



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Tuesday, April 26, 2011
10:00 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. Presentation and discussion of Emergency Preparedness by Capt. Karen Knipscheer.

3. COMMISSION BUSINESS

- A. Approval of the Commission Meeting Minutes for March 8 and 22, 2011
- B. Oral Report by the Commissioners on Meetings and Events attended

4. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

- A. Support of Assembly Bill 917 (AB 917)

That the Board recommend to the Mayor and City Council that the City support Senate Bill 917 (Lieu) with suggested amendments (to include flea markets and swap meets amongst the locations where animal sales are prohibited, and to specify a jail term of up to six months for illegal selling), which, if both the bill and amendments are approved, will ban the sale of live animals on streets, highways, public rights-of-way, parking lots, carnivals, boardwalks, flea markets and swap meets in California. It also will make animal neglect coincident to such sales punishable. Further, it will substantially conform misdemeanor penalties for various kinds of animal neglect to other penalties for cruelty and neglect already existing in the state Penal Code.

5. ORAL REPORT OF THE GENERAL MANAGER

6. FUTURE AGENDA ITEMS

7. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M May 10, 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.

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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

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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**

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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: April 26, 2011 **PREPARED BY:** Brenda Barnette

REPORT DATE: April 21, 2011 **TITLE:** General Manager

SUBJECT: Assembly Bill (AB) 917

BOARD ACTION RECOMMENDED:

That the Board recommend to the Mayor and City Council that the City support Senate Bill 917 (Lieu) with suggested amendments (to include flea markets and swap meets amongst the locations where animal sales are prohibited, and to specify a jail term of up to six months for illegal selling), which, if both the bill and amendments are approved, will ban the sale of live animals on streets, highways, public rights-of-way, parking lots, carnivals, boardwalks, flea markets and swap meets in California. It also will make animal neglect coincident to such sales punishable. Further, it will substantially conform misdemeanor penalties for various kinds of animal neglect to other penalties for cruelty and neglect already existing in the state Penal Code.

SUMMARY:

The sale of various types of live animals on streets, sidewalks "or other public" place is prohibited in Section 53.42 of the Los Angeles Municipal Code and is considered a misdemeanor. A companion prohibition on the purchase of animals under the same circumstances currently is pending before the City Council.

However, most jurisdictions in California have not adopted such regulations, leaving a variety of animals – including dogs, cats, chickens, baby chicks, rabbits, snakes, birds, ducks and ducklings, amongst others – vulnerable to the abuses that often occur in conjunction with such sales.

Penal Code Section 497.4 Created

As originally written, SB 917 (Lieu) (jointly sponsored (proposed) by the Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals and SPCA-Los Angeles) would make such sales on streets, highways, public rights-of-way, parking lots, carnivals and boardwalks illegal on a statewide basis. The bill language currently is identical to

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that which was approved by both houses of the legislature in 2009 as AB 1122 (Lieu) and then vetoed by Governor Schwarzenegger.

For a first offense, the violator would be guilty of an infraction punishable by a fine not to exceed \$250. A person who violates this section for the first time and, by that violation, either causes or permits any animal to suffer or be injured, or causes or permits any animal to be placed in a situation in which its life or health may be endangered, would be guilty of a misdemeanor punishable by a fine not to exceed \$1000. A second or subsequent violation of the sales prohibition would be guilty of a misdemeanor punishable by a fine not to exceed \$1000.

The prohibition would be enforceable by any peace officer, animal control officer or state humane officer. The bill does not pre-empt any other state, local or federal law.

The prohibition would not apply to animal control agencies, humane societies and authorized rescue groups conducting mobile or outdoor adoption events, state and county fairs, dog shows, cat shows, dockside seafood sales and several agriculture-related sales situations, provided all other applicable laws and regulations are being complied with.

SPCA-LA, a co-sponsor, now is recommending that flea markets and swap meets be added to the list of sites where animal sales should be prohibited. Our ACOs have observed sales at such events where the animals often are subjected to conditions comparable to those found in other contexts addressed by SB 917.

Members of the City Attorney's prosecutorial team have suggested that language be added to the bill to include a jail term of up to six months for illegal animal sales as an option. Adding such language would make clear the legislative intent that imprisonment is an available option for the justice system's treatment of this crime.

Along with the bill's sponsors, the State Humane Association of California supports this bill stating: "Roadside sales of animals present a special concern for our member organizations as humane officers and animal control officers often find animals that are ill and/or diseased and kept in unsafe and/or unsanitary conditions." This is consistent with what our Animal Control Officers, LAPD and the Animal Cruelty Task Force often find when enforcing City prohibitions on street sales.

Opponents of the bill have raised concerns that exempting dog and cat shows will allow unauthorized versions of such shows to escape enforcement. Other opponents have noted that the legislation could be too broadly interpreted by enforcement officials to prohibit the consummation (the handing over of an animal from a seller to a purchaser) of a transaction that already has taken place in another context (by phone or the internet, for example) or venue. The State Senate's legislative analysts have suggested that these issues be assessed and, if deemed necessary, addressed appropriately.

Penal Code Section 497 Amended

SB 917 also will make existing portions of section 597 of the state Penal Code dealing with penalties for several types of animal neglect more consistent with the same section's penalties for animal cruelty.

Existing law states that every person who overdrives, overloads, overworks, tortures, torments, deprives of drink, cruelly beats, or mutilates an animal is guilty of either a misdemeanor or felony. Law enforcement and prosecutorial officials are provided with the discretion to determine which is most applicable (making the crime what is usually termed a "wobbler").

Misdemeanor neglect currently is punishable by imprisonment in a county jail for up to six months and/or by a fine up to \$20,000. Felony animal cruelty is punishable by imprisonment in state prison for 16 months, 2 or 3 years and/or a fine up to \$20,000. This bill recognizes the seriousness of misdemeanor neglect by increasing the potential for jail time to one year.

Taken as a whole, SB 917 should enhance the City's ability to prosecute violators of existing laws prohibiting outdoor animal sales by enhancing penalties and specifically defining animal neglect as a citable offense with a state-prescribed penalty. More broadly, SB 917 will add important protections for the helpless victims of irresponsible animal sales and animal neglect throughout California.

FISCAL IMPACT:

There could be additional costs to local jurisdictions related to pursuing, prosecuting and incarcerating violators. The City of Los Angeles already enforces local laws pertaining to these crimes, so the change here would be negligible.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____