



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Tuesday, June 14, 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. Report on Emergency Preparedness at Shelters in the event of a disaster.

3. COMMISSION BUSINESS

- A. Approval of the Commission Meeting Minutes for April 26 and May 10, 2011
- B. Oral Report by the Commissioners on Meetings and Events attended

4. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

- A. The Amanda Foundation Fee Increase Request

That the Board approves a new fee schedule for sterilization surgeries performed by The Amanda Foundation Mobile Spay/Neuter Clinic.

- B. Administrative Citation Program

That the Board recommend to the Mayor and City Council to amend sections of the Los Angeles Municipal Code (LAMC) to enable Animal Control Officers to issue Administrative Citations for violations of LAMC infractions.

- C. Resolution on Increasing Bail for Illegal Animal Sales Misdemeanors

That the Board approve a resolution calling upon the "bail committee" of the Los Angeles County Superior Court to increase the bail for arrestees in cases involving the illegal sales of animals to as much as \$5,000, and in no case less than \$500, in order to improve the prosecution of such cases in the court system.

In addition, if the Board approves the resolution, instruct the Board president to send the resolution, accompanied by a cover letter asking for consideration of the request, to the bail committee at the earliest opportunity.

5. ORAL REPORT OF THE GENERAL MANAGER

6. FUTURE AGENDA ITEMS

7. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M June28, 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.

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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 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

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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
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MAYOR

DEPARTMENT OF
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221 North Figueroa Street
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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: June 14, 2011 **PREPARED BY:** Brenda Barnett

REPORT DATE: June 7, 2011 **TITLE:** General Manager

SUBJECT: Resolution on Increasing Bail for Illegal Animal Sales Misdemeanors

BOARD ACTION RECOMMENDED:

That the Board:

Approve the resolution calling upon the "bail committee" of the Los Angeles County Superior Court to increase the bail for arrestees in cases involving the illegal sales of animals to as much as \$5,000, and in no case less than \$500, in order to improve the prosecution of such cases in the court system. In addition, if the Board approves the resolution, instruct the Board president to send the resolution, accompanied by a cover letter asking for consideration of the request, to the bail committee at the earliest opportunity.

SUMMARY:

On May 10, 2011, the Board devoted a substantial portion of its 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.

Representatives of the Los Angeles Police Department and the City Attorney reported that one of the main impediments to the effective prosecution of perpetrators of illegal sales was the extremely low bail amount currently assigned to these types of cases (often as low as \$25). As one of its action items, the Board determined to ask the Los Angeles County Superior Court to consider increasing the bail amount for arrestees in misdemeanor cases resulting from illegal animal sales in the City of Los Angeles.

In consultation with the City Attorney and District Attorney's animal protection units, the Department has prepared a resolution for consideration by the Board in keeping with its

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intent as set forth on May 10. This resolution is suitable for transmittal to the Superior Court's bail committee, to be accompanied by a letter from the Board president.

The resolution's action element reads as follows:

"NOW, BE IT RESOLVED that the Los Angeles City Board of Animal Services Commissioners hereby requests that the bail committee of the Superior Court of Los Angeles County be petitioned to raise the bail amount for illegal animal sales-related misdemeanors to as much as \$5,000.00, and in no case less than \$500.00, at the earliest opportunity, in order to facilitate more effective law enforcement and prosecution of these cases."

The full text of the resolution is attached.

FISCAL IMPACT: None specified.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

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

Attachment

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BRENDA F. BARNETTE
GENERAL MANAGER

KATHLEEN J. DAVIS
ASST. GENERAL MANAGER

Report to the Board of Animal Services Commissioners

Brenda F. Barnette, General Manager

COMMISSION MEETING DATE:

PREPARED BY: Kathy Davis

REPORT DATE: June 10, 2011

TITLE: Assistant General Mgr.

SUBJECT: Administrative Citation Program

BOARD ACTION RECOMMENDED:

That the Board recommend to the Mayor and City Council amending the below listed sections of the Los Angeles Municipal Code (LAMC) to enable Animal Control Officers to issue Administrative Citations for violations of the following specific sections:

Section 53.06 - Animals at Large-No person owning or having possession, charge, custody or control of any animal, except cats which are not in heat or season, shall cause, permit or allow the animal to stray, run, or in any manner to be at large in or upon any public street, sidewalk or park, except as otherwise expressly provided in section [63.44](#) of this Code, or in the bed of the Los Angeles River or upon any unenclosed lot or land.

Section 53.06.2(a) - Restraint of Dogs (Leash Law) - Every person owning or having charge, care, custody or control of any dog shall keep such dog exclusively upon his own premises provided, however, that such dog may be off such premises if it be under the control of a competent person and restrained by a substantial chain or leash not exceeding six feet in length, or under the control of a competent person on a dog exercise or training area established pursuant to section [63.44](#) of this Code.

Section 53.06.3(a) - Trapping – Permit Required - No person shall set, or cause to be set, any trap to catch any animal, other than rats, mice, pocket gophers, ground squirrels and moles, without having first obtained a permit therefor from the Department prior to the setting of any such trap.

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Subject: Administrative Citation Program

Section 53.09(b) - Stray Animals - Any person taking up any such stray animal found running at large or contrary to the provisions of this article shall surrender such animal to the General Manager of the Department or his duly authorized representative upon demand thereof.

Section 53.15.2(c)(1) - Breeding Permit Fee - No person shall cause or allow any dog or cat owned, harbored or kept within the City of Los Angeles to breed without first obtaining a breeding permit, as described below. The term **breeding permit** means a written authorization, issued annually by the General Manager, giving its lawful holder permission to breed a dog or a cat.

Section 53.15.2(c)(4)(f) - Transfer Notifications - Any breeding permit holder selling or otherwise transferring a dog or a cat, whether for compensation or otherwise, shall submit to the Los Angeles Department of Animal Services the name, address, and telephone number of the animal's new owner within five days from the sale or other transfer, on a Department approved form.

Section 53.15.2(e)(2) - Sale, Adoptions of Dogs, Cats - No person shall present any dog or cat for sale, adoption, barter, exchange, or adoption, whether for compensation or otherwise, in any public place, without first obtaining a permit pursuant to Los Angeles Municipal Code section [53.50](#). The term **public place** shall include, but not be limited to, streets, highways, sidewalks, carnivals, shopping malls, flea markets, boardwalks, and areas in front of commercial establishments. This prohibition shall not apply to:

A. Government agencies; non-profit animal rescue organizations exempt from taxation under Internal Revenue Code section 501(c)(3); or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110;

B. Permitted dog or cat shows; or

C. Permitted pet stores which sell or otherwise transfer dogs or cats, whether for compensation or otherwise, within the store.

Section 53.15.3(a) - Dog Licensing - Any person owning or having custody or control of any dog shall pay, in addition to a license tax, a fee in the sum of \$91.50 for the processing and related costs of issuance of a dog license, except that for spayed female or neutered male dogs, or any dog certified by a licensed veterinarian to be incapable of breeding or being bred, a fee of \$16.50 shall be paid. The provisions of Section [53.15](#) of this Code with respect to eligibility for the lower license tax specified there shall be equally applicable to eligibility for the lower fee specified in this Section. Any person exempt under the provisions of Section [53.15](#) of this Code from paying the license tax, shall be exempt from paying any license fee imposed by this Section.

Subject: Administrative Citation Program

Section 53.28 - Harboring of Unlicensed Dogs - No person shall have, harbor or keep any unlicensed dog that is over the age of four months.

Section 53.33(a) - Vicious Animals – Private Premises - No person, owning or having custody or control of any dog, other than a sentry dog, or any other animal known by such person to be vicious or dangerous, shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises. For the purposes of this section “sentry dog” shall mean a dog trained to work without supervision in a fenced facility to deter or to detain persons found within the facility.

Section 53.34 - Animals at Large - A person who owns or is in charge of or controls or who possesses a dog or other animal who permits, allows or causes the dog or other animal to run, stray, be uncontrolled or in any manner be in, upon, or at large upon a public street, sidewalk, park or other public property or in or upon the premises or private property of another person is guilty of a misdemeanor if said dog or other animal bites, attacks or causes injury to any human being or other animal.

Section 53.34.1 - Menacing Dogs - No person, owning or having custody or control of any dog, whether or not restrained by a substantial chain or leash, shall permit the dog to unlawfully assault, threaten or menace any human being or other animal upon any public street, sidewalk, park or other public property, or in or upon the premises or private property of another.

Section 53.35 - Animals – Transportation - No person shall transport or carry on the running board of any motor vehicle or outside of the portion of any motor vehicle designed for passengers or of the tonneau or body thereof any animal unless such animal is protected by a framework or other device which will prevent such animal from falling off or being thrown from such motor vehicle during the operation thereof.

Section 53.36 - Resisting Officers or Employees - No person shall hinder, resist or oppose the General Manager or employees or representatives of the Department or any police officer in the performance of their duties under this article, or conceal or secrete any unlicensed dog from any such officer or person.

Section 53.42(a) - Animals Sale – On Street - It shall be unlawful for any person to display, sell, offer for sale, barter or give away, upon any street or sidewalk, or other public place in the City of Los Angeles, any rabbits, baby chicks, ducklings or other fowl, as pets or novelties, whether or not dyed, colored or otherwise artificially treated.

Subject: Administrative Citation Program

Section 53.50(a) - Dog Kennels – Permit - No person, without first obtaining a permit therefor in writing from the Department, shall keep, conduct or operate within the City of Los Angeles any dog kennel, cat kennel, pet shop, zoo, animal rental establishment, animal grooming parlor, riding academy, livery stable, boarding stable, pony ring or pony ride, horse market, mule market, circus, rodeo, pet show, cat show, animal acts or exhibitions, alligator farm, ostrich farm, wild animals, miscellaneous animal or reptile establishment, or carrier and homing pigeons which are to be liberated for exercise or racing.

Section 53.59 - Animal Distance – Separation from Dwelling - The Department shall, by its rules, establish the minimum distance from dwellings, churches, schools, office buildings, business establishments and other occupancies, within which animals, and the cages, coops, or other enclosures required for their keeping may be maintained.

Section 53.70(A) - Shelter Requirements - No person shall keep, use or maintain a dog outdoors on any premises unless the dog is either provided with full access to an enclosed building, or if not provided with such access, is provided with access to a dog house or similar shelter at all times.

Section 53.70(B) - Water Requirements - No person shall keep, use or maintain any dog on any premises unless the dog has access to clean, fresh water at all times. Clean potable water shall be available to the dog unless restricted for veterinary care.

Section 53.70(C) - Feeding Requirements - No person shall keep, use or maintain any dog on any premises unless the dog is provided sufficient food daily to maintain proper body weight and good general health.

Section 53.70(D) – Tethering - It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied or restrained to houses, trees, fences, garages or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are met:

- (1) The tethering shall not be for more time than is necessary for the dog owner or custodian to complete a temporary task that requires the dog to be physically restrained for a reasonable period.
- (2) The dog must be tethered by a non-choke type collar or a body harness to a tether that is at least three (3) times the body length of the dog, measured from the dog's nose to the back of the hindquarters and which tether is free from entanglement.
- (3) The dog must have access to food, water and shelter as described above.

Subject: Administrative Citation Program

- (4) The dog shall be monitored periodically.

This section shall not affect the use of appropriate electronic means of confinement.

Section 53.70(E) – Caging - No person shall keep, use or maintain a dog in an outdoor pen, run, cage or other enclosure on any premises unless said pen, run, cage or enclosure is of adequate size to allow the dog to move around freely and, in addition,

- (1) its length is at least five times the length of the dog and its width is at least three times the length of the dog, and its height allows the dog to stand erect with the dog's head up, and
- (2) contains a dog shelter as described in Section [53.70](#) A. above, or
- (3) provides the animal access to the inside of a building.

The pen, run, cage or other enclosure shall be cleaned and maintained in a manner designed to insure sanitary conditions, and free of any debris which would be injurious to the dog.

SUMMARY:

At the meeting of August 10, 2009, the Board instructed the Department to proceed with developing and implementing an Administrative Citation Program in conjunction with the City Administrative Officer, the City Attorney's Officer and other city agencies as appropriate.

The Department has been in discussions with the City Attorney's Office and other agencies in order to move forward with implementation. The City Attorney's Office recommended the Department propose pertinent sections of the LAMC for inclusion in the Administrative Citation Program. Meetings were held with Field Staff to gather their input and a list was compiled.

BACKGROUND:

The Office of the City Attorney has prepared a draft ordinance which includes recommendations for the development and implementation of an administrative citation program to be utilized by departments who provide code enforcement services. Animal Services, along with Building & Safety, Dept. of Transportation, Fire, Police and Housing and Planning, were identified as the agencies that would most benefit from the creation of this program.

The intent of the Ordinance is to deter code violation behavior and repeat offenders. The benefits of the program as identified by the City Attorney's Office include creation of greater efficiencies and faster compliance, better use of legal resources and an increase in additional revenues credited to the City as opposed to the County of State.

Subject: Administrative Citation Program

FISCAL IMPACT:

The City's Administrative Office has set the Administrative fines in the draft ordinance as \$250 for the first violation; \$500 for the second violation; and \$1,000 for the third or any subsequent violation of the same code provision, statute, ordinance, order, condition or requirement. Based upon the stated fines, the initial annual revenue projection is \$125,000.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____

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GENERAL MANAGER

KATHLEEN J. DAVIS
ASST. GENERAL MANAGER

Report to the Board of Animal Services Commissioners

Brenda F. Barnette, General Manager

COMMISSION MEETING DATE: June 14, 2011

PREPARED BY: Kathy Davis

REPORT DATE: June 10, 2011

TITLE: Assistant General Mgr.

SUBJECT: The Amanda Foundation Fee Increase Request

BOARD ACTION RECOMMENDED:

That the Board approves a new fee schedule for sterilization surgeries performed by The Amanda Foundation Mobile Spay/Neuter Clinic.

SUMMARY:

The Amanda Foundation, through its mobile clinic, provides pet sterilizations free for residents of Los Angeles who meet the HUD very low income guidelines. Each fiscal year, the Department receives a general fund appropriation of \$500,000 to the Spay and Neuter Trust Fund, funding approximately 5,000-6,000 surgeries a year.

The Amanda Foundation has requested an increase in fees to recover increased costs. Between 2009 and 2010, the last complete year, the Consumer Price Index increased by approximately three percent (3%). However, during the same period, fuel to operate the mobile Spay/Neuter van and generator increased 18.4%. Other expenses to provide spay and neuter services have also increased. For example employee healthcare insurance for the van's staff is expected to increase at a rate of approximately 13% to 24% according to the Amanda Foundations' financial consultant. In addition, the Webster Veterinary Supply Company, the supplier of the van's medical necessities, has indicated that over the past 16 months supplies have increased from 15% to 48% on selected items.

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Subject: The Amanda Foundation Fee Increase Request

Amanda has not requested a fee increase since the contract was approved more than two years ago (April 2009). In order to maintain the current level of service to the community the Amanda Foundation has requested increase in spay and neuter fees as follows:

Current fees:

	Board-approved fees (as of April 2009)	No. of surgeries reported in FY0910	Estimated cost per year
Dog spay	\$80	2,104	\$168,320
Dog neuter	\$75	2,108	\$158,100
Cat spay	\$60	664	\$39,840
Cat neuter	\$55	513	\$28,215
Total:		5,389	\$394,475

Proposed Fees:

	Proposed new fees	No. of surgeries reported in FY0910	Estimated cost per year
Dog spay	\$90	2,104	\$189,360
Dog neuter	\$80	2,108	\$168,640
Cat spay	\$65	664	\$43,160
Cat neuter	\$60	513	\$30,780
Total:		5,389	\$431,940

FISCAL IMPACT:

An increase in Amanda's fees does not impact funding, as annually the Department allots \$500,000 for mobile s/n surgeries. There is however, a direct impact on the level of services provided by the van. An increase in the spay and neuter fees would cost an additional \$37,465 annually and could result in a reduction of approximately 400 surgeries. Failure to approve a fee increase, however, could result in insolvency for the van and a loss of the service altogether.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

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

RESOLUTION

WHEREAS, it is illegal to display, sell, offer for sale, barter or give away most kinds of animals upon any street or sidewalk, or other public place in the City of Los Angeles; and

WHEREAS, it soon will also be illegal to purchase animals on any street or sidewalk, or other public place; and

WHEREAS, these crimes have been designated misdemeanors in the Los Angeles Municipal Code, carrying with them the possibility of fines and jail sentences; and

WHEREAS, the Superior Court has established a bail amount of \$20.00 for individuals accused of illegal animal sales; and

WHEREAS, with exotic birds, purebred puppies and other animals sometimes being illegally sold for hundreds of dollars apiece and a constant supply of such animals available to the sellers; and

WHEREAS, \$20.00 is not a bail amount sufficient to deter the activities or to constitute more than a small portion of the “cost of doing business;” and

WHEREAS, the high incidence of accused sellers not being incarcerated and subsequently failing to appear in court impedes efforts to prosecute the perpetrators; and

WHEREAS, the public is being defrauded while thousands of innocent, illegally sold animals consequently are subjected to neglect or cruelty and often to premature death as a result of our collective inability to effectively apprehend and prosecute these cases.

NOW, BE IT RESOLVED that the Los Angeles City Board of Animal Services Commissioners hereby requests that the bail committee of the Superior Court of Los Angeles County be petitioned to raise the bail amount for illegal animal sales-related misdemeanors to as much as \$5,000.00, and in no case less than \$500.00, at the earliest opportunity, in order to facilitate more effective law enforcement and prosecution of these cases.

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