



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES



MINUTES

TUESDAY, September 22, 2015 at 10:00 AM

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

Audio MP-3 Recording is available at www.laanimalservices.com

David Zaft, President
Larry Gross, Vice-President
Jennifer Brent
Roger Wolfson
Alana Yañez

Meeting called to order at 10:05 a.m. Commissioners present were Zaft, Gross and Brent and Wolfson arrived late. Commissioner Yañez arrived at 10:15. Also present Los Angeles Animal Services (LAAS) Board Secretary, Rita Moreno; General Manager, Brenda Barnette; Assistant General Manager (AGM), Dana Brown; and Assistant City Attorney (ACA) Dov Lesel.

Commissioner Zaft opened the meeting and provided an overview of the meeting agenda. Commissioner Gross opened the administrative appeal hearings.

I. ADMINISTRATIVE APPEALS

1. Dangerous Animal Case: DA 152023 EV (heard second)

Respondent: Jessica Brito
Complaining Witness: Silvia Vasquez
East Valley Animal Care and Control: Captain Wendell Bowers

Testimony was taken from the Respondent, Jessica Brito. The Complaining Witness, Silvia Vasquez, was not in attendance. The Commissioners asked questions and noted that the Respondent's dog "**Badger**" has gotten out in the past, and that mail delivery has been suspended for the Respondent and neighbors.

Commissioner Brent made a motion to find that the evidence supports the decision of the General Manager, and upheld the revocation of the license for **Badger** (A1540735). The motion was seconded by **Commissioner Zaft** and was approved by a vote of 5-0.

2. Dangerous Animal Case: DA 151022 WV (heard last)

Respondent: Joseph Bailey and Evelyn McInnes
Complaining Witness: Erika Moore
West Valley Animal Care and Control: Lt. Susan Botta

Testimony was taken from the Respondent, Joseph Bailey. The Complaining Witness, Erika Moore, was not able to attend, but submitted written comments. The Commissioners asked questions and noted that the Respondent is unable to maintain and control the dog "**Lobo**."

Commissioner Zaft made a motion to find that the evidence supports the decision of the General Manager, and upheld the revocation of the license for **Lobo** (L15-454815). The motion was seconded by **Commissioner Brent** and was approved by a vote of 5-0. **Commissioner Wolfson** asked about the ability of the Board to waive the three year

penalty if a respondent is able to acquire a more appropriate animal. **ACA Lesel** responded that the Board does not have the authority, but that the respondent can reach out to the Department and the GM has the ability to shorten the period of time. The Respondent asked about the dog "Sweetie" and was informed that both dogs would be held for a period of 45 days before being available for adoption.

3. Dangerous Animal Case: DA 153010 EV (heard first)

Respondent: William Thompson

Complaining Witness: Matthew Villarrbal and Elaine Rodriguez

East Valley Animal Care and Control: Captain Wendell Bowers

Testimony was taken from the Respondent's Attorney, Marla Tauscher. The Complaining Witnesses, Matthew Villarrbal and Elaine Rodriguez, were not in attendance. The testimony indicated that notice was not provided within specified time and that the alleged incident was never corroborated. Commissioners noted procedural issues, lack of evidence and the statement that the dog had been provoked. **Commissioner Gross** stated being particularly disturbed by the requirement of obtaining permitted housing prior to releasing "**Coco**," and asked how long the dog had been tethered. **GM Barnette** added that short term tethering is allowed for homeless.

Commissioner Brent made a motion to find that the evidence does not support the decision of the General Manager, and overturned the revocation of the license for **Coco** (L15-465551). The motion was seconded by **Commissioner Yañez** and was approved by a vote of 5-0.

II. REGULAR COMMISSION MEETING

1. PUBLIC COMMENT (taken out of order after Item II.2.)

Lola Kay: Stated that she called Animal Services for assistance regarding a Kapparot related incident, but did not receive assistance; spent the night in jail for trespassing private property to take pictures. **Nicolas Tomas:** Stated that Kapparot is going underground; saw four or five battery cages and chickens don't have water or food; asked for help and sent an email. **Phyllis Daugherty:** Questioned why there was no response for animal cruelty; discussed unprepared dog owners and the responsibility of property owners. **Andrew Brown:** Stated that stray underage dogs and kittens are immediately sent to fosters, but they are potentially owned and can't be found because they are not listed on the website; there should be information on the animal in the shelter so that they can be found. **Jonathan Klein:** Stated that the way birds are held during the ritual may be a cruelty issue and not protected by 1st Amendment; suggested that the conduct of ritual should be monitored by Animal Services. **Ana:** Stated she went to the location at 5:00 a.m. and heard the shrill of birds; asked for help but was denied assistance, and LAPD Officers were aggressive.

Commissioner Zaft stated that the Commission will be getting a report back on the Kapparot issue.

2. COMMISSION BUSINESS (taken out of order after Item I.)

A. Board Recognition of LAASEE Award Recipients (Action Item; Public comment limited to one minute per speaker):

- i. Veronica Perry, ACT, East Valley

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- ii. Sylvia Flores, ACT, North Central (tabled until next meeting)
- iii. Patricia Kellogg, ACT Supervisor, West L.A.

Commissioner Wolfson discussed the purpose of the LAASEE Awards and requested that nominating Commissioners share a few words about their respective nominees. **Commissioner Gross** provided background information on and the basis for his nomination of ACT Veronica Perry. **Commissioner Brent** provided background information on and the basis for his nomination of ACT Spvs. Patricia Kellogg. ACT Perry and ACT Spvs. Kellogg each shared some remarks about their work to support Los Angeles' animals.

Commissioner Brent made a motion to approve the LAASEE Award for ACT Veronica Perry and ACT Supervisor Patricia Kellogg and **Commissioner Wolfson** seconded. Motion carried 5 - 0.

- B. Distribution of Los Angeles City Service Pins (Public comment limited to one minute per speaker):**
- i. Nashaat Eskander, Vet Technician, North Central
 - ii. Shawn Colon, ACT Supervisor, West Valley
 - iii. Patricia Ott, ACT Supervisor, West Valley

Cmdr. Dedeaux shared city service biographical information on each recipient. The Commissioners thanked and commented on the recipients.

Public Comment

Phyllis Daugherty: Thanked the staff and that all who work in animal services and control worldwide deserve recognition; shared experience with staff.

- C. Approval of Minutes for September 8, 2015. (taken out of order after Item II.1.)**

Public Comment
None

Commissioner Gross moved to approve the minutes of September 8, 2015, and **Commissioner Brent** seconded. The motion passed 4 – 0 - 1.

3. ORAL REPORT OF THE GENERAL MANAGER (Tabled until next meeting)

4. COMMISSIONERS' ORAL REPORTS AND FUTURE AGENDA ITEMS

Commissioner Wolfson: Asked for a report on response to Kapparot issue; went to Best Friends' facility in Utah and recommended others visit; future report on taking breeds off of kennel cards because some landlords don't allow certain breeds – we don't know breed for certain; discussion on having dogs wear licenses in public; discussion on 2nd animal adopted at ½ price; pilot program with one shelter open in evening hours; discussion on intake of animals when all beds are full – better chance if we say “no” than taking them in; agreed that all animals in shelters need to be publicized on website.

Commissioner Brent: Attended “More than a Cone” event at the Autry, with cones used by animals who have had surgery turned into art work – proceeds went to Best Friends and Kitten Rescue; mentioned that report on department vacancies can be once

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a month or couple of months, and can be part of GM report; would like agenda item on pocket pets and that ACT be trained on how to care for them.

Commissioner Zaft: Passed.

Commissioner Yañez: Would like a policy discussion on having Canvassers take vouchers door-to-door; revisit personal property hold policy in instances when dog owner passes away and confirmation needed from Coroner.

Commissioner Gross: Mentioned several emails received on Kapparat issue; received response from Cmdr. Salazar that a chicken was confiscated.

Public Comment

Andrew Brown: Recommended providing "mixed breed" as an option on kennel cards.

5. Discussion Items

A. Status of Hiring and Number of Filled and Vacant Positions

AGM Brown stated that information is as of 9/19/15: There are 27 vacancies in the department which includes 1 - Accountant II (hired and starting 10/5), 2 – ACTs (1 is vacant because ACT is on an emergency appointment to a different class, so position will not be back-filled until his promotion is made regular, and the 2nd just became vacant based on a 1014 accommodation), 20 - ACOs including the 12 from FY 2015-16 budget (waiting for the civil service list from Personnel), 2 - District Supervisors (will be filled when new AGM is hired), 1 - Sr. ACO II (will be offered as a pay grade advancement), and 1 - Vet Technician (being held to fund a sub-authority in the ACT Supervisor class).

Commissioner Yañez asked if the 12 Canvassers have been hired. **AGM Brown** responded negatively, the 12 positions are ACTs. **Commissioner Zaft** clarified that there were 15 part-time Canvassers in the previous year and that only two have been hired. **Tammy Watson** of the Personnel Department stated that there 12 positions, five have been hired and background checks are being conducted on three. **Commissioner Yañez** asked if any Canvassers are bilingual and whether they use city vehicles. **Tammy Watson** responded that she will find out and let the department know, and that Canvassers use their own vehicle and are reimbursed for mileage. **Commissioner Brent** asked about the two new District Supervisor positions and the new AGM; asked about time line for filling the 20 ACO positions. **AGM Brown** responded that there are now two AGM positions and that the District Supervisors will be hired by the new AGM; August written exam results have not been published and that the next exam will be held on October 3 since application for the position is continuous; based on limited number of people tested, there should be eight on board in January. **Commissioner Yañez** asked how long it takes to get the test results. **AGM Brown** responded that it is an extensive process and it will get done soon.

6. Board Reports

A. Report Back on Fleet Allocation and Vehicles Used by Other Jurisdictions to Explore Methods to Make Trucks and Vans Safer for Animals

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Commander Mark Salazar and **Animal Control Officer Ernesto Poblano** provided a summary of the board report.

Commissioner Gross asked for clarification on the temperature readings. **Cmdr. Salazar** responded that a gage is used that takes an average of the temperature reading inside the vehicle. **Commissioner Gross** asked about the procedures for the oversight – on paper but how do we insure animals are not being left in vehicles, will someone check. **Cmdr. Salazar** responded that vet staff will communicate if an animal seems like it was left in a vehicle too long; supervisors will not check, but vehicle will be checked for maintenance regularly. **ACO Poblano** responded that they are working with Fleet Services to check air conditioner units and blowers prior to it going out on the field. **Commissioner Gross** asked when five new vehicles will be arriving. **Cmdr. Salazar** responded that it could be next week. **ACO Poblano** added that vehicles are custom made for LAAS and two should arrive in the next two weeks, and a two more in 90 days. **Commissioner Zaft** asked if it would be a mix of the truck and van chassis, and whether staff would have the chance to test them before ordering the next 12. **Cmdr. Salazar** responded that it will be a mix. **Commissioner Yañez** asked if we will be phasing out the 12 type-3 vans. **Cmdr. Salazar** responded that when we get new vehicles we have to exchange them out for older vehicles, so we are not adding to the fleet. **ACO Poblano** added that there are animal control vehicles that are 15 years old and have to go first. **Commissioner Yañez** noted that it is a safety issue. **Cmdr. Salazar** responded that he will follow up with Fleet Services on this issue as well as the additional vehicles needed for new ACOs. **Commissioner Zaft** noted that of the 12 new vehicles, only two are ARVs and the rest are used by permits, licensing and things that don't transport animals. **Cmdr. Salazar** responded affirmatively and that three of them are in field districts where they are able to be used for animals if an ARV is down. **ACO Poblano** added that given the investment made in the vans, they would look at adjustments to make them safe for the animals. **Commissioner Yañez** stated that she is not comfortable with even two being used as ARVs in the hot weather; asked if they can be traded out to use type-1 or type-2 vehicles. **ACO Poblano** responded that the three vans would be placed in shelters where the temperatures are lower. **Commissioner Yañez** stated it gets hot everywhere. **Cmdr. Salazar** responded that those vehicles would be used by sections where animals don't need to be transported; Canvassers may be assigned those vehicles. **Commissioner Yañez** asked whether the Board should set policy on the use of vehicles. **Commissioner Zaft** noted that the incident occurred three years ago and that the vehicles were moved out of the transport service; multiple animals were picked up and not brought in; inherited vehicles will be phased out. **Cmdr. Salazar** responded that due to department needs, it is difficult to take vehicles out of service. **Commissioner Yañez** requested that a conversation with GSD take place to prioritize dangerous vehicles over old vehicles and a report back on outcome. **Commissioner Zaft** asked for a follow-up report when the new vehicles come in and the type-2 vehicles are tested. **Cmdr. Salazar** responded that with the cooler months, he will come back with a follow-up report on the first item. **Commissioner Brent** asked whether there is a maintenance schedule for GSD to make sure vehicles are in optimal condition. **ACO Poblano** responded every three months of 3,000 miles. **Commissioner Brent** asked if air conditioner can be left on when Officer leaves vehicle. **Cmdr. Salazar** responded that the blower runs with type-1 vehicles (fiberglass) whether the vehicle is on or off; type-2 vehicles (metal compartments) air conditioning runs only when the vehicle is running, but has a

compressor air unit that will continue to blow air through the compartment; air conditioning in van cab has to be on for the back air to stay on, it can be left on and locked, but not recommended. **ACO Poblano** added that other agencies have a new system where they can leave the car running and take the keys with them, and will be looking into it in the future. **Commissioner Brent** asked about the height for loading and whether new vehicles will be low enough. **ACO Poblano** responded that it is difficult to know, but they will have a ramp built into them; two truck chassis will have stairs. **Commissioner Brent** asked about emergency breakdown situations and the support available. **ACO Poblano** responded that there is an after-hours mechanic for the city and that if animals are involved, that another vehicle would be dispatched to transport. **Commissioner Brent** asked if there was a need for heat on cold days. **ACO Poblano** responded he will look into it and that vents on new vehicles can be closed. **Commissioner Zaft** noted that 35 out of 36 or 37 ARVs are 10 years or older – requested that staff push for more new vehicles; wants to get results of temperature tests for type-2 vehicles; asked about fiberglass vs. insulated metal for new vehicles. **Cmdr. Salazar** responded that fiberglass cages are no longer being manufactured, and **ACO Poblano** added that insulated metal had a lower temperature reading than fiberglass on testing. **Commissioner Zaft** stated that new vehicles will not have air conditioning or chillers; asked whether we will explore having that in the future. **Cmdr. Salazar** responded affirmatively. **Commissioner Zaft** stated the vehicles do not have thermometers, asked how Officers can know the readings. **Cmdr. Salazar** responded that it is the responsibility of the Officer to make sure it's safe to transport the animal. **Commissioner Zaft** asked whether the blowers will be the same in the new vehicles. **ACO Poblano** responded that blowers are not being used because compressed air is hotter, using an exhaust system that sucks the air out of the compartment; perforations in the upper walls will allow for greater air flow. **Commissioner Brent** asked where the new vehicles will be distributed; suggested that each district get to test the new vehicles to provide input. **Commissioner Zaft** stated that it has not been determined yet. **Commissioner Zaft** asked about a dog that died this year. **Cmdr. Salazar** responded that it did not happen. **Commissioner Gross** asked whether vehicles have a communication system. **Cmdr. Salazar** responded that base units in vehicles are very expensive; new digital radio system received this year; new Chameleon application with iPhones pilot program being used. **Commissioner Zaft** stated that Board would support funding to test upgrades for vehicles.

Public Comment

Phyllis Daugherty: Stated that the Board is obsessing with the vans and clarified staff member involved had come off nights and wasn't trained on how vans worked; stated vans work and can be modified; asked how new vehicles will be tested; 12 new vehicles will not come until next fiscal year.

Commissioner Zaft asked how new vehicles will be tested; clarification on the arrival of the 12 new ones and where the budget comes from. **ACO Poblano** responded that they will be taken to each district to test; **Cmdr. Salazar** responded that will start working on order after shipment of first five and that funding comes from GSD.

- B.** Board Report Requesting Authority to Issue a Request for Proposals for the Provision of Programs and Services at Mission Hills and/or Jefferson Park Animal Shelter

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AGM Brown summarized the types of services described in the scope of work in the draft RFP for the continued operation of the Mission Hills animal shelter with the services currently being provided, and the possible programs to be implemented at the Jefferson Park animal shelter; indicated that further revisions provided by the City Attorney will be made and that further review by the CAO and CLA are pending; the CAO will release the RFP; requested approval to move forward with the release of the RFP to obtain proposals for the operation of these two animal shelters.

Commissioner Zaft clarified that the goal for the Mission Hills shelter is to continue great work being done, and that we are open to proposal for Jefferson Park. **GM Barnette** responded that the Controller's audit found that more animals are euthanized in the south part of the City due to space. **Commissioner Zaft** noted that on page 7, Section C, it should read Jefferson Park; recommended that it be made clear that proposals are not limited to the possible services listed in the RFP. **Commission Wolfson** asked about the timeline. **GM Barnette** responded that the new Mission Hills contract will begin after the conclusion of the new Best Friends amendment; there are needed facility upgrades at Jefferson Park that will be addressed at the mid-year budget through the PAW Committee and City Council; GSD is currently receiving bids to upgrade the facility. **Commissioner Wolfson** asked whether a possible new operator could be tasked with the facility upgrades in order to move more quickly. **ACA Lesel** responded that for substantial upgrades, most organizations would require a longer lease than what is being offered by the city; stated that the two facilities are not dependent on each other. **AGM Brown** stated that a bidder's conference will be held to clarify and answer questions. **Commissioner Gross** asked who bears the cost of the upgrades. **GM Barnette** responded that funds will be requested from the City Council. **Commissioner Brent** asked how outreach will be conducted. **GM Barnette** responded that the city has an online posting system (LABAVN) and that the RFP will be sent to organizations. **Commissioner Zaft** suggested that potential proposers be given sufficient time to respond. **Bernyce Hollins** of the CAO added that GSD provided an outdated preliminary estimate of \$450,000 for capital improvements (infrastructure: building systems, roofing, air conditioning, code upgrades), but will provide an updated one; currently conducting an asset inventory to better utilize city facilities; once new cost estimate is obtained (due November/December), a funding plan will be developed to address immediate needs, subject to the Mayor and City Council consideration; operators are expected to handle ongoing costs for tenant improvements. **Commissioner Zaft** requested an informal report back be provided with updated assessment.

Public Comment

Phyllis Daugherty: Stated that the South L.A. annex has some difficult issues in terms of housing animals on a long term basis, but has a great spay / neuter clinic; suggested moving animals there for an adoption center – money makers.

Commissioner Gross moved to authorize the issuance of a Request for Proposals for the Provision of Programs and Services at Mission Hills and/or Jefferson Park Animal Shelter. **Commissioner Yañez** seconded and the motion passed 5 - 0.

C. Animal Welfare Trust and Animal Sterilization Fund Balances

Commissioner Zaft asked whether there were any questions and none were noted; suggested having a more in depth discussion the next time this item is on an agenda at City Hall.

Public Comment
None

7. ADJOURNMENT

Commissioner Brent made a motion to adjourn the meeting and **Commissioner Yañez** seconded. Motion passed 5 - 0.

Meeting ended at 1:05 p.m.