



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Tuesday, March 22, 2011
11:00 A.M.
Los Angeles City Hall
200 North Spring Street
Room 1060
Los Angeles, California 90012

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

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. 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.

2. DISCUSSION ITEMS

A. Discussion of List of Commission's Future Agenda Items.

3. COMMISSION BUSINESS

A. Approval of the Commission Meeting Minutes for February 8, 2011

B. Oral Report by the Commissioners on Meetings and Events attended

4. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

A. Omnibus Dog Licensing Ordinance

That the Board, recommend to the Mayor and City Council that the Omnibus Dog Licensing Ordinance, approved by the City Council's Public Safety Committee on March 7, 2011, be amended as stated to address several issues that have come to light that the Department would like to address prior to the ordinance going before the full City Council.

5. ORAL REPORT OF THE GENERAL MANAGER

6. FUTURE AGENDA ITEMS

7. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M April 12, 2011, 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 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

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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

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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 10391 EV
Appellant: Juan Pena
Complaining Witness: Ms. Melodie Knight
Field Operations Supervisor, East Valley Animal Care Center, Lt. Troy Boswell
Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst II

**BOARD OF
ANIMAL SERVICES
COMMISSIONERS**

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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: March 22, 2011 **PREPARED BY:** Brenda Barnette

REPORT DATE: March 17, 2011

TITLE: General Manager

SUBJECT: Omnibus Dog Licensing Ordinance

BOARD ACTION RECOMMENDED:

That the Board:

Recommend to the Mayor and City Council that the Omnibus Dog Licensing Ordinance, approved by the City Council's Public Safety Committee's on March 7, 2011, be amended as several issues have come to light that the Department would like to address prior to the ordinance going before the full City Council.

SUMMARY

In 2009 the Board of Animal Services Commissioners initiated a set of proposed amendments to the Los Angeles Municipal Code that would streamline and modernize the City's dog licensing procedures. The goal of these amendments is to increase the number of dogs licensed by clarifying procedures, making adjustments to the system of fees and penalties, creating a methodology for getting puppies under four months of age into the system, and enabling full first-time online licensing.

DISCUSSION

1. Adding Subsection (h) to Section 53.15 – Late Fees

As part of enhancing the ability to effectively enforce licensing, including online licensing, Section 53.15 (h) will reduce the current \$500 late fee found in Section 53.15.3 if the dog license costs are not paid within 45 days after the fees are due, to \$20.00 for a sterilized dog and to \$100.00 for an unsterilized dog if the dog license tax

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and fee are not paid within the 30 days of the due date. This penalty amounts to 100% of the license fee but is significantly lower than the current penalty. A \$25.00 field collection fee will be assessed when the tax and fee are collected at the dog owner's property following the issuance of a "notice to pay" by the Department.

These late fees (and the field collection fee) are comparable to those collected by Los Angeles County Animal Care and Control as part of its dog licensing program.

The Department would like to amend this new Subsection by adding two provisions. The Department now believes that providing violators with a 30-day period to "cure" a notice to comply would encourage dog owners to buy licenses. Doing so would require an amendment to the new language noted above so that the clock for assessing late fees would not start until expiration of this initial 30-day "fix-it" period; and secondly, the Department would like to suggest a delayed effective date for enforcement of at least 60 days from the effective date of the amending ordinance. This "amnesty period" will enable the Department to conduct a vigorous marketing program to motivate owners of unlicensed dogs to take immediate advantage of the expanded access to dog licenses.

2. Amending Section 53.15.3 – Failure to Obtain or Renew a Dog License

The pending ordinance deletes the current \$500.00 penalty for failure to obtain or renew a dog license because, as noted in audits conducted by the City Controller, the penalty has rarely, if ever, been collected. It is replaced by the smaller penalties noted in #2 above.

Also added is new language that subjects the owner or custodian to a criminal citation of civil penalty for failure to obtain or renew the license within 45 days. The amount of the penalty is proposed to be \$250 for the first offense, \$500 for the second offense and \$1,000 for the third offense, consistent with the penalties in the draft "administrative citation" ordinance (also initiated by the Board in 2009) currently under consideration by the City Council's Budget and Finance Committee. Existing language permitting the violation to be prosecuted as a misdemeanor remains operational.

In reviewing these civil penalties, the Department now believes the proposed \$250-\$1,000 range is too onerous to encourage compliance and likely will instead encourage continued scofflaw behavior by dog owners who feel they can continue keeping their animal "under the radar." L.A. County Animal Care and Control prescribes no such penalties for delinquent licensing.

While there is value to maintaining consistency in the level of civil penalties charged to repeat offenders, the Department is concerned that the proposed penalties in this ordinance are also never going to be collected.

Therefore, the Department makes the following recommendations:

- Request the City Council to reduce the proposed penalties to \$100 for a first offense, \$250 for a second offense and \$500 for a third offense.
- The Department also would like to include the same 30-day “fix-it” period in this Section as well as the amnesty period that would delay enforcement of any late fees and/or penalties.

3. Amending Section 53.15.4 – License Applications and Sales

Presently, the Department may authorize a licensed veterinarian to distribute dog license applications and receive a fee not to exceed \$2.00 for each application processed and license issued by the Department. The proposed ordinance expands the list of organizations that the Department may authorize to distribute licenses for a fee to include pet hospitals, pet stores, licensed kennels or any persons lawfully engaged in the business of breeding, selling or otherwise transferring the ownership of dogs. It also authorizes the Department to enter into agreements with these organizations to permit the sale of dog licenses and the conditions of the sales.

After unsuccessfully working to interest veterinarians in participating in this activity, the Department believes that the \$2 fee – originally set in 1994 – now is insufficient to cover the overhead of a veterinary office (or any of the newly added organizations) carrying out license sales. The Department believes a more workable, equitable fee for this service would be in the \$6-8 range.

The fee would have to be taken from revenues derived from license sales, thus reducing the portion going to the City’s General Fund. However, the Department believes that enlisting the help of veterinarians and others to sell dog licenses likely will boost sales to an extent that will enhance overall licensing revenues by increasing the universe of licensed dogs in Los Angeles.

The Department recommends that the Board take action to ask the City Council to increase the fee to be paid to veterinarians and other newly specified organizations selling licenses on behalf of LAAS to from 6 to 8 dollars, the exact figure to be determined in the discussion.

The Department believes these adjustments to the draft ordinance will increase the likelihood of its being effective in motivating dog owners to purchase and renew licenses for their animals.

FISCAL IMPACT:

There could be additional funding for low cost spay and neuter services.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____