently the City Council, direct

the City Attorney to include in the ordinance creating an Animal Transfer Permit that violators may be subject to criminal or civil penalty of \$250 for the first violation and \$500 for the second violation, within twelve months, with repeated violations subject to prosecution as a misdemeanor.

3. DISCUSSION ITEMS

- A. Discussion and input from the public on effective and efficient ideas for raising money to supplement funding for Department core responsibilities of greatest financial need, and direction to staff relative to ideas presented.

4. ORAL REPORT OF THE GENERAL MANAGER

5. 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.

6. FUTURE AGENDA ITEMS

Requests from Commissioners for future Agenda Items.

7. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M., February 23, 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 (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 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**

MELANIE RAMSAYER
PRESIDENT

IRENE G. PONCE
VICE PRESIDENT

TARIQ A. KHERO

KATHLEEN RIORDAN

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City of Los Angeles
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

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KATHLEEN J. DAVIS
Interim General Manager

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

COMMISSION MEETING DATE: February 9, 2010 **PREPARED BY:** Linda Barth

REPORT DATE: February 5, 2010 **TITLE:** Assistant General Manager

SUBJECT: Penalties for Violation of Proposed Animal Transfer Permit Requirements

BOARD ACTION RECOMMENDED:

That the Board request that the Mayor, and subsequently the City Council, direct the City Attorney to include in the ordinance creating an Animal Transfer Permit that violators may be subject to criminal or civil penalty of \$250 for the first violation and \$500 for the second violation, within twelve months, with repeated violations subject to prosecution as a misdemeanor.

SUMMARY:

At the meeting of November 13, 2007, the Board approved forwarding to the Mayor and City Council a recommendation to amend Los Angeles Municipal Code (LAMC) Section 53.15.2 to establish as a parallel to the Breeder's Permit an annual Transfer Permit which would be required for all those who sell, advertise for sale, broker the sale, or in anyway transfer for compensation or otherwise, any animal in the City of Los Angeles regardless of where the animal was bred. This permit would also require that such animals are micro-chipped and that name and address information be provided to the Department for persons taking transfer of dogs for licensing, and that appropriate business and tax permits be obtained by persons transferring animals.

The Mayor endorsed the recommendations and the City Council acted on September 16, 2008, to direct the City Attorney to prepare an ordinance that would amend the LAMC as recommended. The Council's action also directed that the ordinance include

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a prohibition against issuing permits for persons transferring animals that would be used for fighting, and that rescue groups would be exempted (Council File 08-1945).

Exact fees for a Transfer Permit and fines for failure to obtain a Transfer Permit were not specified in the original recommendation, but were described as being parallel to existing Breeder's Permit fees and fines. Violations of the Breeder's Permit provisions require sterilization of the breeding animal, eventually becoming a misdemeanor for failure to sterilize. Therefore, when the City Council acted to approve the recommendation for the Transfer Permit they included the direction that violation be treated as a misdemeanor. As the Department staff and interested members of the public have discussed plans for implementation, however, it has become clear that the Department would be best able to enforce the requirements by means of the typical escalating penalties, and with misdemeanor prosecution for continuing violation. In practical terms, for example, a person may post an advertisement in a local pet store for sale of an animal, which as a first offense particularly is a violation more promptly and effectively handled as a civil penalty, rather than awaiting City Attorney availability to prosecute as a crime.

The specific recommended language is: "A violation of the transfer permit provisions of this section may be punishable either as a criminal infraction or by means of a civil penalty imposed by the Department, with a criminal or civil penalty of \$250.00 for the first violation and \$500.00 for the second violation within twelve months. Failure to comply with the terms and conditions of the transfer permit and applicable law shall also be grounds for the revocation or suspension of the transfer permit. A third or continuing violation of this section may also be prosecuted as a misdemeanor. "

The fee for the Transfer Permit will be the same as for a Breeding Permit, which is currently \$120.00 but has been recommended for increase to \$235 for 2010-2011.

FISCAL IMPACT:

The purpose of the Transfer Permit is to improve the City's control of the population of animals coming into the City both as a tool to decrease pet over-population and to safeguard against inhumane or improper treatment of animals sold or transferred. Some revenue will accrue to the Department with the Transfer Permit program, but the proposed civil penalties are aimed at insuring compliance, not increasing revenue.

Approved:

Kathleen J. Davis, Interim General Manager

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BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____