

MEETING SUMMARY



BOARD OF ANIMAL SERVICES COMMISSIONERS CITY OF LOS ANGELES

Tuesday, September 28, 2010
10:00 AM



**Los Angeles City Hall
200 North Spring Street
Room 1060
Los Angeles, California 90012**

Melanie Ramsayer, President
Vacant, Vice-President
Tariq Khoro
Terri Macellaro
Kathleen Riordan
Ruthanne Secunda

mp3 Minutes are available at www.laanimalservices.com

Commissioners Ramsayer, Khoro, Macellaro, Riordan and Secunda, were in attendance.

Appeal started at 10:20 am.

ADMINISTRATIVE APPEAL HEARING

A. Dangerous Animal Case Number: DA 10373 WL

Appellant: Eyal and Lisa Zinder

Attorney for the Appellant: Michael Rotsten, Attorney-at-Law

Complaining Witness: Tracy Haynes

Field Operations Supervisor, West Valley Animal Care Center, Lt. Susan Botta

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

Public Comment:

Jeff de la Rosa: Nothing in Code that allows Lt. Botta to act as she did. There was no crime and emotions were high in this type of case.

Commissioner Ramsayer made a motion to overturn the recommendation of Interim-General Manager Davis and reinstate Terms and Conditions with additional stipulations. The additional Terms and Conditions are:

1. Dogs must be removed from the premises to another location
2. No other dogs allowed at the premises without approval of the General Manager
3. The dog(s) must be separated to different locations and maintained by their respective owners
4. Upon removal to another location within the City, a Department representative appointed by the General Manager may inspect the new premises.

Commissioner Khoro seconded the motion and the motion passed 4-1, with Commissioner Macellaro opposed.

The Commissioners took a break at 12:02am.

COMMISSION MEETING

The Commission meeting resumed at 12:17am.

5. PUBLIC COMMENT (Taken out of Order)

Jeff de la Rosa: Spoke on the Appeal process. The current process was developed by a panel and was based on a court ruling. No other panel, except the Board should hear appeals.

Phyllis Daugherty: Spoke on proposed new dog ordinance for increasing the number of dogs allowed by a residence. Indicated that any increase in the number of dogs allowed per household would require a CEQA report.

1. COMMISSION BUSINESS

A. Annual Election of Commission Officers for 2010-2011

Commissioner Ramsayer requested to table this item until the meeting on October 12, 2010.

B. Approval of the Commission Meeting Minutes for September 14, 2010

Commissioner Ramsayer recommended approval of the minutes with the requested corrections. Commissioner Riordan seconded the motion and the motion passed 5-0.

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

Commissioners Riordan attended the Town Hall Meeting at the East Valley Shelter.

Commissioner Ramsayer attended the Town Hall Meeting at the West Los Angeles Shelter.

Commissioner Secunda attended the Strut Your Mutt fund raising event on Sunday 9/26.

2. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

A. Contracts for As-Needed Veterinary Service Providers to Reimburse Spay/Neuter Surgeries under the Department's Voucher Program

1. Authorize the General Manager to execute interim formal written agreements or letters of agreement approved by the City Attorney as to form and consistent with the Controller's audits, with North Figueroa Animal Hospital, Gateway Animal Hospital, Value Vet, North Hollywood Animal Care Center, and Holiday Humane, for payment of spay/neuter surgeries under the Department's Spay/Neuter Voucher Program, through January 31, 2011 unless sooner terminated by entering into Letters of Agreement pursuant to the RFQ; and that the Department return to the Board for authorization to enter into such formal written agreements pursuant to the RFQ.

2. That the Board recognizes that management may have entered into an unauthorized contract without bringing the matter before the board. However, the board further recognizes that FixNation did perform the sterilizations in good faith, therefore, authorizes the General Manager to execute a formal written agreement approved by the City Attorney as to form, and consistent with the direction of recent audits by the Office of the Controller, with FixNation, Inc., for payment of spay/neuter surgeries performed under the Department's Spay/Neuter Voucher Program up to and including December 19, 2009; and

3. Direct the Department to process payments to the above referenced veterinarians for redeemed vouchers immediately upon execution, and under the terms of said agreements.

Commissioner Riordan commented that the RFQ contract attachment dated August 31, 2010 might not conform with the Controllers Audit. City Attorney indicated that a new copy of the contract will be forwarded to the Department. Commissioner Riordan also supports a not to exceed limit on the contracts. Commissioner Riordan also asked how the \$90,000 owed to Fix Nation, Inc. was arrived at; AGM Barth indicated the information would be forwarded to her.

Commissioner Riordan made a motion to accept the alternate motion as presented. Commissioner Ramsayer seconded the motion. The motion was approved on a 5-0 vote.

B. Three-Year Agreement to Provide Diagnostic Laboratory Testing Services

It is recommended that the Board award a three-year Agreement, substantially in the form as on file, with one three-year renewal at the City's discretion, to IDEXX Laboratories, Inc., to provide diagnostic laboratory testing services; and direct Staff to transmit the proposed Agreement concurrently to the Office of the Mayor, and the Office of the City Attorney for approval as to form, and subsequently to the City Council, and authorize the General Manager of the Department of Animal Services to execute the subject Agreement upon receipt of necessary approvals; and third, waive the late submission of the bid from Antech Diagnostics, Inc., as an informality, for the reason indicated in this Report.

Commissioner Riordan questioned why Antech Diagnostic, Inc. was late with their proposal. If there was any confusion on the deadline for the RFP AGM Barth indicated the process was extended two weeks, that Antech was one day late and it was not factored against them. Each vendor was given the same weight in evaluating the proposals and IDEXX's proposal was a better deal for the Department.

Commissioner Ramsayer made a motion to accept the alternate motion as presented. Commissioner Khoro seconded the motion. The motion was approved on a 5-0 vote.

3. DISCUSSION ITEMS

A. Proposed Ordinance Amending the Hearing Appeal Process and Barking Dog Complaints. (Continued from the Meeting of September 14, 2010)

An ordinance amending Sections 53.18.5 and 53.63 and adding Section 53.34.3 to Article 3, Chapter 5 of the Los Angeles Municipal Code (LAMC) in order to authorize the Department of Animal Services (Department) to conduct barking dog and other hearings in the absence of a dog license, and to authorize the Hearing Examiner to issue the decision following a hearing rather than the General Manager and the General Manager to hear the appeal instead of the Board of Animal Services Commissioners. The amendments will also establish more definite barking dog noise and distance criteria and create a Restricted Dog Permit.

Commissioner Riordan wanted assurance that the ordinance was retroactive to include a previous dog case. Commissioner Ramsayer clarified that appeals to Administrative Hearings would be heard by the General Manager. The City Attorney assured the Board that the General Manager would hear the appeals. Also that unlicensed dogs would be subject to the ordinance. Commissioners Riordan and Khoro believed there was a conflict of interest by allowing the General Manager to hear the appeal. Commissioner Macellaro also had questions regarding the appeals being heard by the General Manager.

City Attorney Lesel recommended that the ordinance be revisited and returned to the Board for their consideration. The motion will be scheduled for a future meeting

Public Comment:

Phyllis Daugherty said each city department follows the proposed procedure whereby a hearing examiner hears the case and then the General Manager resolves any disagreements.

B. Coyote Issues

Discussion of community reports of coyote sightings and possible direction to staff.

General Manager Barnette reported that Councilperson Zine asked that the Department look into the increase in coyote attacks. Commissioner Riordan said the department produced an educational wildlife video and our wildlife officers have spoken before community groups and homeowners on coyote deterrents, coexistence and urban wildlife. She believes LAAS should continue to educate the public, that the issue is very emotional for persons who have lost their pets to coyotes, that an informed public is the best protection for their companion animals.

Commissioner Ramsayer suggested that a study should be implemented to see how large the problem is within the city. Public education is one of the ways to live with the coyote problem as they are not going to go away.

4. ORAL REPORT OF THE GENERAL MANAGER

General Manager Barnette presented the following summary of her activities to the Board:

Wrote an article for The Pet Press—their 11th Anniversary
9-18-2010 Spoke Puppy Mill Awareness/Last Chance for Animals at LaBrea Tar Pits
9-23-2010 Spoke at Compassion Revolution at the Four Seasons Hotel Beverly Hills
Press Releases
 9-21-2010 LAAS to the Rescue
 9-27-2010 Heat warning
9-15-2010 L.A. 2010 Annual Emergency Management Workshop
9-16-2010 Foster Program
 Adult adoptable
 Spayed or neutered first
 Start with one shelter
 Add one shelter every 2 months

Town Hall Meetings.

Thursday, September 16, 2010
6:30 p.m.
East Valley Center

Wednesday, September 22, 2010
6:30 p.m.
West Los Angeles Center

9-22 Jaren and volunteer liaisons.
9/22 Bobby Dorafshar
9-24-2010 Meeting w/Dan Guss/Claudia Hoffman/Cathy Simpson/Wendell/Kathy to discuss guard dogs and to coordinate efforts Public Comment

5. PUBLIC COMMENT PERIOD

Phyllis Daugherty – Commented on foster care. Liability of putting out animals to foster homes is great. Town Halls meetings were not attended by minorities and homeowners. Only persons in attendance were rescue groups.

6. FUTURE AGENDA ITEMS

None

7. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M., October 12, 2010, Los Angeles City Hall, Room 1060, 200 North Spring Street, Los Angeles, California 90012.

Commissioner Ramsayer made a motion to adjourn the meeting. Commissioner Riordan seconded the motion and the motion passed 5-0.

The meeting ended at 12:05 pm.