



BOARD OF ANIMAL SERVICES COMMISSIONERS  
CITY OF LOS ANGELES

Tuesday, December 8, 2009

4:00 P.M.

**West Los Angeles Animal Shelter  
11361 West Pico Boulevard  
Los Angeles, California 90064**

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Tariq Khero, President  
Kathleen Riordan, Vice-President  
Irene Ponce  
Melanie Ramsayer  
Ruthanne Secunda

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Si require servicios de traduccion, favor de notificar la oficina con 24 horas por anticipado.

**COMMISSION MEETING**

**1. COMMISSION BUSINESS**

A. Shelter Tour of the West Los Angeles Shelter

**Note: Regular Meeting will begin after Shelter Tour at 6:00 P.M.**

B. Approval of the Commission Meeting Minutes for November 10, 2009

C. Oral Report by the Commissioners on Meetings and Events attended.

D. Reconsideration of Night Meetings for 2010.

## **2. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION**

- A. Income Eligibility for Free Department Benefits in Licensing, Spay/Neuter, Impounds, and Redemptions

That the Board request that the Mayor, and subsequently the City Council, direct the City Attorney to prepare an ordinance amending Los Angeles Municipal Code (LAMC) Sections 53.12, 53.15, and 53.31 in regard to income eligibility limits for the waiving of redemption and impound fees and issuance of a free dog license for qualified senior and disabled residents, and to add language clearly establishing income eligibility for all Department-sponsored Free Spay and Neuter Programs available to all low income residents regardless of age or disability as described in the body of this report.

- B. Late Fees for Dog Licensing and Extension of the Compliance Period Prior to Imposition of the \$500 Civil Penalty

That the Board request that the Mayor, and subsequently the City Council to establish as late fees \$7.50 for altered dogs and \$25 for unaltered dogs for failing to license a dog within 45 days of requirement to license, for fiscal year 2009-2010; and, direct the City Attorney to include in the ordinance revising the dog licensing process that the period prior to imposition of the \$500 civil penalty for failure to license be extended from 45 days to 180 days.

## **3. DISCUSSION ITEMS**

None

## **4. ORAL REPORT OF THE GENERAL MANAGER**

## **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., January 12, 2010 Los Angeles City Hall, Room 1060, 200 N. 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 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" 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  
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KATHLEEN RIORDAN  
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**ANTONIO R. VILLARAIGOSA**  
MAYOR

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

KATHLEEN J. DAVIS  
Interim General Manager

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

**KATHLEEN J. DAVIS, Interim General Manager**

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**COMMISSION MEETING DATE:** November 10, 2009    **PREPARED BY:** C. Garcia

**REPORT DATE:** November 6, 2009    **TITLE:** Management Analyst

**SUBJECT:** Income Eligibility for Free Department Benefits in Licensing, Spay/Neuter, Impounds, and Redemptions

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**BOARD ACTION RECOMMENDED:**

That the Board request that the Mayor, and subsequently the City Council, direct the City Attorney to prepare an ordinance amending Los Angeles Municipal Code (LAMC) Sections 53.12, 53.15, and 53.31 in regard to income eligibility limits for the waiving of redemption and impound fees and issuance of a free dog license for qualified senior and disabled residents, and to add language clearly establishing income eligibility for all Department-sponsored Free Spay and Neuter Programs available to all low income residents regardless of age or disability as described in the body of this report.

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**SUMMARY:**

Background

The City of Los Angeles has established itself as a provider of vital free animal related benefits to its low income residents. Senior and disabled residents meeting established United States Department of Housing and Urban Development guidelines for a family of two "very low income" are able to apply for the waiving of redemption and impound fees (Section 53.12), a free dog license (only one per household per year) (Section 53.15), and either free spay and neuter vouchers or the waiving of all spay and neuter fees upon adoption of any animal (Section 53.31). For parity, low income residents meeting established United States Department of Housing and Urban Development (HUD)

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Subject: Income Eligibility for Free Department Benefits in Licensing, Spay/Neuter, Impounds, and Redemptions

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guidelines for a family of two “very low income” are able to apply for free spay and neuter vouchers, the same criteria as established for senior and disabled residents.

Currently low income eligibility is based on a family of two persons, regardless if the resident applying for benefits is a family of one, three persons, four persons, five persons, etc. These recommended changes will ensure that eligibility for all established free benefits are based on the “very low income” limit of the actual household size versus the current arbitrary family of two persons “very low income” limit.

Two additional minor recommendations have been made in this report. The first modification is the Department of Labor’s definition of disability (as of 10-30-09) which should be added for clarification purposes. The second is that free dog licenses can only be issued upon proof that said dog has already been spayed or neutered. This action will reduce the amount of staff time required to follow-up on the status of outstanding surgeries.

### **Recommended Changes:**

#### **In Section 53.12 - ANIMAL SHELTER ADOPTION FEE SCHEDULE**

- Delete “for a family of two persons”
- Delete and replace limitation with “limitations” and figure with “figures”
- Delete existing disability definition and replace with “ and in conformance with the Department of Labor, a disability is a physical or mental impairment that substantially limits one or more of a person’s major life activities (for example, caring for one’s self, speaking, breathing, or learning). A disability need not be obvious; such conditions as learning disabilities, psychological illnesses, asthma, or infection with HIV (the virus that causes AIDS).”

The General Manager is already charged with developing an annual chart of income level eligibility based on HUD figures.

#### **In Section 53.15 - DOG LICENSE TAX PENALTIES**

- Delete specific reference to income level and replace with “the “very low income” limitation in the City of Los Angeles, as determined by the United States Housing and Urban Development. For each fiscal year, the General Manager is directed to determine, and utilize as that year’s adjusted gross income limitations, the figures in effect on the first day of April preceding the start of the fiscal year.”
- Delete existing disability definition and replace with the same replacement language in Section 53.12.
- Delete the language which allows for a free license if the applicant promises to get sterilization surgery within 3 months.

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- Delete “for a family of two persons”

In Section 53.31 - PUBLIC SPAY AND NEUTER CLINIC

- Delete “for a family of two persons”

**Add Language:**

**DEPARTMENT SPONSORED FREE SPAY AND NEUTER PROGRAMS**

For the purposes of all Department sponsored free spay and neuter programs, eligibility for said benefits provided by Department distributed vouchers and Department contracted vendors shall be based solely on established low income guidelines.

The Department or Department’s agent shall not charge and collect a fee for spaying or neutering any dog or cat participating in any Department sponsored voucher or spay and neuter program provided that owner of said dog or cat has applied for this benefit and eligibility has been determined prior to any services being rendered.

The combined adjusted gross income (as used for purposes of the California Personal Income Tax Law) of all members of the household in which such individual resided during the calendar year prior to the date on which application for free spay and neuter program benefits is made is less than the “very low income” limitation in the City of Los Angeles, as determined by the United States Housing and Urban Development. For each fiscal year, the General Manager is directed to determine, and utilize as that year’s adjusted gross income limitations, the figures in effect on the first day of April preceding the start of the fiscal year.

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**FISCAL IMPACT:**

The recommended changes are to existing funded programs of the Department and serve only to ensure that our low income resident’s eligibility is based on their actual household size.

Approved:

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**Kathleen J. Davis, Interim General Manager**

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Subject: Income Eligibility for Free Department Benefits in Licensing, Spay/Neuter,  
Impounds, and Redemptions

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**BOARD ACTION:**

\_\_\_\_\_ Passed

Disapproved \_\_\_\_\_

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

Continued \_\_\_\_\_

\_\_\_\_\_ Tabled

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



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KATHLEEN J. DAVIS  
Interim General Manager

**Report to the Board of Animal Services Commissioners**  
**KATHLEEN J. DAVIS, Interim General Manager**

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**COMMISSION MEETING DATE:** December 8, 2009 **PREPARED BY:** Linda Barth

**REPORT DATE:** December 3, 2009

**TITLE:** Assistant General  
Manager

**SUBJECT:** Late Fees for Dog Licensing and Extension of the Compliance Period  
Prior to Imposition of the \$500 Civil Penalty

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**BOARD ACTION RECOMMENDED:**

That the Board request that the Mayor, and subsequently the City Council:

1. Establish as late fees \$7.50 for altered dogs and \$25 for unaltered dogs for failing to license a dog within 45 days of requirement to license, for fiscal year 2009-2010; and,
2. Direct the City Attorney to include in the ordinance revising the dog licensing process that the period prior to imposition of the \$500 civil penalty for failure to license be extended from 45 days to 180 days.

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**SUMMARY:**

On February 23, 2009, the Board approved recommending to the Mayor and City Council a slate of amendments to Los Angeles Municipal Code (LAMC) Section 53.00 et. seq. to update and improve the dog licensing process, including issuance of licenses for up to three years, co-terminating of licenses with rabies vaccinations, issuance of puppy licenses, and updating of processes, in conformance with State Law, to permit selling new licenses on the Internet. The recommendations also included a request for language that established late fees, to be set via a process similar to other Department fees which are now submitted as recommendations to the Mayor and Council for approval. The Mayor approved and forwarded the recommendations to the City

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Subject: Late Fees for Dog Licensing and Extension of the Compliance Period Prior to Imposition of the \$500 Civil Penalty

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Council, which on May 19, 2009, directed the City Attorney to prepare and present the necessary ordinance to amend LAMC as proposed by the Board. Since that time, the City Attorney has been working on the ordinance in collaboration with Department staff, so that the final ordinance captures all aspects of the recommendations provided by the Board and can be smoothly effectuated by the Department once the ordinance is final.

Establishing late fees for dog licensing was one of the elements approved for recommendation by the Board on February 23, 2009, however, specific late fees were not recommended in that report. In working with the City Attorney to provide language for late fees, another complicating issue arose: the 45-day timeframe before the hefty \$500 civil penalty is to be assessed (LAMC 53.15.3) constrains the effectiveness of a late fee to induce payment. Unless the late fee would be activated the day a license was due, 45 days could elapse before a 2<sup>nd</sup> notice could be identified as needed, produced, mailed, and the late fee collected. In at least the last decade, the assessment and collection of the \$500 civil penalty has rarely been accomplished, because the penalty comes so quickly, and is so out of proportion with the cost of an unaltered dog license. Since most licensing and license renewal is handled through mail, the posting of notices, and/or walk-in to animal care centers, 30 to 60 days is neither unrealistic nor unreasonable a timeframe for a licensing process cycle to complete if there is any complication, such as a lost notice, a sick family member, an address change, a need to get spay/neuter surgery completed, or other factor. In fact, the mandatory spay/neuter ordinance expressly gives dog and cat owners 60 days to comply with the law, which is both sterilization and licensing for dogs. That 60-day grace period conflicts with the 1960s era 45-day timeframe prior to the \$500 civil penalty.

The purpose of establishing late fees is to reasonably motivate compliance. Any amnesty campaign implemented would be based on waiving reasonable late fees, not waiving the base license fee or a civil penalty. A late fee tied to a 45-day compliance window can be utilized consistently in the cases of a person who has a current rabies vaccination but neglected to license, a person who needed to renew an expired license but failed to do so (whether or not notices were received), or a person who has moved into the City or purchased a dog and needs rabies vaccination or spay/neuter surgery. Conversely, the \$500 civil penalty and potential misdemeanor is more appropriate for a long-term scofflaw situation, suggested for 180 days (six months) to conform to the spay/neuter ordinance timing, which assesses \$500 at 180 days of non-compliance.

The recommended initial fees are \$7.50 for late fee on an altered license or \$25.00 for an altered license. These fees are sufficient to motivate compliance on the part of tardy licensors, without being so high that they instead motivate avoidance. The late fee would be assessed on a dog owner who fails to renew a license, get a current rabies vaccination, or obtain a new license within 45 days of expiration of license, expiration of rabies vaccination, a dog reaching four months, or a dog residing in the City 30 days, regardless of the owner receiving a written notice in any of those situations.

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**FISCAL IMPACT:**

Extension of the timeframe for assessment of the civil penalty will not have a negative revenue impact since it is rarely applied. Some increase might even manifest because the assessment and collection would be aimed at true scofflaws, and therefore more vigorously pursued. Increase in revenue from application of the reasonable late fees is fairly certain but the amount to be expected is difficult to estimate because we do not have data that accurately tracks the date of a license notice mailing to the date of license payment. Also, the late fee may motivate some people to act who otherwise might forget to license altogether because there is no motive to timely pay, or some may select higher-revenue, multi-year licenses to avoid annual payments and fees. We currently sell about 100,000 paid licenses per year (excluding, for example, free licenses to seniors). If we double that number under the various license process improvements, and even 25% of them pay the \$7.50 late fee in the first year, revenue could be \$200,000 to \$300,000. However, the purpose of the late fee is to motivate compliance, so the goal would be that revenues from late fees would diminish while more dogs were licensed and fees paid more timely.

Approved:

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**Kathleen J. Davis, Interim General Manager**

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**BOARD ACTION:**

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