

MEETING SUMMARY



BOARD OF ANIMAL SERVICES COMMISSIONERS CITY OF LOS ANGELES



Monday July 13, 2009
10:00 A.M.
LOS ANGELES CITY HALL
200 N. Spring St., Room 1060
Los Angeles, CA 90012

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

mp3 Minutes available at www.laanimalservices.com

The meeting was called to order at 10:32 am. Commissioners Secunda, Quincey, Khero, Riordan, and Ponce were present. City Attorney Basia Jankowski sitting in for Dov Lesel.

COMMISSION MEETING

1. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

- A. Discussion about and possible motion to recommend taking alternative actions to euthanizing the dog Stu (Case No. DA 05331NC). (Item 3A taken out of order)

Public Comment

Phyllis Daugharty: She is upset that the Department did not document the change of the hearing examiner's recommendation in the Stu case.

Dr. Paula Terifaj, DVM: She is concerned about the welfare of Stu. She does not feel that Stu meets the definition of a dangerous dog.

Jeff de la Rosa: Stated that the Board understands that mistakes have been made and that they don't know how to rectify the situation. The Board needs to clarify their position and remove the dangerous dog designation.

Reva Smilkstein: She stated that dogs bite out of fear. She supports Jeff.

Laura Beth Heisen: She feels that there was irregularity with what happened and procedure was tainted. The Board should make an Administrative settlement and change the code.

Barbara Niven: The case is stuck in bureaucracy. The Board needs to find a way to get out of it.

Jan Keith: She stated that people around the world are outraged. Let the dog go home.

City Attorney Jankowski reminded the Board that the procedures of the LA Municipal code have been exhausted at this point in regards to this matter.

Commissioner Quincey stated his concerns in regards to the Stu case. A discussion ensued.

City Attorney Jankowski told the Board that they can not vacate the decision at this meeting.

Valerie Flores from City Attorney's office informed the Board that there are several procedural ways to get where the Board wants to go: (1) schedule a meeting within 24 hours, with a properly posted agenda announcing the action, or (2) send your resolution to the City Council and ask for immediate action on it.

Commissioner Khero clarified that July 23, 2009 is not the date of execution, but the date by which Mr. de la Rosa must petition the Supreme Court. City Attorney Flores further clarified that the Municipal Code list a date for the signing of the order, but not the date by which the order must be acted on.

Commission entered closed session at 11:13 am

CLOSED SESSION: The Board of Animal Services Commissioners may meet in closed session to confer with or receive advice from the City Attorney as its legal counsel pursuant to Government Code section 54956.9(a) and case Jeffrey Peter De La Rosa v. Board of Animal Services Commission Meeting Commission Meeting Agenda for July 13, 2009 Animal Control Board of the City of Los Angeles, et al.; Los Angeles Superior Court Case # BS104836; Court of Appeal, Case # B202071, and/or Government Code section 54956.9(b) because of significant exposure to litigation.

Closed session ended at 12:38 pm

Commissioner Secunda left the meeting at 12:38 pm.

Commissioner Riordan made a motion that the Board recommend that the City Council amend the Municipal Code section 53.34.4 to give the Board of Animal Services Commission discretion to modify General Manager's orders to euthanize dogs in dangerous dog cases , for good cause, following completion of the appeal process and that this recommendation be retroactively applied to the Stu matter and therefore move that the Board thereby request that the Department of Animal Services refrain from taking any action to euthanize Stu prior to the completion of the City Council consideration of this matter. Commissioner Ponce seconded the motion. Motion passed 4 – 0.

2. ADMINISTRATIVE APPEAL HEARING (Item 7 taken out of order)

Dangerous Animal Revocation – **DR 08374 WL (Continued from April 27, 2009)**

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

Public Comment

Keely Goodpasture Jacobs- She spoke of her experience of being attacked by the Corwin's dog.

Animal Control Officer Suenaga – She spoke about her visit to the Corwin's home.

Commissioner Khero made a motion to uphold the terms and conditions with the addition that the Corwin's follow-up on making sure the front door closes and that they install a gate at the top of their driveway. Commissioner Ponce seconded the motion. Motion passed 3-1 abstain.

Commissioner Khero amended the previous motion to require the Corwin's to submit an application to Building and Safety for a permit to construct the required gate within 30 days and that the Corwin's and the Department are in communication every 30 days to assess the progress of the construction and if no progress has been made within 6 months without just cause, then they are in violation of the Terms and Conditions. Commissioner Ponce seconded the motion. The motion passed 4-0.

Commissioner Khero left the meeting at 1:58 pm.

Commissioner Riordan made a motion to continue all items on the agenda except for Public Comment and Future Agenda Items. Commissioner Ponce seconded the motion. The motion passed 3-0.

3. 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.) (Item 5 taken out of order)

Phyllis Daugharty- She is disturbed that GM Boks set recommendations for the Strategic Plan for the Department. These recommendations should not be used as guidelines to hire or assess the performance of the next GM. Assembly Bill 233–Personal Income Tax Deduction for Pet Adoption Fees was withdrawn. Assembly Bill 1224 – Vehicle Code – Applying “Hit and Run” to Animals was defeated.

Laura Beth Heisen – She wishes that the Board would come up with a better way to organize the appeals. She feels that the 5-year Strategic Plan is a joke and does not include S/N, licensing or employee utilization. She wants more S/N clinics opened. Thanked the Commission for the result in the Stu case.

4. FUTURE AGENDA ITEMS (Item 6 taken out of order)

Commissioner Riordan requested:

- that the 5-year Strategic Plan be removed from the Department's website pending Commission approval;
- A copy of the MOU and contract with Beverly Hills; and
- A progress report regarding the delay in payments to vets.

Commissioner Riordan read a motion by Commissioner Secunda that the Department of Animal Services be instructed to work with the Board, the City Attorney, the Mayor's Office and any other appropriate entities to review all aspects of barking and dangerous dog investigatory and

hearing and appeal processes and bring to the Board proposals for fine tuning them or accomplishing such modifications that are deemed necessary and further move that the Department prepare a status update for presentation to the Board within 60 days of adoption of this motion.

5. Development of Budget Proposal for Comprehensive License Canvassing Program
(Item 1B continued to the next meeting)

That the Board resolve that a comprehensive dog license canvassing program would be an effective step toward increasing licensing compliance and revenue, ensuring the public health, and better enforcing the spay/neuter ordinance for the City of Los Angeles. The Board further directs staff to prepare a comprehensive License Canvassing program budget for submission in the 2010-2011 fiscal year or as soon as the City's fiscal conditions allow new program investment.

6. ORAL REPORT OF THE GENERAL MANAGER (Item 1 held over)

7. COMMISSION BUSINESS (Item 2 held over)

A. Approval of the Commission Meeting Minutes for April 27 and May 11, 2009

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

8. ADJOURNMENT

Commissioner Quincey made a motion to adjourn. Commissioner Ponce seconded the motion and the motion passed 3-0.

Meeting ended at 2:10 pm.

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