



AGENDA

**BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Monday March 23, 2009
10:00 A.M.
LOS ANGELES CITY HALL
200 N. Spring St.
Room 1060
Los Angeles, CA 90012**

Kathleen Riordan, Vice-President
Tariq Khero
Irene Ponce
Archie J. Quincey, Jr.
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 traducción, favor de notificar la oficina con 24 horas por anticipado.

COMMISSION MEETING

1. ORAL REPORT OF THE GENERAL MANAGER

2. COMMISSION BUSINESS

- A. Approval of the Commission Meeting Minutes for January 12, January 26, February 9, and February 23, 2009
- B. Oral Report by the Commission on Meetings and Events attended.
- C. Election of Officers

3. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

- A. Set Aside of Decision on Dangerous Dog License Revocation Case DR 05329 NC -
Pursuant to Superior Court Judgment on Case BS 104874

That the Board set aside the administrative decision rendered on December 9, 2005, and affirmed by the Board of Animal Services Commissioners on June 8, 2006, regarding Dangerous Dog License Revocation Case No. DR05329NC, as ordered by the Honorable James C. Chalfant in Superior Court Case BS 104

- B. Assembly Bill 233–Personal Income Tax Deduction for Pet Adoption Fees

That the Board recommend to the Mayor and City Council that the City support Assembly Bill (AB) 233, which if approved would provide a personal tax deduction to individuals to deduct the adoption fees of animals from local government shelters as well as shelters operated by 501(c)(3) entities, to a maximum deduction of \$300 per year, to be made available from January 1, 2010 to January 1, 2015.

4. DISCUSSION ITEMS

- A. Discussion Item: Assembly Bill 1224 – Vehicle Code – Applying “Hit and Run” to Animals
- B. Discussion Item: Oral Report on Status of Spay and Neuter Coupon Programs

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., April 27, 2009, 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) Monday 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, as well as electronic copies of approved minutes on the Department's World Wide Web Home Page site at [Hhttp://www.laanimalservices.com/CommissionAgendas.htm](http://www.laanimalservices.com/CommissionAgendas.htm)

Three (3) members of the Board constitute a quorum for the transaction of business. The Board may consider an item not listed on the Board Agenda only if it is determined by a two-thirds (2/3) vote that the need for action arose after the posting of an Agenda. 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.

Please join us at our website: www.LAAnimalServices.com

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.



APPEAL AGENDA

**BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES**

Monday, March 23, 2009 at 10:00 A.M.

**LOS ANGELES CITY HALL
200 N. Spring St.
Room 1060
Los Angeles, CA 90012**

Commissioners:
Kathleen Riordan, Vice-President
Tariq Khero
Irene Ponce
Archie J. Quincey, Jr.
Ruthanne Secunda

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ADMINISTRATIVE APPEAL HEARING 10:00 A.M.

1. Barking Dog Revocation - BR 08387 NC (Continued from March 9, 2009)

Appellant: Shui Hang Tam
Complaining Witness: Jack Chludzinski
Field Operations Supervisor, North Central Shelter, Lt. William Tranzow
Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst

II

Dangerous Animal Revocation – DR 08374 WL

Appellant: David Corwin
Complaining Witness: Lynn Goodpasture
Field Operations Supervisor, West Los Angeles Animal Shelter, Lt. Jesse Castillo

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

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ASSEMBLY BILL

No. 1224

Introduced by Assembly Member Eng

February 27, 2009

An act relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1224, as introduced, Eng. Vehicles: hit and run violations: animals.

Existing law requires the driver of any vehicle involved in an accident resulting in injury or death to another person to immediately stop the vehicle at the scene of the accident and to fulfill specified requirements. Under existing law, a violation of this provision is either a felony or a misdemeanor.

This bill would declare the Legislature's intent to enact legislation to include animals, pets, and livestock under the basic "hit and run" statute in order to fine drivers who leave the scene of an accident without trying to contact the owner or local authorities or render aid to the injured animal, pet, or farm animal.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation to include animals, pets, and livestock under Section
- 3 20001 of the Vehicle Code, the basic "hit and run" statute, in order
- 4 to fine drivers who leave the scene of an accident without trying

- 1 to contact the owner or local authorities or render aid to the injured
- 2 animal, pet, or farm animal.

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**BOARD OF
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COMMISSIONERS**

KATHLEEN RIORDAN
VICE PRESIDENT

TARIQ A. KHERO

ARCHIE J. QUINCEY JR.

IRENE G. PONCE

RUTHANNE SECUNDA

City of Los Angeles
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
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Los Angeles, CA 90012
(888) 452-7381
FAX (213) 482-9511

EDWARD A. BOKS
General Manager

Report to the Board of Animal Services Commissioners

Edward A. Boks, General Manager

COMMISSION MEETING DATE: March 23, 2009 **PREPARED BY:** Linda Barth

REPORT DATE: March 16, 2009 **TITLE:** Assistant General
Manager

SUBJECT: Assembly Bill 233–Personal Income Tax Deduction for Pet Adoption Fees

BOARD ACTION RECOMMENDED:

That the Board recommend to the Mayor and City Council that the City support Assembly Bill (AB) 233, which if approved would provide a personal tax deduction to individuals to deduct the adoption fees of animals from local government shelters as well as shelters operated by 501(c)(3) entities, to a maximum deduction of \$300 per year, to be made available from January 1, 2010 to January 1, 2015.

SUMMARY:

On February 5, 2009, Assemblyman Cameron Smyth (R-Santa Clarita), introduced a bill that acknowledges the high cost of sheltering animals in California by proposing in AB 233 to add Section 17239 to the Revenue and Taxation Code, which would establish a tax deduction that would incentivize residents to adopt a pet from their local animal shelter or private rescue organization (with 501(c)(3) status). Current law does not offer a specific tax deduction for the adoption fees of animals sheltered by cities, counties, or 501(c)(3) organizations. The proposed deduction would be limited to \$300 per year, and be allowable for taxable years beginning on or after January 1, 2010, and before January 1, 2015.

The State has not completed any fiscal analysis of the bill, however with an estimated \$250 million spent by local governments on sheltering pets, the minor tax revenue decrease from the effects of the deduction would logically be significantly less than the savings to local governments from sheltering fewer animals. With home foreclosures

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Subject: Assembly Bill 233–Personal Income Tax Deduction for Pet Adoption Fees

on the rise across the State, more and more pets are being abandoned or dropped off at shelters. A tax deduction will encourage individuals and families looking for a pet to visit their local shelters, thereby helping to relieve the pressure on these facilities.

AB 233 is sponsored by the American Society for the Prevention of Cruelty to Animals (ASPCA) and the Humane Society of the United States (HSUS). Formal support by the City of Los Angeles will allow the Department to advocate for the bill and speak in its support, and will serve as an important endorsement to elected State officials considering the bill.

FISCAL IMPACT:

Support for the bill has no direct fiscal impact. If the tax deduction is approved and succeeds as an incentive for increased adoptions or for the adoption of some pets sooner than the average number of days a pet is held before adoption, the City will save some cost of care, estimated below.

<i>Potential for Savings with Tax Deduction Incentives</i>	1% increase in adoptions	Savings at average total cost	5% increase in adoptions	Savings at average total cost	10% of adoptions happen 5 days faster than average	Savings at 5 days of daily cost
Cats Adopted 2008: 6,929	69	\$13,512	346	\$67,558	693	\$45,593
Dogs Adopted 2008: 14,065	141	\$38,589	703	\$49,352	1407	\$104,573
		\$52,101		\$116,910		\$150,166

Approved:

Edward A. Boks, General Manager

BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____



CITY OF LOS ANGELES
L A ANIMAL SERVICES



Date: March 23, 2009

To: Board of Animal Services Commissioners

From: Edward A. Boks, General Manager

Subject: Assembly Bill 1224 – Vehicle Code – Applying “Hit and Run” to Animals

Assembly Member Mike Eng (D-Monterey Park) introduced a bill on February 27, 2009, as part of his "There ought to be a law" contest that lets his constituents suggest changes to state law. The bill, if enacted, would amend California Vehicle Code 20001 to include animals, pets, and livestock under Section 2000, the basic “hit and run” statute which fines drivers who leave the scene of an accident without trying to contact the owners or authorities or to render aid to the injured animal, pet, or farm animal.

Existing law requires the driver of any vehicle involved in an accident resulting in injury or death to another person to immediately stop the vehicle at the scene of the accident and to fulfill specified requirements. Under existing law, a violation of this provision is either a felony or a misdemeanor. This bill would result in legislation to include animals, pets, and livestock under the basic “hit and run” statute

Department staff concurs with Assembly Member Eng and the proposer of the law that a person who hit an animal with her or her vehicle should take action to get help or notify the local animal control agency for assistance. Such an act is an expression of humaneness. However, there may also be safety concerns, i.e. should a driver try to help a hurt animal by himself or herself if that animal reacts in fear and anger and lashes out; or, a financial liability created.

AB 1224 may be heard at an Assembly Committee meeting on March 30, 2009. The Board may wish to ask staff to prepare a report recommending that the Mayor and Council consider and endorse the bill. A full copy of the bill is attached.

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EDWARD A. BOKS
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Report to the Board of Animal Services Commissioners

Edward A. Boks, General Manager

COMMISSION MEETING DATE: March 23, 2009 **PREPARED BY:** Linda Barth

REPORT DATE: March 16, 2009 **TITLE:** Assistant General
Manager

SUBJECT: Set Aside of Decision on Dangerous Dog License Revocation Case
DR 05329 NC Pursuant to Superior Court Judgment on Case BS 104874

BOARD ACTION RECOMMENDED:

That the Board set aside the administrative decision rendered on December 9, 2005, and affirmed by the Board of Animal Services Commissioners on June 8, 2006, regarding Dangerous Dog License Revocation Case No. DR05329NC, as ordered by the Honorable James C. Chalfant in Superior Court Case BS 104874.

SUMMARY:

Mr. Jeffrey De La Rosa filed a Petition for a Writ of Mandamus challenging the administrative decision rendered on December 9, 2005, and affirmed by the Board of Animal Services Commissioners on June 8, 2006, in Dangerous Dog License Revocation Case No. DR05329NC. A hearing on the matter was held in Superior Court on October 9, 2008 (BS 104874), with the Honorable James C. Chalfant presiding. On November 12, 2008, Judgment was entered granting a peremptory writ of mandamus. On November 20, 2008, Judge Chalfant issued a peremptory writ commanding the City of Los Angeles, Department of Animal Services, to set aside the administrative decision in Case No. DR05329NC.

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Subject: Set Aside of Decision on Dangerous Dog License Revocation Case
DR 05329 NC Pursuant to Superior Court Judgment on Case BS 104874

Approved:

Edward A. Boks, General Manager

BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____