

BOARD OF ANIMAL SERVICES COMMISSIONERS CITY OF LOS ANGELES

MINUTES TUESDAY, NOVEMBER 10, 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 10:04 a.m. Commissioners present were Zaft, Gross, Brent, Wolfson and Yañez. Also present Los Angeles Animal Services (LAAS) Board Secretary, Rita Moreno; General Manager, Brenda Barnette; and Assistant City Attorney (ACA) Dov Lesel.

Commissioner Zaft opened the meeting and provided an overview of the meeting agenda. **Commissioner Gross** discussed the appeal hearing process and conducted the hearings.

Commissioner Brent recused herself and left the meeting.

I. ADMINISTRATIVE APPEALS

1. Dangerous Animal Case: DA 153054 WL

Respondent: Raquel Bordoni-Colletti

Complaining Witness: Ashley Rose Yeargan

West Los Angeles Animal Care and Control: Lieutenant Jesse Castillo

Testimony was taken from the Respondent, Raquel Bordoni-Colletti and her Attorneys, Dennis Fredrickson, Jill Ryther and Michael Rotsten, who stated that the evidence did not support the General Manager's decision and that the hearing process was not conducted in accordance with LAMC § 53.18.5(q). The Complaining Witness, Ashley Rose Yeargan, was not in attendance. The Commissioners asked questions and noted responses.

Commissioner Wolfson made a motion to affirm the General Manager's decision to reissue the license for **Bella** (L16-413335; Animal ID A1278979) with terms and conditions. The motion was seconded by **Commissioner Yañez** and was approved by a vote of 4-0.

Commissioner Brent returned to the meeting.

2. Dangerous Animal Case: DA 151013 NC

Respondent: Casie Draeger and Billie Carlton Complaining Witness: Jennifer Richardson

North Central Animal Care and Control: Lieutenant John Cessna

Testimony was taken from the Respondent's Attorney, Michael Rotsten, who stated that the evidence did not support the General Manager's decision and that the hearing process was not conducted in accordance with LAMC § 53.18.5(q). Mr. Rotsten also

requested reimbursement for cost of maintaining the Respondent's dog in a kennel. The Commissioners asked questions and noted responses, and requested legal guidance from ACA Lesel.

Commissioner Zaft made a motion to continue the item to the November 24, 2015 meeting and requested the audio for the hearing and that all parties be invited to attend. The motion was seconded by **Commissioner Brent** and was approved by a vote of 5-0.

II. REGULAR COMMISSION MEETING

1. PUBLIC COMMENT

Susan Taylor: Stated that ACOs do not carry vouchers, they carry applications to give out and take it back to the department to mail out the vouchers, but only at North Central, per Brenda V.; no longer has budget to mail vouchers out, but can provide completed applications to department to mail out coupons/vouchers (**Commissioner Zaft** asked for clarification about whether applications are need for discount coupons/vouchers, and **GM Barnette** responded that people need to verify address and provide proof of license / rabies certificate); stated that applications are needed for discount coupons/vouchers since Officers can't give them out on the spot (**GM Barnette** added that they have to be tracked). **Phyllis Daugherty:** Stated that she attended the pets and rental housing and landlords complained of dogs - not good tenants – they're dangerous, destructive; shelter animals come with problems.

2. COMMISSION BUSINESS

A. Approval of Minutes for October 27, 2015.

Public Comment None

Commissioner Zaft continued the item to the November 24, 2015 meeting.

B. Approval of 2016 Board Meeting Schedule

Public Comment None

Commissioner Gross moved to approve the 2016 Board meeting schedule. **Commissioner Brent** seconded and the motion passed 5 - 0.

3. ORAL REPORT OF THE GENERAL MANAGER

GM Barnette discussed the following:

- New Hearing Officer, Troy Boswell, started on November 2nd; 28 years of department service
- November 7 and 8 NKLA event at La Brea Tar Pitts: 112 dogs and 44 cats; 82 dogs and 20 cats were adopted and Best Friends took the remaining 30 dogs and 24 cats
- Sherman Oaks NC bought furniture for dog and cat habitat display at East Valley

- Animal Shelter that was previously approved by the Board to be purchased with AWTF saving \$4,000; ribbon cutting will take place on November 19th
- Purchased new kitty condos there will be one or more cat events at City Hall;
 more information will be provided later
- Field Services is joining the Emergency Management Department for town hall meetings on El Niño to answer questions on wet weather and animals; plan will be provided for each shelter
- Settling into Figueroa Plaza
- Next workshops on housing and pets are November 12, 18 and 20th; purpose is to help tenants prepare themselves and pets to talk with landlords and demonstrate they are a responsible tenant
- Follow-up on strategic planning meeting with community meetings beginning December 1st and through February 2nd meetings every other week; will record meetings and feedback provided by community; three sessions per workshop: 1st with staff, 2nd with volunteers, and 3rd with community members; all will be conducted in shelters except North Central; first session will be with administrative staff; looking for recording device that can translate language; working with Neighborhood Empowerment to get community input; dates and times will be published
- Media coverage for pets: Channel 2 every other Friday; Channel 4 every Thursday – Clear the Shelters segment; Channel 7 every Tuesday; Channel 18 once per month; featured pet every other week in Korean newspaper; Good Day L.A. monthly; City Council Adoption Pet Day one Friday each month; Cesar Milan's facebook page Adopt Me Thursdays once per month
- Field Services: October 26 search for elderly dog fallen 300 feet into ravine behind owner's home SMART Team extracted dog; complaint of three aggressive dogs attacking animals on Walten Ave. ACO found one dead dog ripped apart, one injured dog had to be euthanized due to injuries, attacking dogs impounded and forwarded for dangerous animal hearing; October 27 report from Recreation and Parks of bear sighting at Elysian Park reservoir, not found by LAAS or CA Fish and Wildlife; October 28 report of kitten trapped in car engine SMART found kitten and transported to North Central; October 28 call of cat injured by dog at 94th Place, cat dragged itself under building, SMART Team got cat and transported to shelter; pigeons tangled in lines 30 feet in air and SMART Team got birds; dog bite incident of postal worker at Elwood St. 2nd reported in one month referred to dangerous dog hearings;
- Cases referred to City Attorney for prosecution: November 1st Templeton St. trap set and left unattended for pigeons killed several birds for lack of water and exposure; animal cruelty at East 55th St. two suspects failed to provide medical care to dog resulting in life threatening condition dog was seized and euthanized; chronic leash law violator in Canoga Park since 2008 and fails to clean up after dog in front of public property; 12 dogs roam on public property in North Hills in violation of kennel permit, license requirements and breeders permits; suspect failed to monitor trap set on roof in sun with no water, with over 100 degree weather conditions resulted in unnecessary suffering of trapped raccoon; Sherman Oaks chronic leash law violator and failed to license dogs
- Dr. Prupas has been invited to Western University to participate in selection of students to attend vet school; also attended Pedro Pet Pals event and presented with the Senator Award
- ACO Byron Criddle began Acting Lt appointment, will oversee license canvassing program at North Central and will work on recruitment to fill seven vacant

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positions; 11 years of service with LAAS

 Attended housing workshop on November 5th at East Valley and met with Veronica Perry and volunteers to determine how they're so good and to replicate their work

Commissioner Brent asked about status of hiring ACOs. **GM Barnette** responded that Personnel is working to open four more testing opportunities; only 25 people passed initial screening to be interviewed.

Public Comment

Susan Taylor: Stated that the humane community would like to participate in the strategic planning process, but people don't come because they don't know about it – need to put it in the newspapers; let people know what it's about and in evenings for community. **Phyllis Daugherty:** Asked about follow-up on Kapparot prosecution; discussed San Diego issue with unaltered shelter dog that attacked – taken by rescue no longer allowed to pull dogs - bit nose off little boy; asked whether new ACOs will receive academy training or only learn from ride-along. **Andrew Brown:** Appreciated meeting in East Valley and thanked GM Barnette; discussed incident in September with kitten stuck under hood of car – Officer said didn't do this type of work and never responded – SMART Team not always responds.

4. COMMISSIONERS' ORAL REPORTS AND FUTURE AGENDA ITEMS

Commissioner Gross: Reported on two successful Pets in Housing workshops held at East Valley with over 30 people in attendance, and last night with over 40 people – thanked Lt. Susan Botta, ACO Karrie De Mascio and DFO Mark Salazar for tremendous job providing information – next workshop this Thursday in West L.A., then November 18 at South L.A., and November 20 at West Valley; attended NKLA super pet adoption – overall there were 500 adoptions over the weekend – East Valley staff and volunteers did magnificent job.

Commissioner Yañez: Hosted celebrity Stevo from Jackass – received 80 hours of community service for two public stunts protesting Sea World holding of orcas in captivity – paid for adoptions for people at East Valley, and will come back again, and adopted a cat from SNIP; Sea World will be phasing out the orcas by 2017 and will not bring any more in to shows.

Commissioner Zaft: Passed.

Commissioner Brent: Passed.

Commissioner Wolfson: Asked about RFP for kiosks in shelters – it's with the CAO – waiting for feedback (**GM Barnette** suggested taking with Ryan or Barbara in the Mayor's Office).

Public Comment

Susan Taylor: Suggested agenda item on policy for New Hope partners and liability insurance and prior lawsuits; discussed articles – Merit Clifton from Animals 24/7 on Pet Smart charities which fired all employees due to dog attack liability, and case with person who got nose bitten off. **Phyllis Daugherty:** Added that case with boy in San Diego is same bite – will impact rescue organization, but shelter as well; asked when

we will have another spay neuter event and whether Commissioners are doing their part.

5. Discussion Items

A. Discussion Regarding Animal Holds for Adoption Events

Commissioner Zaft opened discussion on whether there is a practice or policy to place animals on hold for adoption at events by Best Friends and other organizations, how long they are placed on hold prior to the event, and whether it is a wise policy. GM Barnette responded that animals can't be adopted out if they have not been spayed or neutered so animals are held two weeks prior to an event for surgery; staff has been directed to call Cmdr. Dedeaux if an individual or family really wants to adopt an animal pulled for an event; if not put on hold, rescues will take animals and won't have any for events; individuals and families will be able to adopt animal held for an event, but not rescues; thinks that seeing 100s of animals together at an event encourages public to visit shelter to adopt animals. Commissioner Gross stated that priority is getting animals into a home, not an event. Commissioner Brent agreed and said it puts us in synch with New Hope policy about holding animals over the weekend from the New Hope partners so that the public can adopt them. Commissioner Yañez agreed. Commissioner Zaft added that when someone really wants to adopt an animal and told "no," it give LAAS bad image; they should be given priority and should not have to go to Cmdr. Dedeaux. GM Barnette responded that an SOP will be written and brought back to Commission for review. Commissioner Brent asked if animals being held for events are taking kennel space for those not selected for event. GM Barnette responded that no animals were euthanized due to event.

Public Comment

Phyllis Daugherty: Stated that animals can be taken out of shelter without being spayed or neutered - people can just pick it up at the vet; animals that go to rescue should be animals that can't get adopted. **Andrew Brown:** Stated that he took count after animals taken to NKLA event and there were over 50 altered animals, so if we had let the animals be adopted, there would have been others to choose from – more dogs were requested on Sunday and had no problem finding 10 more; disagreed with rewarding people who don't take "no" for an answer, someone else may have wanted to adopt and waited to go to event, but Cmdr. Dedeaux can release to someone who insists.

B. Discussion Regarding Possible Changes to Policies Concerning and Amounts of Redemption, Relinquishment, Adoption and Spay/Neuter Fees (taken out of order after Item 6.A.)

Commissioner Yañez recused herself and left the meeting.

Commissioner Zaft stated that the Department is putting together a recommendation for revisions to the fees; there have been suggestions for changes to the redemption fees and possibly waiving them, and the reduction in adoption fees for a second animal. GM Barnette stated that there is a Best Buddy Adoption policy that allows for the second adoption at half price; looking at a package that will be part of the budget because it will need PAW Committee

approval and maybe Budget and Finance, then City Council; under instructions to have cost recovery on permits, but not on adoptions. **Commissioner Gross** asked about the senior animal reduction; the code has a senior for senior program; would like to see reduction for all senior animals; questioned the higher cost to redeem animals than to adopt. **GM Barnette** responded that there may also be a reduction for rescues; smart phones will allow Officers to check for ownership and not have to impound; will need to determine how many free rides. **Commissioner Brent** stated that other jurisdictions have been doing this for years; opportunity for ACE to do this in the field; redemption is important for low-income folks – GM or DFO Dedeaux or Salazar can make determination; animals at County age out – adoption fees decreased to incentivize their adoption; would like to increase permit fees and spay neuter fees for breeders. **GM Barnette** responded that higher fees would cause them not to license. **Commissioner Brent** asked if we follow up with breeders or unaltered animal licenses. **GM Barnette** responded that we are doing that now through the ACE program.

Public Comment

Susan Taylor: Discussed intact animal / breeders – need for enforcement; need to reduce the fee to relinquish animals; don't waive redemption fees, lower them only – animal did something wrong. Kerry Armstrong: Intervention program at shelters pay redemption fees from \$150 to \$400 depending on whether animal is intake or licensed; last year, North Central paid \$12,890 (35% of budget); East Valley is only there only one day a week and paid \$400 per month; Lori Weiss says the South L.A. shelter program has assisted more than 5,000 families and spend \$1,000 each month; pay 10 owner surrender fees each month at \$25 each. Phyllis Daugherty: Don't waive only lower redemption fee – animal may be menacing; use AWTF; having animals is a privilege not right. Vince Wong: Income should not be the only consideration; supports giving GM discretion for waving, but not blanket decrease on redemption.

Commissioner Zaft asked if there was assurance the family is low income; Kerry Armstrong: responded affirmatively. Commissioner Zaft suggested looking at partnering with the Intervention program and reducing their fees. GM Barnette responded that if the Intervention program has made the determination, it can be waived; if people don't want to pay the \$25 they say it's a stray and the shelter takes the animal. Commissioner Brent stated that people who donate to the AWTF probably would like the money to be used this way. Commissioner Zaft added that if AWTF is used, there would not be a need to go to PAW. GM Barnette responded that grants can be given to the Intervention Program. Commissioner Zaft asked if giving GM authority to waive fees is part of the recommendation being drafted by Department. GM Barnette responded affirmatively. Commissioner Gross asked whether each shelter has an Intervention Program and how we fill the gap. GM Barnette responded it is at South, North and one day at East Valley; will run report to see redemption fees at all six shelters by shelter and look at amount expended by Intervention Program to determine grant amounts. Commissioner Zaft added that there will be one at West Valley.

- **6.** Board Reports (taken out of order after Item 5.A.)
 - A. Animal Welfare Trust Fund and Animal Sterilization Fund Balances

Sr. Accounting Clerk (AC) Lilia Liclican attended the meeting to answer any questions.

Commissioner Brent asked about the ability to reallocate unspent funds by contracted veterinarians. ACA Lesel responded affirmatively; contracts can be amended. GM Barnette added that suggested having a conversation with the contracted venders prior to amending the contract amount. Commissioner Gross asked for clarification about the negative amounts for September. Sr. AC Liclican responded that the statement of revenues and expenses is presented by appropriation account; two funds are used, the appropriation account is the Animal Sterilization Fund and the Pet Adoption deposit, which is used to pay participating vet clinics and hospitals; it is a balance sheet / liability account under the State of California ruling mandating the collection of \$40 for every pet adoption to place in this deposit account; if audited by the State, we must show them how many animals have been adopted out and the amount of money collected. Commissioner Gross asked for clarification - SNP LA in East Valley spent \$26,000 from July to August, then it looks like they paid us \$26,000 the following month and have a negative balance. Sr. AC Liclican responded that we are having problems with the accounting system - when we pay the contractual vets (Value Vet, SNP LA, Amanda Foundation), it goes through our accounting process and we pay out through the appropriation accounts only; some of the payments cover animal adoptions from the shelters - we should get the \$40 from the Pet Adoption deposit, but the system doesn't allow us to pay from the appropriation account and the balance sheet liability accounts, so this is an adjustment. Commissioner Gross stated that this is an accounting issue and that the Board is not getting a clear picture. Sr. AC Liclican responded that the report is written for the CAO who gives the Department the subsidy for the Animal Sterilization Fund; we generate revenue for the Animal Sterilization Fund through the collection of licenses, adoption fees, dog pound fees and impound fees. GM Barnette asked whether the appropriation received in the budget is listed in the report. Sr. AC Liclican responded affirmatively; initially the Department was receiving 1.2 million, but that amount has been decreased each year; this year we received \$500,000 (\$41,665 each month), but have to refund \$334,000 back to the City for staff salaries, leaving a subsidy of about \$200,000 to pay for animal vets. GM Barnette added that with additional Veterinarians and RVTs there is a charge per surgery against salaries, but it is being taken out of the Animal Sterilization Trust Fund. Commissioner Brent asked whether the amount has been decreased because the funds are not being spent or because the City was experiencing financial problems. GM Barnette responded that it started as a one-time reduction, then a two-time reduction. Sr. Management Analyst II (MA II) John Forland added that during the recession, the Department agreed to a one-time charge to the account for the administration of the fund; the practice has continued for four (4) years and the charge to the account has grown; it will be problematic with continued expenditures and cuts to the subsidy, which was initially \$1,110,000 per year; the transfer was made through a Council motion because the City Council wanted to support the spay neuter program. Commissioner Brent asked what the Commissioners can do; concerned that we will not be able to pay spay neuter contractors. GM Barnette responded that the Commissioners can talk to individual Council Members during the budget process; city decreased subsidy because of private funders, but there will not always be private funds available. Sr. MA II

Forland noted the high cost of care in relation to the cost of spay neuter program. Commissioner Zaft asked whether the decrease in subsidy is the result of the 5 million dollar balance in the Animal Sterilization Fund. GM Barnette responded affirmatively. Commissioner Zaft noted the Board's efforts to utilize the fund such as approval of a mobile clinic for targeted zip code areas, renewal of Amanda Foundation's contract, approval of a new mobile clinic - all of which are not yet operational, but could be spending the 5 million. Sr. AC Liclican responded that the contractual vets have been doing the surgeries, but their accounting is about five months behind in submitting invoices. Commissioner Gross asked whether the contract has billing requirements. Sr. AC Liclican responded that they have to submit documentation that has to be approved before paying, such as whether feral cats are being sterilized. Sr. MA II Forland added that many times volunteers are doing the invoicing and they may not understand the rules and the injunction; currently working with Spay4LA. Commissioner Zaft noted they have expended zero for the year. Sr. MA II Forland added that the Department used to rely on spay neuter vouchers, but their use has decreased; when reviewed, it was found that they were not being used by areas of highest need; the Department is investing in mobile clinics (expanding from 1 to 4) to take them into those areas; contract process, gear up and outreach time is lengthy. Commissioner Yañez emphasized the need to allow the Canvassers to take the voucher door-to-door: asked what is needed by the Controller. GM Barnette responded that there needs to be a transparent process; has been working with Mayor's Office and will bring a proposal to the Board. Sr. MA II Forland added that the Department has been working with Actors and Others to revitalize the vouchers. Commissioner Zaft thanked staff for their work; noted the lengthy city process. Sr. MA II Forland added that the Canvassers will work better with the mobile clinics. Commissioner Gross suggested setting time limits on the submission of invoices, and increasing funding or allowing funding to be used to conduct the billing process more quickly. Commissioner Zaft indicated the need for flexibility since the contractors are small organizations. Commissioner Brent asked about the voucher coupons and the difference between contractual and non-contractual, and what is PAD. Sr. AC Liclican responded that PAD is Pet Adoption Deposit; contractual are the agencies with the \$500,000 contracts like SNP LA, Value Vet, Amanda Foundation and ASPCA; non-contractual are Letters of Agreement with small participating Vet Clinics and Hospitals; this is a new schedule that shows the amount paid out from the Animal Sterilization Fund; this shows what was paid out from July to September from the two accounts: the appropriation account and the Pet Adoption Deposit. Commissioner Brent asked for clarification about the \$244,544 and whether it is the amount paid to the combined vendors above and beyond their contract. Sr. AC Liclican responded that the first half is only from the appropriation account (revenue and expense summary), and the second half from the Pet Adoption Deposit. Commissioners Zaft and Brent clarified that the amounts are actual expenditures as opposed to encumbered amounts. Commissioner Gross asked about Value Vet and whether they have spent out the most because of a backlog. Commissioners Zaft and Brent responded that there will always be a lag in expenditures. ACA Lesel recommended asking for the number of spay neuters completed each month, independent of the amount billed / paid. Sr. AC Liclican stated that the number may not be accurate because although a voucher is provided to a contracted vet, the surgery is not done because the animal is ill; sometimes they have animals from the public to sterilize. GM Barnette added that staff has to make sure the contracted vets meet their contractual sterilizations.

Commissioners Zaft stated that they will be invited to attend a future meeting.

On the Animal Welfare Trust Fund Commissioner Zaft stated that the report is difficult to understand and asked for an overview; asked about the ASPCA grants. GM Barnette responded that one was for the free adoptions of cats over four months old and the other to underwrite the pull fees for New Hope Partners of Pits and Chihuahas. Commissioner Zaft asked about the \$500 expense for the Department. Commissioner Brent responded that we pay it to Angel City Pits, and before we paid it to Wags and Walks because they are the ones taking the animals. Commissioners Zaft asked what is GSD under expenses. Sr. AC Liclican responded that General Services Department renovations to shelters with Proposition monies appropriated by the City Council. Commissioner Gross asked about the STAR program. GM Barnette responded that it is a medical fund that can be used for animals that come in to shelters and need medical treatment beyond what is normally done and requires outside help from other Veterinarians. Commissioners Zaft and Brent added that people make donations to fund that. **GM Barnette** stated that the Kennel Plague Sponsorship Program revenue is placed in a general use fund for animal welfare; some donations and estates are designated for a specific use. Commissioner Zaft asked about the donations of \$300 and below, whether they are from the public donating through the website; last month it was \$171,000. Sr. AC Liclican responded that she added the amount from the Jimmy Mitchell Estate because there was no Council File for the second distribution; it will be moved later. Commissioner Zaft asked about the unrestricted donations and whether it is a carry over. Sr. AC Liclican responded affirmatively; unrestricted donations are placed in the "available" section. Commissioner Zaft asked about restitution for animal cruelty. Commissioner Brent responded that it is when there is a conviction and they have to pay the Department. Commissioner Zaft asked if we get money from selling refreshments. Sr. AC Liclican responded that is from a hair stylist who contributed money so they could feed the volunteers. Commissioner Zaft asked about vending sales. Sr. AC Liclican responded that we get a 30% commission from vending machine sales in the amount of \$500 each month. Commissioner Zaft asked about the restricted donations. Sr. AC Liclican responded that they are donations for a specific shelter and specific purpose. Commissioner Zaft asked about Chameleon donations. GM Barnette responded that they are online donations tracked in Chameleon. Commissioner Zaft asked about Best Friends money restricted to promote adoptions and restricted for adoption ad campaigns. GM Barnette responded that it is money used to do radio ads. Commissioner Gross asked if we are going to do the coupon that people can donate as a gift. GM Barnette responded affirmatively. Commissioner Brent asked about the Carol Petrie grant. Sr. AC Liclican responded that a report needs to be submitted once the term of the grant has concluded. Commissioner Brent asked if we are able to invest the money. Sr. AC Liclican responded that the Office of Finance invests the City's money as a pool, on a daily rate, and the interest is allocated to the specific fund.

Public Comment

Susan Taylor: Stated that vets are bad at billing; if there is proof of surgery, organization can pay a year later; you may be paying for spay neuter vouchers where surgery was done last year. **Phyllis Daugherty:** Suggested using Community Service Workers for landscaping – Mission Hills is the worst.

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Commissioner Zaft asked about landscaping. **GM Barnette** responded that Recreation and Parks has the responsibility for landscaping.

7. ADJOURNMENT (taken out of order after Item 5.B.)

Commissioner Brent made a motion to adjourn in honor of Veterans Day and animals that have died in service and **Commissioner Gross** seconded. Motion passed 3 - 0.

Meeting ended at 1:16 p.m.