



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Tuesday, May 10, 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. Board Report on Illegal Animal Sales at various locations throughout the City.

3. COMMISSION BUSINESS

- A. Approval of the Commission Meeting Minutes for April 12, 2011
- B. Oral Report by the Commissioners on Meetings and Events attended

4. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

- A. Amendment to Los Angeles Municipal Code, Section 53.30

Recommend to the Mayor and City Council that LAMC Section 53.30 be amended to preclude animals that are receiving veterinary care for a specific condition.

- B. Senate Bill (SB) 702

Recommend to the Mayor and City Council that the City support Senate Bill 702 (Lieu) requiring that owners of all animals adopted or impounded and claimed by the owner from a local animal shelter implant an identifying microchip in the animal upon release, if available, or within 30 days of release from the shelter. This bill authorizes the local jurisdiction to waive the fines or fees associated with SB 702, if the owner qualifies for free or affordable microchipping services.

5. ORAL REPORT OF THE GENERAL MANAGER

6. FUTURE AGENDA ITEMS

7. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M May 24, 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

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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.

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BRENDA F. BARNETTE
General Manager

Report to the Board of Animal Services Commissioners

Brenda F. Barnett, General Manager

COMMISSION MEETING DATE: May 10, 2011 **PREPARED BY:** Brenda Barnett

REPORT DATE: May 5, 2011 **TITLE:** General Manager

SUBJECT: Illegal Sales of Animals

BOARD ACTION RECOMMENDED:

That the Board:

Recommend that the Department generally continue and increase its efforts to enhance the City's ability to enforce laws prohibiting illegal sales of animals, better protect the health and welfare of animals being victimized by such sales and, where necessary and appropriate, propose new law in support of both goals. In addition, the Board may recommend that the Department pursue areas of inquiry and/or action pursuant to related issues that may arise during the discussion of this agenda item.

SUMMARY:

On August 24, 2009, the Board devoted an entire meeting to the exploration of issues relating to the proliferation of illegal sales of animals in Los Angeles. The state of the law, enforcement, animal health and welfare and related issues were extensively discussed. The Board then instructed the Department to collaborate with the Los Angeles Police Department (LAPD), the City Attorney, City elected officials, other appropriate public agencies and members of the public, to continue and expand enforcement, publicity and education efforts relative to illegal animal sales.

In 2007, the Department had convened a multi-departmental/multi-agency task force to study issues relating to illegal sales. This "Illegal Animal Sales Task Force" developed a draft implementation program for addressing those issues and stepping up enforcement against illegal sales on a citywide basis. It incorporated both new elements and elements that have been developed over a period of several years in an attempt to systematize enforcement and create mechanisms to make it more effective. This draft program – in two phases - formed the basis of the activities the Board asked the Department to pursue. What follows is that program, including parenthetical notes directly from the 2009 Board report:

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Implementation Program - Phase 1

1. Work with appropriate Council Districts, LAPD, LAAS, City Attorney and other interested parties to prepare warning signs to inform vendors and prospective customers of the laws covering street sales of animals. (See Appendix 1 for suggested text.) ***(Councilwoman Perry introduced motion on March 24, 2009, calling for signs for Santee Alley; CF 09-0632. Other efforts currently being undertaken, though they may need to await possible Code amendments and new state laws.)***
2. Site visits by LAAS and LAPD plus prosecutors to identify and characterize the situations, and where necessary and possible, take undercover photos of perpetrators as a deterrent and as part of effort to establish recognition of their identities. ***(Periodic and ongoing.)***
3. City Attorney and LAPD to review history of previous prosecution attempts to identify pertinent issues; establish data base for cases handled and what the disposition was. ***(Ongoing.)***
5. City Attorney, District Attorney and LAPD to develop enforcement campaign and "toolkit," including:
 - a. Campaign to convince County Bail Committee and Superior Court judges of the seriousness of animal-related crimes. ***(Pending.)***
 - b. Pursue increase in amount of bail required to release arrestees. ***(Pending.)***
 - c. Train enforcement officers on investigation techniques and the need to employ toughest available enforcement measures. ***(Periodic and ongoing.)***
 - d. Educate court officials on the issues involved in animal crime-related prosecutions. ***(Pending.)***
 - e. Complete review of existing statutes to determine whether they are adequate and whether Code amendments are required to make enforcement more effective and meaningful. ***(Ongoing.)***
 - f. Create "cheat sheet" for LAPD and LAAS enforcement units so that they have a handy list of all statutes and Codes they can enforce on animal sales violators. ***(Pending.)***
6. Expand the ongoing coordination with County, State and Federal agencies, airports, ports, national borders and private sector shippers regarding animal importation issues. ***(Ongoing.)***
7. Schedule and launch three-week coordinated intensive multi-agency task force for monitoring and enforcement on animal importation issues.
(First pilot completed on November 21, 2008. Second pilot anticipated for second half of 2009, budgetary constraints permitting.)
8. Schedule and launch coordinated intensive LAAS/LAPD enforcement action against illegal animal vending at appropriate locations around the city as a "demonstration project." ***(Pending and ongoing.)***
9. Prepare LAAS web page devoted to illegal animal sales, including information on applicable laws, situations the public can look for and report, and information on how to easily report suspicious situations and locations to LAAS and/or LAPD. This could include reference to a telephone hotline and/or an interactive reporting form accessible from the web page. ***(Pending.)***

10. Cultivate additional public awareness of illegal sales issue via press, media, blogs, etc. **(Pending.)**
11. Complete City approval of "transfer permit" ordinance, providing enforcement officers with an additional tool for regulating dog and cat sales.
(CF 08-1495 approved by City Council on Sept. 16, 2008; City Attorney currently drafting final ordinance language.)

Phase 2

1. Launch citywide campaign against illegal animal sales, including:
 - a. Deployment of warning signs. **(Pending.)**
 - b. Launch website and reporting vehicles, accompanied by press and media outreach. **(Pending.)**
 - c. Periodic, non-regularized enforcement visits to all known past locations of such sales. **(Pending.)**
2. Continue and expand coordination and enforcement regarding animal importation issues. **(Pending.)**
3. Continue coordination with inter-agency Anti-Piracy Task Force dealing with other contraband sales. **(Pending and ongoing.)**

Update:

While, some 20 months on, it is accurate to report that the City still faces a substantial challenge posed by the perpetrators of illegal animal sales, the Department and its partners have followed up on many of the elements of the implementation program.

1. Signage: In March 2011, in conjunction with adopting Councilmember Perry's request for signage to be posted in the Downtown Fashion District, the City Council voted to instruct the City Attorney to draft an ordinance making the purchase of animals in most public contexts illegal. This is a companion to an existing Code section making illegal the sale of animals in those contexts and was initiated by the Board. The Council's action also requested that Venice Beach be included as a venue for posting signage
2. Site Visits: Department staff, LAPD and members of animal welfare organizations have spent considerable time in the Fashion District and in other locations where sales activity either is, or is suspected of, taking place. City enforcement officers have engaged in enforcement actions on a periodic basis. Others have contributed by participating in undercover observation and investigation activities and by helping with the care of young animals abandoned by illegal vendors during enforcement actions.
3. History and Data Base: LAPD, the City Attorney and the District Attorney have been involved with documenting and reviewing prosecution results on an ongoing basis, sharing experiences and working to improve efforts going forward.

4. Enforcement Tool Kit: Stepped-up prosecutorial efforts by the City Attorney and District Attorney have provided an ongoing opportunity to heighten the awareness of Superior Court judges and officials of the importance of animal cruelty, animal neglect and illegal sales cases. Following up on earlier efforts undertaken by the City Attorney, the District Attorney has in the last two years taken the lead in providing training to animal control officers from the City and throughout Los Angeles County on investigatory and case write-up procedures. The review of Codes and statutes relative to illegal sales and animal cruelty and neglect is an ongoing activity. The City and County have supported and/or sponsored pieces of legislation in pursuit of better regulation and enforcement.

Working with the courts to increase bail levels for these crimes apparently has not risen to the level of a “campaign,” but it remains an ongoing concern of prosecutors. Creation of a “cheat sheet” on applicable laws remains an important goal and additional focus should be placed on its accomplishment once the ban on purchase ordinance noted in #1 becomes effective.

5. Inter-Agency Coordination Regarding Illegal Importation: The Department is seeking to establish an ongoing relationship with Los Angeles World Airports law enforcement officials, and state and federal security officials, to enable regular access by designated Animal Control Officers for the purpose of inspecting incoming animal shipments in conjunction with County Health officials. Due to ongoing national security concerns, obtaining such access is a slow process and this had held up accomplishment of an intensive inspection action.

6. Demonstration Enforcement Action: A coordinated, multi-departmental enforcement project concentrated on one geographical location has been held in abeyance awaiting completion of several other tasks, including adoption of additional ordinances and posting of signage.

7. Web Page: Creation of an LAAS website page devoted to illegal sales-related issues remains an unfulfilled goal. As the Department has been redesigning and reconceptualizing its website in recent months, the addition of a page focusing on illegal sales can be added to the task list.

8. Cultivating Public Awareness: While the Department hasn’t undertaken a focused campaign and is limited in its ability to do so because of staffing and resource limitations, local media (both electronic and print) periodically covers the illegal sales issue. As new enforcement and prosecution efforts are undertaken or completed, there are additional opportunities to spread the word.

9. Transfer Permit Ordinance: The ordinance requiring creation of a transfer permit requirement for sellers of animals within the city limits became effective in November 2010. The Department is working on an implementation plan for the permit. It will provide an additional regulatory and enforcement tool for the City.

10. Phase 2: The implementation of Phase 2, an extensive, on-going enforcement and prosecution program, will follow naturally from the completion of Phase 1 tasks to the extent that staff and resources are available to pursue it.

Additional Points:

A. Animal Cruelty: There is a perceptible disconnect between what animal welfare advocates observe and what applicable laws prescribe when it comes to including animal cruelty and/or neglect as a factor in enforcement against illegal sales. What appears to be cruelty is not defined in the law as cruelty. The California State Legislature is looking at SB 917 (Lieu), which

could close the gap and make it more feasible to involve the Animal Cruelty Task Force in enforcement actions and enhance prosecutorial options.

B. Enforcement Priorities: In more than a few incidents, advocates have been concerned that law enforcement officials in the field do not share their perception that illegal sales should be a higher priority for them. One practical consideration is the current constraint on staffing and budgetary resources. Proper enforcement against illegal sales requires both police and animal control officers, and if the action hasn't been pre-planned so that both can participate in a tight time frame, it can be problematic for police officers to apprehend a seller. Having to hold onto the confiscated animals for an unpredictable period of time until LAAS officers can arrive to impound them can impede the police in conducting other crucial public safety activities.

C. Chain of Custody: Animal welfare advocates have upon occasion been willing to take young rabbits, chickens or other animals left behind by illegal sellers during enforcement actions and try to save their lives. While these efforts are admirable and consistent with the Department's desire to see the maximum numbers of animals survive, under the law they break the "chain of custody" that makes the animals (dead or alive) admissible as evidence for the purpose of prosecuting the perpetrators. Law enforcement officials now suggest that a substantial enough number of these confiscated animals be placed directly in the possession LAAS so that they can be examined by veterinarians and required reports prepared.

FISCAL IMPACT: None specified.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

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

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BRENDA F. BARNETTE
General Manager

Report to the Board of Animal Services Commissioners

Brenda Barnette, Interim General Manager

COMMISSION MEETING DATE: May 10, 2011 **PREPARED BY:** Brenda Barnette

REPORT DATE: May 5, 2011 **TITLE:** General Manager

SUBJECT: Recommended revision to LAMC Section 53.30

BOARD ACTION RECOMMENDED:

That the Board recommend to the Mayor and City Council that the City Attorney undertake the revision of LAMC Section 53.30 to provide clarifying language concerning sick or injured animals.

SUMMARY:

The practice of veterinary medicine has made great strides in the treatment of animals with dangerous, communicable disease. These advances in medicine have resulted in animals that, at one time would be considered incurable, but now could be saved with proper treatment.

In today's society, animals are considered an integral part of the family unit. As such they are given the same level of medical care of any family members. However, laws and codes have not kept up with the advances in medicine and require animals that can be saved under current medical practices to be euthanized. The American Veterinary Medical Association (AVMA) has adopted guidelines specific to hospice and palliative care for animals afflicted with incurable, crippling and diseased conditions. In addition, the laws concerning animal cruelty have expanded to accomplish the original intent of LAMC 53.30 in its current form could result in counterproductive enforcement actions that are inconsistent with the current capabilities of medical science and veterinary care.

It is therefore recommended that LAMC Section 53.30 be amended to read:

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Subject: Recommended revision to LAMC Section 53.30

No person shall have, keep, or harbor any animal which is known or believed by him to be infected with any dangerous or communicable disease, or which is in an incurable crippled condition, or which is afflicted with any painful disease which is believed by such person to be incurable, unless the animal is receiving veterinary care for the specific condition.

FISCAL IMPACT:

None.

Approved:

Brenda Barnette, General Manager

BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____

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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: May 10, 2011 **PREPARED BY:** Brenda Barnette

REPORT DATE: May 5, 2011 **TITLE:** General Manager

SUBJECT: Senate Bill (SB) 702

BOARD ACTION RECOMMENDED:

That the Board:

Recommend to the Mayor and City Council that the City support Senate Bill 702 (Lieu) requiring that owners of all animals adopted or impounded and claimed by the owner from a local animal shelter implant an identifying microchip in the animal upon release, if available, or within 30 days of release from the shelter. This bill authorizes the local jurisdiction to waive the fines or fees associated with SB 702, if the owner qualifies for free or affordable microchipping services.

SUMMARY:

In 2010, the City of Los Angeles amended Municipal Code Section 53.15.5 to require that any animal leaving a City animal care center alive be implanted with an electronic animal identification device ("microchip") to increase its chances of being reunited with its owner if it became lost or stolen in the future. This Code amendment was accomplished with the support of the Board of Animal Services Commissioners.

Current state law mandates that animals leaving public animal shelters be spayed or neutered and that all dogs have rabies vaccinations and licenses. Each jurisdiction also is required to scan for a microchip to aid in the determination of ownership. However, many jurisdictions in the state of California do not mandate the implantation of microchips in animals leaving the animal control or humane society shelters that officially provide animal care and control services to those jurisdictions. Thus, the mandate to scan for microchips is rendered less effective by the possibility that many animals passing through shelters will not have been implanted. SB 702 will over time

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substantially increase the number of animals implanted with microchips throughout the state.

Because the City already has already adopted a law substantially the same as SB 702, this bill will not impact Los Angeles except inasmuch as there may be occasions when animals microchipped in other jurisdictions find their way to Los Angeles, become separated from their owners and can be more easily reunited with them.

FISCAL IMPACT:

None.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____