

MINUTES



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Monday, February 23, 2009
10:00 am
Los Angeles City Hall
200 N. Spring Street
Rm. 1060
Los Angeles, CA 90012



Vacant, President
Kathleen Riordan, Vice-President
Tariq Khero
Irene Ponce
Archie J. Quincey, Jr.

ADMINISTRATIVE APPEAL HEARING 10:00 A.M.

The meeting was called to order at 10:20 am. In attendance were Commissioners Riordan, Quincey, and Khero. Commissioner Ponce arrived at 10:24 am.

1. Barking Dog Revocation - **BR 083105 WV**

Appellant: Philip Minton

Complaining Witness: Najib Saadeh

Field Operations Supervisor, West Valley Shelter, Val Angeles

Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst

Commissioner Quincey made a motion to uphold the revocation. Commissioner Khero seconded the motion and the motion passed 4 – 0.

Determination: General Manager's Barking Dog Revocation Decision Upheld

COMMISSION MEETING

Meeting began at 10:36 am. Commissioners Quincey, Riordan, Khero, and Ponce were present.

1. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION (Item 3A taken Out of Order)

A) Amendments to Los Angeles Municipal Code Specific to Dog Licensing
And Rabies Vaccination Regulations

That the Board request that the City Council direct the City Attorney to prepare an ordinance amending the Los Angeles Municipal Code (LAMC) Section 53.00 et. seq. The Municipal Code sections that may be considered include:

RELEASING UNNECESSARY RESTRICTIONS IN THE LAMC, ADDING PROTECTIONS	
LAMC Section	Summary of Changes
53.15	The owner of a dog (whether or not four months of age) must license the dog.
53.15	Streamline the language to make clear that application, fees, and proof of rabies vaccination are required, and remove specific references to one-year or two-year licenses.
53.15	Update language and expressly allow for both rabies vaccination and spay/neuter to be proved through satisfactory evidence, and not only by an express type of written certificate.
53.15.2(c)(4)(G), 53.15.2(e)(1)	Expand and emphasize the responsibility of breeders, commercial establishments, and others to report information to the Department on dogs sold for licensing follow-up.

CONSOLIDATING AND SIMPLIFYING FEE AND TAX PROVISIONS	
LAMC Section	Summary of Changes
53.15	Authorize a fee setting process through the Board with approval of the Mayor and Council the same as the new Fee Ordinance will authorize for other types of fees and charges in the Department. The fee setting process could include establishing waivers for special circumstances or timeframes, for example, to conduct a licensing drive featuring an amnesty program.
53.15 (new)	Add a provision authorizing charge of late fees to motivate compliance with payment of licenses due.
53.15 (new)	Add a provision expressly exempting from any license tax or any license payment the New Hope partners or any enterprises partnering with the Department to adopt dogs. Other provisions expressly require that the new owner information must be provided to the Department for follow up.
53.15.2(c)(4)(G), 53.15.2(e)(1), 53.15.4	Expand the responsibility of veterinarians and others to distribute license information or applications to allow the Department to authorize veterinarians and commercial entities to take applications and sell licenses, remitting fees with the information to the Department, in exchange for a service fee to be set by the Board and approved by the Mayor and Council.
53.15.4	Provision inserted and updated to allow a contractor to sell licenses but then be paid a fee after remitting license revenue collected.

TECHNICAL CHANGES	
LAMC Sections	Summary of Changes
53.00, 53.11(f), 53.11(l), 53.13, 53.15, 53.15.3, 53.26	Revise language to indicate that dog licensing where mentioned, such as when a dog is adopted, shall be in conformance with provisions in 53.15 and other revised sections as appropriate, rather than giving specific terms, fees, or rules within various sections that may then turn into conflicts. Remove specific references to one-year licenses.
53.15	Streamline and unify language so that all waivers provided to low income seniors and disabled persons, whether for a dog license, spay/neuter, or other reduced fees, use the low income definitions set forth by HUD.
53.15.2(b)	Modify language so that licenses can be applied for (and fees paid) pending a delayed spay/neuter surgery or pending receipt of proof of exemption from spay/neuter, but not be valid until such proof of surgery or exemption is received, so that the owner of a dog being adopted or redeemed, for example, can purchase the unaltered license even though there may be a delay in getting surgery for the dog.
53.16, 53.24, 53.25, 53.27, 53.28, 53.54, 53.57	Old provisions to be deleted or merged with existing licensing and vaccination sections.
53.53	Allows that proof of rabies vaccination (certificate) may be another form of documentation other than being restricted to a printed triplicate form, such as electronic documents or computer-generated certifications (as the Department currently provides).

General Manager Boks stated that this recommendation is the most important that he has submitted to the Board in his three year tenure. He is asking the Board to approve a request to modernize the Department's rabies control and dog licensing in Los Angeles by allowing the City Council to replace a decade's old patchwork of confusing and conflicting ordinances with an easy to understand law that is more effective in the control of dogs and rabies. In addition, the new ordinance would be more user friendly to the public and to the Department which must implement it. The recommendations have been considered and validated by the Controller's 2008 audit on licensing and by the recent work of a Joint Labor Management Taskforce convened by the Mayor to evaluate the City's current dog licensing program and to recommend cost effective ways to raise \$1 Million through enhancement of the licensing program and to help restore 31 ACT positions scheduled for lay-off this Fiscal Year.

To underline the sense of urgency of the situation, Mr. Boks told the Board that the Department met with the Mayor's office and the CAO on February 20, 2008 and was asked to come up with a 30% cut to the budget and to have that prepared and delivered by tomorrow (February 24, 2008). He thanked Julie Butcher from the SEIU, Paul Girard from the Mayor's office, Controller Laura Chick, Nate Kaplan from Councilmember Rosendahl's Office, and Aimee Gilbreath ED of the Found Animal's Foundation for attending the meeting.

City Controller, Laura Chick: She stated that she was before the Commission to speak with great support and enthusiasm for helping to bring the Department of Animal Services into the 21st Century and to support the very logical and rational recommended changes in the Admin code that are before the Commission. She feels that this is not just about collecting money, but it is about being more humane, reducing pet overpopulation, being able to be a no-kill city,

about giving people a way to give proper care to their animals and becoming a partner with them through licensing, and it is the doorway to becoming a City whose pet owners S/N their dogs and cats. She expressed her support for the current leadership of LAAS to bring the Department into the 21st Century. The Department and the Controller's office have looked at best practices in creating these recommendations and she asked that the Commission thoughtfully review them.

Commissioner Riordan personally thanked the Controller for her service to the City and empowering women in business and politics.

Aimee Gilbreath, ED Found Animals Foundation: She stated that LA has a wonderful policy structure that sends a portion of licensing fees to the S/N Trust Fund. They view this as an opportunity to increase funding for S/N into perpetuity. They feel that licensing works best when it is made easy for the dog owner through on-line licensing and license renewal. They would like to see the process be more user friendly for the dog owner and more efficient for the Department and once that happens, they will put their resources and funding into an advocacy and campaign to get more dog owners into the system.

Nate Kaplan, Communications Director for Councilmember Rosendahl: He expressed Councilmember Rosendahl's support to streamline licensing and modernize the process in order to step up their efforts to license more dogs in the City and bring in more revenue. Their office will do whatever they can in their power to make this happen.

Paul Girard, Mayor's Office: Here to represent the collaborative process between the Mayor's office, SEIU, and Animal Services. He is pleased and proud of everyone that worked on the recommendations before the Commission.

Julie Butcher, SEIU: The union will continue to oppose any efforts to privatize jobs within the Department. City workers are committed to figuring out how we do what we do, generating the greatest amount of legitimate revenue, and protecting the animals of LA and the people who live here. We can agree that working together makes sense to figure out creative ways to generate revenue for the City to make life better for the animals and residents.

Commissioner Riordan thanked the speakers. She suggested that, following initial comments and questions, they review each proposed code change. The other Commissioners agreed. She remarked that on-line licensing and credit card issue was brought to the Commission 5 years ago and there were many meetings and motions at the time. She acknowledged that the Department is doing on-line license renewals, and felt the number one priority to licensing should be to have first time on-line licenses, that this should be launched as soon as possible. In her opinion, on-line licensing is the #1 priority to launch as soon as possible. She questioned if the Department is set up to do first time online licensing. The General Manager responded that the Department is moving in that direction and that online license renewal is already in place and running. The Department has a target date of July 1, 2009 to launch on-line licensing once the recommendations have been approved by City Council.

Commissioner Riordan asked the City Attorney if the revisions to the codes conform to State law. The City Attorney has not had a chance to review. General Manager Boks stated that there is precedence for these changes in other city councils around the state, such as San Francisco, which is a local model.

Commissioner Riordan expressed concern about any consideration to withhold business permits to veterinarians who do not comply with LAMC 53.53, as was suggested on page 4 of the Board Report. She stated that she spoke with Doctor Grant of the CVMA. He mentioned a law suit in Ontario that vets were mandated to turn over owner information and that information was sold for mailing lists. This compromised the doctor patient confidentiality standard. She suggested incentive such as raising the financial rewards that result in new licenses per LAMC 53.15.4. The Commission then proceeded to review the code changes item by item. Commissioner Riordan expressed concerns about recommendations in the licensing report. AGM Barth reminded the Commission that the licensing report is a note in file and it is not included in the Board Report being considered by the Commission today.

Commissioner Riordan expressed concern about sending code changes to the City Council that may not be in confirmation with State law. The City Attorney confirmed that the City Council will not direct the City Attorney to draft any ordinance that is contrary to State law and suggested that the Board may request that the City Attorney come back in the course of this process and report back to the Board to satisfy the Commission that the City Attorney has reviewed all of the issues as the process moves forward.

A lengthy discussion ensued regarding authorizing a fee setting process through the Board with approval of the Mayor and Council the same as the new Fee Ordinance will authorize for other types of fees and changes in the Department. Commissioner Riordan is opposed to anything that would change the differential between the altered and unaltered fee and/or any possibility that the unaltered fee could be lowered now or in the future. AGM Barth explained that the Department is not interested in changing the fees in the near future, but we might be interested in having an amnesty program for the forgiveness of penalties or waiving a first time redemption fee for an animal if it has a license, etc.

Commissioner Khoro asked for clarification on how the process, if enacted, and the current process differ. AGM Barth explained that both processes begin with a recommendation to the Board based on research, facts, and analysis. The Board considers and takes public debate and makes a final decision. The decision is conveyed to the Mayor. The Mayor's office, depending on the nature of the report, may have the CAO do a study or they may make their own approval or analysis and then send it to City Council. The City Council schedules it for the relevant committee and then it is heard in that committee/s. There is public hearing again and a Chief Legislative Analyst report and/or the City Administrative Officer's report would be given, as well as information from our Department. It then would be conveyed by the committee/s to City Council for a vote and more public hearing and the relevant City agencies and Department staff would testify. The Council then takes a vote. This process can take anywhere from 6 months to 1 year.

This is where the two processes diverge. Under the proposed new process, where the Council votes, they would vote on an effective date. Currently, if it is an ordinance, the Council would ask the City Attorney to write up the words of the law which they would publish. The City Attorney conveys the information into an ordinance and then sends it back to the City Council where it is agendaized, either through committee/s or directly to Council, and then it is published, approved by the Mayor, and then published again for 30 days. In the best case scenario, this adds an additional 6 months to one year to the process.

Commissioner Riordan is concerned that by revising this fee setting process the differential could be compromised if it is included with other fee changes as opposed to going through an ordinance change process. John Forland stated that currently in the code, the Department does

not have any penalties, fees, fines, codes, interest charges, etc and this will allow the Department to add these things. Commissioner Riordan stated that she is not opposed to changing the code to add penalties, but that she wants to protect the large differential in the ordinance. She also likes the idea of an amnesty program for forgiving past penalties.

The City Attorney suggested that keeping just the license differential fee in the code would not affect the entire streamlining process if all the other matters can be moved forward.

Commissioner Riordan stated she was opposed to adding into the codes that rescue partners be required to turn over owner information, because it is covered in the contract as allowed in LAMC 53.11. Further discussion of the remaining codes ensued.

Public Comment

Sue Taylor-She thought there were many good ideas. She wants to keep the differential in the ordinance. She suggested getting the rescue community to help with sending out license reminder letters to dog owners.

Phyllis Daugharty_ She has concerns about paying people to sell licenses for the Department. She believes that if there is amnesty, it has to be for everyone. Wants to keep the differential.

Ruthanne Secunda – New LAAS Commissioner. Spoke about the importance of not making New Hope groups pay the license tax. Do breeders require a kennel license? She also stated that Much Love has no problem providing the department with new owner information of animals they adopt. She thinks that it's a good idea and Much Love wants to help the Department in their licensing pursuits.

Jim Bickhart – He suggested codifying the New Hope's requirements to provide information is valuable. Leaving licensing in ordinance form makes it more vulnerable to last minute legislation by the City Council than the proposal set before the Commission that is mandated to come before the Board before being sent to the City Council.

Commissioner Riordan made a motion to adopt the General Manager's recommendation with the modification that the specific fees for altered and unaltered dog licenses and the process for setting them, in contrast to the recommendation, remains specifically an ordinance process. Commissioner Quincey seconded the motion. The motion passed 4-0.

2. ORAL REPORT OF THE GENERAL MANAGER

Critical Incident: On Sunday, February 22, 2009, four people were shot during a private party at the loft apartments across the street from the North Central Animal Care Center. One person confirmed dead, 3 others critically injured. The active crime scene includes the Center which may affect operations due to both driveways being blocked. It is unknown at this time how long the crime scene will be active. ACT Carl White rendered comfort to one of the victims until paramedics arrived. No other city employee or volunteers involved, no animals involved.

Budget Meetings: On Friday, February 20th, the Department met with the Mayor's Office and City Administrative Officer to discuss a 30% cut to the 09/10 budget. All City Departments are being asked to come back with a revised budget. Ours is due tomorrow. We of course continue to argue that because of the cuts taken in the current fiscal year, the on-going partial use of Mission Animal Care Center and the existing 8% vacancy rate in the Department that cuts for

Animal Services should be less extreme. However, with the State and City's fiscal crisis looming over us all, the CAO continues to look for deeper savings in the current year and next year.

Spay/Neuter Coupons: Despite a \$100,000 cut so far this fiscal year to our spay/neuter funding, the demand for both the low income Free and the \$30 discount coupons continues to rise. This is probably in response to both the economic downturn and the new spay/neuter law.

The Department receives funding each month from the City's General Fund for coupons and to pay for the spay/neuter van services. Since passage of the spay/neuter ordinance the demand for spay/neuter has been so great that our animal care centers routinely run out of coupons before the month end. This has forced us to limit the number of \$30 coupon books we distribute to the public through our rescue partners so we have enough at our animal care centers to make it to the end of each month. We are in the process of implementing criteria for distribution of the Free Spay/Neuter Coupons (value \$70) to ensure they are indeed going to seniors, disabled, and other residents whose income is under the HUD low income ceiling of \$30,300. The CAO's request for a 30% cut to next year's budget will likely see further reductions to the S/N fund.

Be My Furry Valentine: LA Animal Services thanks the Pet Care Foundation, Dionne Warwick, the Found Animals Foundation, and our many volunteers and employees for another very successful ADOPTATHON!

LA Animal Services placed 343 pets into loving homes during this two day event. That is over a 100% increase when compared to the same weekend in 2008 when 171 pets were adopted. A Daily News article on Dionne Warwick's Valentine's Day visit to our East Valley Animal Care Center to help promote adoptions through our A House is Not a Home without a Pet program ran on Sunday, February 15th.

Strategic Planning Process: On Thursday, February 19th, 25 employees met at our East Valley Animal Care Center to help develop the Department's Strategic Plan. A total of thirty-two employees are directly participating in this process, however, input will be sought from many more. These 32 employees form four teams of eight employees. Over the next couple of months these teams will be working together to develop Departmental Goals for the next fiscal year and beyond and plans for accomplishing those Goals.

Orange Bone Partnership: On Wednesday evening, February 11th Last Chance for Animals and the Orange Bone Pet Store hosted a star studded celebration of the partnership formed with LA Animal Services and other rescues to provide shelter dogs instead of puppy mill dogs for sale. The event was very successful and garnered some very positive press.

In House Spay/Neuter: Initiated in-house Spay/Neuters at Harbor and North Central. We are now performing s/n at our other Centers which allows our pets to go home as soon as they are adopted.

Special Enforcement Event: Our Enforcement Division has initiated Special Enforcement efforts in parts of the City with chronic dogs-at-large complaints. Since its inception several weeks ago, Enforcement has focused on neighborhoods in South LA, West LA, and West Valley.

Pet Cam: Following the success of the recent puppy and kitty cam efforts, (provided by the Found Animals Foundation), the Department has decided to initiate our own in-house Pet Cam.

Please join us at our website: www.LAAnimalservices.com

The Pet Cam is expected to be operational within a week or two. The cam will provide the Department another marketing tool to encourage traffic into our Centers in the hopes of further increasing adoptions.

Low Cost Vaccination Clinic: Our first Vaccination Clinic with our new vendor, the Southern California Veterinary Vaccination Clinic was at West LA on February 19. It was very successful and well attended.

Western University Partnership: In his ongoing dialogue with Western University, Dr. Prupas successfully recruited 30 vet students to participate in this year's Baby Bottle Foster Parent Program. The thirty new participants are signed up for orientation.

Emergency Preparedness: The Department established an Emergency Preparedness Steering Committee to focus on four primary areas: Training, Equipment, Human Resources (including succession planning) and Emergency Facilities (identifying all potential possibilities and drafting MOUs). Also, refresher training was provided to 9 employees on how to deploy our Mighty Mover.

Training: The City Attorney's Office and the District Attorney's Office have begun providing our ACOs with additional training and consulting opportunities by spending time weekly in our Centers. The attorneys are splitting the Centers between them and are establishing regular days and times when they are available at our Centers to discuss cases, investigation techniques and writing reports. This closer working relationship should provide our officers with the ability to better prepare cases, file cases quicker and track the status of pending cases.

Upcoming Events: February 28 - **We Spay LA**, free Spay/Neuter Clinic for CD 6 and 7 pets. LA Animal Services is partnering with the two City Council Offices in hosting this event. Clinico, Sam Simon, and The Amanda Foundation are participating and we have a goal to perform 165 spay/neuters surgeries in this one day.

Animal Cruelty Task Force (ACTF): LA Animal Services and LAPD determined that the effectiveness and efficiency of the Animal Cruelty Task Force in achieving its vision and meeting expectations for its mission would be enhanced if we defined our respective scopes of responsibility in a MOU. We hope to finalize this MOU within the next week or so.

Wachovia Bank Changeover: all our banking and lock box activities continues to be a major focus of our Administration, Accounting, Licensing, and Systems groups. We are optimistic that many of the changes required by Wachovia's 100% on-line reporting will lead to efficiencies in the coming year, but that will only come after significant efforts on our end to accommodate all the new procedures. At this time we anticipate the changeover will be complete by early April.

Controller Audit: On December 4, 2008, the Controller released an audit of the Prop F Animal Facilities Bond Program. Most of the 17 recommendations were directed at the Bureau of Engineering, with only six directed to Animal Services. The joint response of our two Departments to the audit was submitted to the Controller on February 5th.

In large measure the audit, which was performed by outside experts, lauded the Program. In particular, they made recommendations to assist BOE with being more on target with cost estimating. For Animal Services, the audit recommended better communication between staff assigned to the Program and Department Management (including the Board) and community stakeholders. Often, value engineering decisions necessary to keep the projects on budget

were not discussed or even reported to Department Management, the Board or stakeholders, creating a gap between expectations and the final product. They also recommended more and better training for staff moving into the new facilities.

New South LA project: a meeting was held with the staff of the current South LA animal care center to accept feedback on the new center design elements from employees who have worked in the local area. A number of suggestions and design tweaks came out of that discussion, such as re-assigning some office locations and improving the flow of the receiving area with a few targeted changes. Most of the recommended modifications can be integrated without a significant extra cost or slowdown in the schedule, according to BOE. Please remember that the new South LA facility will be an additional facility in SLA, not a replacement of the current animal care center.

3. COMMISSION BUSINESS

A. Approval of the Commission Meeting Minutes for January 26 and February 9, 2009

Commissioner's Riordan and Ponce had changes to the minutes. Approval held over.

B. Oral Report by the Commission on Meetings and Events attended.

Commissioner Ponce promoted "My Furry Valentine" adoption event. Commissioner Quincey listened to a program on AM1150 about the Puppy Store and LAAS. Commissioners Khoro and Riordan had nothing to report.

4. DISCUSSION ITEMS

A) Oral Report by the City Attorney in regard to the status of Dangerous Dog Case DR 05329 NC ("Maeve"),

Todd Leung, Deputy City Attorney gave an overview of the Maeve case. It was decided that the Commission should agendaize a motion to formally set aside the General Managers decision based on a court order, that the Department is not required to have a new hearing, that a new hearing is up to management.

CLOSED SESSION: The Board of Animal Services Commissioners will meet in closed session with the City Attorney as its legal counsel pursuant to Government Code section 54956.9(a) to discuss pending litigation in Jeffrey Peter De La Rosa v. Animal Control Board of the City of Los Angeles, et al.; LASC case # BS104836; Ct of App. Case # B202071.

No Action Taken

B) Information Report from the Volunteer Coordinator

Tabled for a later date.

Discussion of an Assessment of the Volunteer Program, the Erica Meadows Report and the plans for the future.

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.)

Phyllis Daugharty – She discussed the history of the S/N differential. She does not want licenses issued without proof of rabies. Expressed concerns about the new Commissioner recusing herself on all issues regarding New Hope.

6. FUTURE AGENDA ITEMS

Commissioner Riordan suggested that the Department do some PR around “Beverly Hills Chihuahua” as a follow-up to the movie and the DVD release.

Commissioner Riordan made a motion to adjourn. Commissioner Khoro seconded the motion. Motion passed 4-0. Meeting ended at 2:34 pm.

Next Commission Meeting is scheduled for 10:00 A.M, March 9, 2009, Los Angeles, City Hall, Room 1060, 200 North Spring Street, Los Angeles, CA 90012