

MINUTES



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



President

Kathleen Riordan, Vice-President

Tariq Khero

Irene Ponce

Archie J. Quincey, Jr.

Ruthanne Secunda

ADMINISTRATIVE APPEAL HEARING

Meeting called to order at 10:20 am. Commissioners Quincey, Riordan, Secunda, Ponce and Khero were present.

1. Barking Dog Revocation - **BR 08387 NC (Continued from March 9, 2009)**

Appellant: Shui Hang Tam

Complaining Witness: Jack Chludzinski

Field Operations Supervisor, North Central Shelter, Lt. William Tranzow

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

Officer Rios presented an account of the Department's investigation.

Commissioner Riordan questioned why the Commission was hearing this case again. City Attorney Lesel reminded the Commission that it failed to reach a decision at the previous meeting. The LAMC Code Section 53.18.5Q7 requires that the Commission render a decision within 75 days of receipt of the file. The Commission received the file less than 30 days ago, therefore the Board does have time to rehear this matter and render a decision. If a decision is not rendered, the ruling automatically goes against the appellant. For this Board to take action, three Commissioners must vote the same way.

Public Comment

Jeff de la Rosa – He stated that more thought should be put into terms and conditions.

Jessie J. Maarup – She gave her opinion about how the neighbor's dogs bark.

Commissioner Quincey made a motion to uphold the General Manager's decision. Commissioner Khero seconded the motion. The motion passed with 3 yes votes and 2 abstentions. The Tams have 5 days to relinquish their dogs.

Commissioner Khero left the meeting at 11:14 am and returned at 11:20 am.

2. Dangerous Animal Revocation – DR 08374 WL

Appellant: David Corwin

Complaining Witness: Lynn Goodpasture

Field Operations Supervisor, West Los Angeles Animal Shelter, Lt. Jesse Castillo

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

Public Comment

Jeff de la Rosa – Commented on how the appeal hearings are conducted.

Cheryl Simon – Stated that neighbors are scared of the dog and the street is called the “killer street.”

Margaret Jacob – Recalled how her collies were attacked by the Corwin’s dog.

Andrea Nusbaum – Dog trainer, stated that a dog’s temperament and nature can be changed and socialized at any age with the right training.

Commissioner Quincey made a motion to uphold the General Manager’s decision. The motion failed for lack of a second.

Commissioner Khero made a motion for the matter be held over until the next regular meeting on April 27, 2009 to allow the Commission to make a site visit and interview the neighbors. Commissioner Ponce seconded the motion. Motion passed 5 – 0.

Ten minute recess called at 12:33 pm.

COMMISSION MEETING

Meeting called to order at 1pm.

1. COMMISSION BUSINESS (Item #2 called out of order)

A. Election of Officers (Item C called out of order)

Commissioner Khero was nominated for the position of Commission President. Commissioner Khero accepted the nomination. Commissioner Khero elected to the position of Commission President by a vote of 3 yes votes to 1 abstention.

Public Comment

Jeff de la Rosa – He voiced his protest to the election.

B. Approval of the Commission Meeting Minutes for January 12, January 26, February 9, and February 23, 2009 (Item A called out of order)

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Commissioner Ponce had changes to the February 9 minutes. Commissioner Riordan had changes to all of the minutes. Decision to hold approval of the minutes until meeting on April 27, 2009.

C. Oral Report by the Commission on Meetings and Events attended. (Item B called out of order)

Commissioner Ponce spoke with staff and spoke with Barry Hall regarding rescheduling the wine tasting fundraiser for the Department to September 2009.

Commissioner Secunda attended a meeting with GM Boks and Jaren with Susam Tellum's marketing group in regards to plans for the Centennial Celebration for LAAS.

Commissioner Riordan watched the monarch migration and attended a dinner with Phyllis Diller, the LA Archdiocese and her father regarding S/N.

Commissioner Quincey and Khero had nothing to report.

2. ORAL REPORT OF THE GENERAL MANAGER (Item # 1 called out of order)

Decision made to hold the report.

3. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

**A. Set Aside of Decision on Dangerous Dog License Revocation Case DR 05329 NC
-Pursuant to Superior Court Judgment on Case BS 104874**

That the Board set aside the administrative decision rendered on December 9, 2005, and affirmed by the Board of Animal Services Commissioners on June 8, 2006, regarding Dangerous Dog License Revocation Case No. DR05329NC, as ordered by the Honorable James C. Chalfant in Superior Court Case BS 104

Public Comment

Jeff de la Rosa – On 11/28/08, a writ was served to the Commission Secretary, but it was not given immediately to the Board. Requested the Board to review the case record and admit that it was faulty.

Pam Holt – Expressed her support for Jeff.

Andrew Pearlman – Volunteer at Forte Animal Rescue. Stated his opinion that procedures and policies have been bent to retaliate against Jeff.

Andrea Nusbaum – She was asked to evaluate Maeve with other dogs and could find no aggression to dogs or humans.

Marie Atake – She asked the Board to move to set aside the decision as ordered by the judge and overturn the old decision.

Kim Carnochan – Stated that Jeff loves all animals and feels that he is a victim of a personal vendetta.

Philip Butcher – He is a dog trainer that was asked to evaluate Maeve and found no aggression.

Bobby Dorafshar – Stu has been at his facility for 1 year. He does not feel that Stu should be called a dangerous dog.

Commissioner Riordan asked the Board to overturn the motion and acknowledge that documentation from Maeve's case that was excluded from Stu's case be included.

Commissioner Khoro questioned the procedural posture of the case if it is set aside. He stated that he felt it difficult for Maeve to have a fair hearing at this point.

Commissioner Quincey made a motion to set aside the decision on Dangerous Dog License Revocation Case DR 05329 NC -Pursuant to Superior Court Judgment on Case BS 104874. Commissioner Riordan seconded the motion. Motion passed 5 – 0.

B. Assembly Bill 233–Personal Income Tax Deduction for Pet Adoption Fees

That the Board recommend to the Mayor and City Council that the City support Assembly Bill (AB) 233, which if approved would provide a personal tax deduction to individuals to deduct the adoption fees of animals from local government shelters as well as shelters operated by 501(c)(3) entities, to a maximum deduction of \$300 per year, to be made available from January 1, 2010 to January 1, 2015.

General Manager Boks stated that this is a straight forward recommendation on behalf of the Department. It is a beneficial piece of legislation at the right time.

Public Comment

Jeff de la Rosa – He is in favor of the legislation except that too many people do not itemize on their taxes.

Phyllis Daugharty – There are more complications regarding this than meet the eye. 501 (c) 3's already receive a donation.

Bobby Dorafshar – He is confused about the 501 (c) 3 portion and the \$300 deduction.

Commissioner Riordan expressed her confusion with the legislation, as did Commissioners Khoro and Secunda. AGM Barth stated that questions about the legislation would best be addressed by the staff of the Assembly member who introduced the Bill. The text of the Bill itself is just three sentences long.

All the Commissioners stated that they would like to have the opportunity to endorse the Bill, but they have too many questions.

Discussion tabled until April 27, 2009 agenda.

4. DISCUSSION ITEMS

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A. Discussion Item: Assembly Bill 1224 – Vehicle Code – Applying “Hit and Run” to Animals

Commissioner Quincey questioned whether the City already has an ordinance regarding hit and run. The County has had one for more than 50 years. Animals are considered personal property and people have to stop and render certain assistance.

Commissioner Riordan stated that it is imperative that a hit is reported, but she expressed concern about people stopping on the road who may create a hazard, open themselves to being injured, or who may not know how to handle an injured animal. The bill is not specific to who someone can call to report a hit and if it is 911, she wanted to know if they can call from a hand held cell phone while driving without being penalized.

The Commissioners agreed that if animals are not included in the current State legislation regarding hit and run, then they should be included.

Public Comment

Jeff de la Rosa – By adding this to the vehicle code means that it would carry penalties and points on insurance. The Board should send their suggestions to the Assembly.

Phyllis Daugharty – This is a far-reaching Bill and we need to find out exactly what it is about.

Board suggested that this discussion item return as a future agenda item.

B. Discussion Item: Oral Report on Status of Spay and Neuter Coupon Programs

General Manager Boks told the Commission that this item was an agenda item at the Public Safety Committee held before the Commission Meeting. The Department has been trying to correct much of the misinformation circulating about the S/N program. The City's S/N program was not terminated as reported in the press and by others. However, the distribution of coupons under this program was temporarily suspended. Since implementation of the S/N ordinance, the demand for the coupons as exceeded the City's funding.

During this suspension, the Department has developed a plan to restore distribution in a manner that is fiscally prudent and sustainable. The plan calls for a continuation on the suspension of all coupon distribution until April 1, 2009, due to the lag time between issuance and redemption. On April 1, 2009, the Department will reinstate distribution of the \$70 coupons for qualified low-income residents based on HUD's very low income of \$30, 300 annual income per household. Verification of income status will be required to insure that the free coupons are going to pet owners who qualify. As the Department monitors coupon redemption rates, it will be able to determine if distribution of the \$30 coupons can be reinstated this fiscal year in a more targeted fashion.

The Amanda Foundation mobile S/N van will continue free services at the current rate. There was no suspension of these services, however, the Sam Simon Foundation was asked to suspend any services that depend on reimbursement by City funds.

The Department will continue its efforts to remodel the program and target results, and we

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will continue to seek alternate funding sources, and apply any applicable recommendations coming from the S/N committee as they become available. The Department will continue to work with the Controller's office to implement recommendations.

Commissioner Ponce questioned whether the definition of disabled applies to a mental disability. Commissioner Quincey asked if disabled Veterans are covered. AGM Barth read the definition of disabled from the Municipal Code as clarification.

Commissioner Riordan asked if the Department budgets the number of vouchers issued or the number of vouchers redeemed. Did an unexpected number of redemptions cause a panic? General Manager Boks responded that the S/N program has been difficult to manage over the years. All of the tracking is done by hand and has not been automated, so there are many challenges in determining exactly where we are in regards to coupons issued vs. coupons redeemed. There has been a significant increase in the recent redemption rate following the S/N law. The discussion will continue in City Council on March 27, 2009 and the Department is meeting with several Councilmember's Chiefs of Staff this afternoon to discuss reshaping the program.

Commissioner Riordan reiterated her desire that the public S/N clinics located at the City's Animal Care Centers keep their prices low and have pricing for all income levels. She also questioned the recommendation to combine three of the Department's special funds and AGM Barth clarified that this was a recommendation of the Controller who is reviewing their recommendation to see if the physical accounts can be combined to make them easier to control.

Commissioner Ponce requested that the Department be very strict in who receives the vouchers because she feels that they are not getting to the low-income people who need them most.

Commissioner Riordan suggested that the DAWS ask their Neighborhood Councils to donate \$5,000 each for vouchers in their district.

Public Comment

Jeff de la Rosa – Questioned what the S/N voucher policy was before the crisis.

Phyllis Daugharty – Expressed concern about the S/N vouchers being used for feral cats and by rescue groups.

Mary Catalano – Stated that higher kill shelters need to have access to more vouchers than other shelters.

Amy Gilbreth – The Found Animal Foundation sympathizes with the Department and she encourages all groups to start working together. Fans of upgrading the licensing program to raise funds for S/N and concerned about the combining the 3 special funds into one account.

Commissioner Secunda asked if there is anything in place that focuses on raising money specifically for the S/N coupon program other than licensing?

A discussion ensued about the licensing differential and how money received from the purchase of a license is allocated to the General Fund and the S/N Trust Fund.

Commissioner Riordan questioned why the Amanda Foundation van is being paid for with voucher money when the van has been allocated \$500K per year. AGM Barth clarified that the S/N Trust Fund received \$67K/mo to pay for both the coupons AND the van. It is not a separate account, separate fund, or separate dollar amount. Every month the Department receives \$25K/mo into the fund that pays for the S/N surgeries for adopted animals. The \$67K was cut to approx. \$49K in December 2008 by the City Council on the basis of an understanding that the Department's fee changes would come into effect and we would be able to collect a little more from each person who gets an adopted animal S/N. So the current status is that the Department receives \$49K/mo in one fund for the coupons and the van and \$25K/mo in another fund to pay S/N surgeries for adopted animals.

The Commissioners questioned the amount of licensing money that goes to the General Fund vs. directly to LAAS. AGM Barth explained that the revenue of LAAS is \$3 million/year, but our budget is \$21 million/year. Therefore, the Department receives much more funding from the General Fund than it contributes.

5. PUBLIC COMMENT

Mary Catalano – She is confused about the Red List, which sometimes feels like a scare tactic. She would like clarification about why and how an animal is selected for the Red List. She suggested that S/N bumper sticker be put on police cars.

Bobby Dorafshar – As he is no longer a part of the New Hope program, he wants to know the reason why he can not adopt animals under his non-profit organization's name instead of under his own name.

Phyllis Daugharty – Complained that Officers are not issuing licenses. New Commissioner must recues herself from all hearing cases if she is not willing to revoke a license or remove an animal from a household based on the facts of the case.

Marie Atake – Stated that New Hope Partners are concerned about privacy issues and many groups are considering dropping out of the program.

Amy Gilbreth – Discussed the Found Animal Foundation's priority to work with the City to improve licensing.

Commissioner Khoro left the meeting at 2:41 pm

6. FUTURE AGENDA ITEMS

Requests from Commissioners for future Agenda Items.

Commissioner Riordan requested future discussion about fundraising ideas and possible implementation, "fix-it" tickets for non-compliance, and that 501 (c) 3 groups not a part of the New Hope program be allowed to adopt animals at regular price under their group's name.

Commissioner Secunda would like to discuss fundraising ideas and to have more clarity about how donations work.

7. ADJOURNMENT

Commissioner Ponce made a motion to adjourn the meeting in the memory of Chela's mother, a LAAS volunteer, who recently passed away. Commissioner Riordan seconded the motion and the motion passed 4-0.

Meeting ended at 2:47 pm

Next Commission Meeting is scheduled for 10:00 A.M., April 27, 2009 Los Angeles City Hall, Room 1060, 200 North Spring Street, Los Angeles, California 90012