



BOARD OF ANIMAL SERVICES COMMISSIONERS  
CITY OF LOS ANGELES  
Tuesday, November 9, 2010  
10:00 A.M.  
**Los Angeles City Hall**  
**200 North Spring Street**  
**Room 1060**  
**Los Angeles, California 90012**

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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. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION**

- A. Modifications on Recommendations to Increase Limits on Cats from Three to Five (Indoors).

That the Board request that the Mayor, and subsequently the City Council, direct the City Attorney, when preparing the ordinance amending the Los Angeles Municipal Code (LAMC) Section 53.00 Definitions, to provide that Cat Kennel is defined as six or more cats and Dog Kennel is six or more dogs, to:

1. Further specify that only three cats are permitted on a premises unless if more than three cats up to a maximum of five are all owned cats and are all kept indoors at all times;
2. To exclude feral cats; and,
3. To defer an exemption for animals in foster care under this proposal.

**2. 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.**

**3. DISCUSSION ITEMS**

- A Presentation of Information and Discussion with Staff of Strategic Goals for the Department

**4. ADJOURNMENT**

There is no Commission Meeting on November 23, 2010. The next Commission Meeting is scheduled for 10:00 A.M., December 14, 2010, 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 (2<sup>nd</sup>) and fourth (4<sup>th</sup>) 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, 5<sup>th</sup> Floor, Los Angeles, CA 90012. Board Agendas may also be viewed on the 2<sup>nd</sup> 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 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

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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 member originally voted on the prevailing side of the item. The motion to "reconsider"

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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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PRESIDENT

RUTHANNE SECUNDA  
VICE PRESIDENT

TARIQ A. KHERO

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**City of Los Angeles**  
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**ANTONIO R. VILLARAIGOSA**  
MAYOR

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**BRENDA F. BARNETTE**  
General Manager

**Report to the Board of Animal Services Commissioners**

**BRENDA F. BARNETTE, General Manager**

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**COMMISSION MEETING DATE:** November 9, 2010 **PREPARED BY:** Brenda Barnette

**REPORT DATE:** November 5, 2010

**TITLE:** General Manager

**SUBJECT:** Modifications on Recommendations to Increase Limits on Cats from Three to Five (Indoors)

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**BOARD ACTION RECOMMENDED:**

That the Board request that the Mayor, and subsequently the City Council, direct the City Attorney, when preparing the ordinance amending the Los Angeles Municipal Code (LAMC) Section 53.00 Definitions, to provide that Cat Kennel is defined as six or more cats and Dog Kennel is six or more dogs, to:

1. Further specify that only three cats are permitted on a premises unless if more than three cats up to a maximum of five are all owned cats and are all kept indoors at all times;
2. To exclude feral cats; and,
3. To defer an exemption for animals in foster care under this proposal.

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**SUMMARY:**

On October 6, 2010, the Board considered and approved recommendations to the City Council in response to a motion (Rosendahl-Koretz, Council File No. 10-0982) to increase the number of dogs and cats an owner may have from three to five. Currently, a pet owner in Los Angeles is permitted to keep a maximum of three dogs and three cats over four months of age on a premises (LAMC Section 53.00 defines a kennel as having four or more dogs or four or more cats). The list of recommendations approved by the Board to convey to Council in regard to increasing the limits are as follows.

- Section 53.00 Definitions, should be amended so that "Cat Kennel" is defined as six or more cats and "Dog Kennel" is defined as six or more dogs.

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- Provide that the cats must be kept indoors.
- Exempt animals in foster care by permitting more than five dogs or cats at one time.
- Section 53.66 Guard Dogs, should be amended to limit the number guard dogs which can be licensed at one premises to two and provide that no other dogs can be licensed on a premises where one or two guard dogs are licensed.
- The Planning Department should be requested to identify other LAMC amendments necessary to ensure consistency with the Council's final decisions.

At the October 6, 2010, Board meeting, the City Attorney stated that the Department would also need to provide clearance on what actions should be recommended relative to compliance with the California Environmental Quality Act (CEQA). We expect that CEQA clearance will be effectuated prior to or in the report transmitting the actual ordinance to City Council, based on the Department's determination of the facts. While conferring with the City Attorney in preparation for transmitting the recommendations to the Council's Public Safety Committee, we identified the need to clarify details on the original recommendations and to provide additional information in preparation for compliance with CEQA at the appropriate point in the legislative process.

One clarification is in regard to cats and keeping them indoors. Under current law (LAMC Section 53.06) cats not in heat may roam out-of-doors in the City. The change in pet limits is fundamentally a life-saving measure and keeping cats indoors is one of the most effective steps cat owners can take to protect their cats. For that reason, the Department would prefer to modify the law to require that all cats be kept indoors, whether one cat or more, up to the limit approved. However, that is beyond the scope of the pet limit change proposed in the Council motion and presents impacts on enforcement procedures and resources. At the same time, increasing the number of roaming cats is an unacceptable consequence and itself in conflict with the goal of saving more cats' lives. The recommendation and resulting ordinance must be clear that persons with three or fewer cats are subject to all existing rules without any change, and that persons who desire to take in a fourth cat or a fourth and fifth cat must then agree to keep all four or five cats indoors. The language must also make clear that changes to the number of cats permitted per property do not apply to non-owned roaming stray cats which may be feral. This proposed modification simplifies enforcement, since either the four or five cats are kept indoors or one or more can be seen by an Officer outside, and it simplifies compliance for residents who have more than three cats.

Among the recommendations in the October 6, 2010, report was one about exempting animals fostered from the Department. Concurrent with the October Board report we launched a new program for volunteers to foster healthy, sterilized, juvenile, adult, and senior stray animals to alleviate crowding of animals in care centers, give animals a break from the tension of a kennel environment, and in some cases, to provide animals love, training, and socialization that will make them more adoptable when returned. As this new program is in the early implementation phase, we recommend deferring

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discussion of exempting dogs and cats fostered under an agreement with the Department and not proceeding with any exemption of fosters as part of the pet limit change at this time.

The Department concludes that the proposed ordinance may be exempt from environmental review under CEQA because it is subject to the CEQA common sense exemption: it can be seen with certainty that there is no possibility the ordinance may have a significant environmental effect because the potentially increased number of dogs at a premises remain subject to the same public health and safety laws such as vaccinations and confinement to property without a leash, and in the case of cats, feral cats are excluded from the proposed changes and persons who elect to have more than the currently allowed three cats must keep all cats owned indoors at all times, effectively reducing the total number of cats roaming outside in the environment. [State CEQA Guidelines 15061(b)(3).] The proposed ordinance also may be exempt from CEQA environmental review under the Class 5 Categorical Exemption, which exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. [State CEQA Guidelines 15305; City CEQA Guidelines Art.III, 1.e]. The proposed ordinance may also fall within this exemption because the Planning Code changes are limited to the change in kennel definitions and as stated above there is no change to the manner of keeping dogs while for cats the LAMC amendment will result in either no change or a reduction in the number of cats outside on public and private land.

#### **FISCAL IMPACT:**

This clarification on cats, modifying the earlier recommendations, will have no direct major revenue or expenditure implications, but may help mitigate some expenses. The cost of resources needed to enforce the ordinance and some small number of complaints about too many cats would be slightly less if all persons with five animals had to keep them indoors.

Approved:

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**Brenda F. Barnette, General Manager**

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#### **BOARD ACTION:**

\_\_\_\_\_ Passed

Disapproved \_\_\_\_\_

\_\_\_\_\_ Passed with noted modifications

Continued \_\_\_\_\_

\_\_\_\_\_ Tabled

New Date \_\_\_\_\_