



BOARD OF ANIMAL SERVICES COMMISSIONERS  
CITY OF LOS ANGELES

**REGULAR MEETING AGENDA**  
**Tuesday, August 25, 2015**  
**10:00 AM**

LOS ANGELES CITY HALL, ROOM 1060  
200 NORTH SPRING STREET  
LOS ANGELES, CALIFORNIA 90012

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DAVID ZAFT  
President

LARRY GROSS  
Vice-President

JENNIFER BRENT  
ROGER WOLFSON  
ALANA YAÑEZ

Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. For information please call (213) 482-9597.

Si requiere servicios de traducción, favor de notificar a la oficina con 24 horas de anticipo.

**REGULAR COMMISSION MEETING**

- 1. PUBLIC COMMENT PERIOD** - (Comments from the public on items of public interest within the Board's subject matter jurisdiction that are not on the Agenda; two minutes per speaker).

**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.

- 2. COMMISSION BUSINESS**

- A.** Approval of the Minutes for the Meeting of August 11, 2015 (Action Item; public comment limited to one minute per speaker).

**3. ORAL REPORT OF THE GENERAL MANAGER** (Public comment limited to one minute per speaker).

**4. COMMISSIONERS' ORAL REPORTS AND FUTURE AGENDA ITEMS** (Public comment limited to one minute per speaker).

**5. BOARD REPORTS**

**A.** Board Report re Update on Enforcement of Potentially Dangerous Animal Directive and Related Administrative Hearings (Public comment limited to one minute per speaker)

**B.** Board Report re Update on the Rollout of the Administrative Citation Enforcement (ACE) Pilot Program (Public comment limited to one minute per speaker)

**6. ADJOURNMENT**

Next Commission Meeting is scheduled for 7:00 p.m., September 8, 2015, at Best Friends Animal Society Shelter, 15321 Brand Boulevard, Mission Hills, California 91345.

**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. Evening Meetings are held in various locations throughout the City, from 7:00 to approximately 9:30 P.M. 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, 200 North Spring Street, 19<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. (For certain agenda items, speakers will have two (2) minutes.)

**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

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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 during general public comment period which is limited to two (2) minutes per speaker. (For certain agenda items, speakers will have two (2) minutes each.). 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.

**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  
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# City of Los Angeles

CALIFORNIA



**ERIC GARCETTI  
MAYOR**

**DEPARTMENT OF  
ANIMAL SERVICES**

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BRENDA F. BARNETTE  
GENERAL MANAGER

DANA H. BROWN  
ASSISTANT GENERAL MANAGER

DR. JEREMY PRUPAS  
CHIEF VETERINARIAN

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**Report to the Board of Animal Services Commissioners  
Brenda Barnette, General Manager**

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**COMMISSION MEETING DATE:** August 25, 2015

**REPORT BY:** Mark D. Salazar

**REPORT DATE:** August 20, 2015

**TITLE:** Director of Field Operations

**SUBJECT: UPDATE ON POSSIBLE DANGEROUS ANIMAL (PDA) IMPOUNDS  
DIRECTIVE (#15-001a) AND RELATED ADMINISTRATIVE HEARINGS**

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## **SUMMARY**

The Mayor has directed that all City departments prioritize safety and livability for all residents as important goals. In an effort to keep in step with the Mayor's priorities, the General Manager issued on May 20, 2015, the "Impounding Animals Involved in Bites and/or Attacks" directive number 15-001a. The directive was written to assist field staff with determining when it was most appropriate to impound a potentially dangerous animal.

As part of the directive, the General Manager, the Director over Field Operations and the Director over Shelter Operations now receive immediate notifications when any potentially dangerous animal is impounded. Staff is better prepared to assess each situation and determine the most responsible housing of the animal, whether in shelter or alternate location such as the residence or a kenneling facility, while pending a hearing.

## **BACKGROUND**

On February 23, 2015, the General Manager issued an initial directive, "Impounding Animals Involved in Bites and/or Attacks" (directive number 15-001). This directive included opportunities for staff to interpret and impound more potentially dangerous animals than may have been necessary.

After further research and discussion with the City Attorney's Office and staff, it was determined that more animals involved in dog bites or attacks could be safely maintained at their place of residence or at a kenneling facility. An example of this would be a dog escaped through a broken fence on a property and attacked another dog. Once the fence was repaired, it was feasible to return the dog to the owner's property until a hearing date.

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On May 20th, 2015, the General Manager issued the current revised directive, "Impounding Animals Involved in Bites and/or Attacks" (directive number 15-001a). This directive brought more clarity for when it is most appropriate to impound an animal and also instruction for when it is appropriate to return an animal to the dog owner's property pending a hearing.

The current directive also places more accountability on the field supervisor to adhere to times frames and ensure that the most opportunity is being given to return dogs to their places of residence prior to any hearing. For example, an excerpt of the new directive now states, "The supervisor shall ensure that the property is re-inspected within 7 days of impounding the animal and expedite the return of the animal along with the issuance of an 84b when the animal can be safely secured on the property and cannot escape."

Staff has found that the revised directive better assists staff with determining when it is most appropriate to impound potentially dangerous animals. Staff now has a better understanding of when it is appropriate to return or place potentially dangerous animals pending a hearing.

## **HEARINGS**

Pursuant to Los Angeles Municipal Code (LAMC) Section 53.34.4, the Department shall conduct an administrative hearing to determine whether or not a dog or other animal confined or impounded pursuant to LAMC Section 53.34.2 is a dangerous animal. To meet this requirement, the Department has two full-time hearing officers who are charged with conducting these hearings and providing recommendations to the General Manager for final adjudication.

In May of 2015, both of these hearing officers went out on medical leaves of absence. As a result, all administrative hearings were canceled. This condition not only negatively impacted shelter occupancy, it also compromised the Department's responsibility to due process. The Department attempted to use every available resource in the City to address the growing backlog. City departments such as Transportation, Fire, and Police all have administrative hearing programs. Unfortunately, none of them had the available resources to lend. As a result, the Department recruited and hired three part time Administrative Hearing Officers out of the As-Needed budget. In order to do that, an agreement had to be made with the affected labor organization to avoid later claims of an unfair labor practice.

In June 2015, the three part-time hearing officers began hearing cases. Simultaneously, one of the regular, full-time hearing officers returned from leave and the program began moving in the right direction. While the overall backlog is still not at a satisfactory level, the impounded animal backlog is caught up and impounded animals are being given a hearing date within 7 days of the impound/confinement.

As it relates to long term staffing, the labor organization only agreed to allow part-time Administrative Hearing Officers for a temporary period of time. Based on the job specification and position description, the Department's hearing officers should be in the Sr. Animal Control Officer II (Captain) classification. To show a good faith to the temporary nature of the agreement, two of the part-time staffers will be discharged in early September. Animal Services, the Personnel Department, and the City Attorney are working closely with labor to identify a long term staffing solution.

### STATISTICAL INFORMATION

Since the initial directive on February 23, 2015 through August 19, 2015, the total amount animals impounded as potentially dangerous is 258. This number includes 255 dogs and 3 cats. Below is a further breakdown of current animals as of August 19<sup>th</sup>, 2015:

Animals currently impounded pursuant to the current directive are 108 Total impounded:

- 4 - Pending redemption
- 9 - Available for adoption
- 30 - Pending hearing
- 52 - Pending Notice of Order
- 2 - Pending appeal
- 1 - Pending Destruction Order
- 2 - Pending criminal prosecution
- 5 - Pending review by Commander Dedeaux
- 3 - Pending submission for hearing expected date of submission: 08/25/15

Notices of Order requiring a Restricted Dog Permit and Insurance: 24 Total

- 29 - Total Animals requiring a Restricted Dog Permit and Insurance
- 15 - Obtained permit and provided proof of insurance
- 6 - Surrendered to the Department
- 5 - Currently impounded
- 2 - Pending further field enforcement
- 1 - Pending appeal

Staff is currently working with Systems to improve reporting statistics, like the number of visits to residences in an attempt to return animals. Although field staff is following this directive and process, this type of category is not currently captured in Chameleon in a manner that can be extracted for reporting purposes.

### RECOMMENDATION

None. Report is informational only.

### FISCAL IMPACT

There is no fiscal impact.

### APPROVED:

Brenda F. Barnette  
Brenda F. Barnette, General Manager

Attachments

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### BOARD ACTION:

|                                       |                |
|---------------------------------------|----------------|
| _____ Passed                          | _____ Tabled   |
| _____ Disapproved                     | _____ New Date |
| _____ Passed with noted modifications |                |