



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES



MINUTES

TUESDAY, JANUARY 12, 2016 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 10:07 a.m. Commissioners present were Zaft, Gross and Wolfson. Commissioners Brent and Yañez were absent. Also present Los Angeles Animal Services (LAAS) Assistant General Manager (AGM) Dana Brown; General Manager (GM), 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.

I. ADMINISTRATIVE APPEALS

1. Dangerous Animal Case: DA 152018 EV *(taken out of order; heard after I.3)*

Respondent: Jesus Villanueva Crespo and Maria Lourdes Crespo

Complaining Witness: Francisca Arias

East Valley Animal Care and Control: Captain Karen Knipscheer-Cox

Testimony was taken from the Respondent, Jesus Villanueva, who asserted that the evidence did not support the General Manager's decision as proof of the incident was not provided. The Witness, Francisca Arias, was not in attendance. The Commissioners discussed the merits of the request and the evidence provided to the Hearing Examiner.

Commissioner Zaft made a motion to affirm the General Manager's decision to order the re-impounding or relocation of **Lucky** (animal ID A1538946), and to prohibit the Respondent from owning, possessing, controlling or being in charge of any dog in the City of Los Angeles for a period of three years. The motion was seconded by **Commissioner Gross** and was approved by a vote of 2 - 0 - 1, with one abstention.

2. Dangerous Animal Case: DA 153003 SL

Respondent: Alberto Del Real

Complaining Witness: Dean Sarabia

South Los Angeles Animal Care and Control: Lieutenant Yvette Smith

Testimony was taken from the Respondent, Alberto Del Real. The Witness, Dean Sarabia, was not in attendance. The Respondent stated that the case was dismissed for lack of evidence, but terms and conditions were subsequently imposed; that the evidence did not support the General Manager's decision. The Commissioners discussed the merits of the request and the evidence provided to the Hearing Examiner.

Commissioner Wolfson made a motion to reverse the General Manager's decision to

reissue the license for **Red Man** (L16-481784) by deleting the terms, conditions and restrictions. The motion was seconded by **Commissioner Zaft** and was not approved by a vote of 2 - 0 - 1 with one abstention.

Commissioner Gross made a motion to modify the General Manager's decision to reissue the license for **Red Man** (L16-481784) by deleting terms and conditions identified as items 5, 6, 9 and 10 and revising item 1 to allow the dog to be walked. The motion was seconded by **Commissioner Zaft** and was approved by a vote of 3 - 0.

3. Dangerous Animal Case: DA 152092 NC *(taken out of order; heard first)*

Respondent: Marga Vergara and Luis Damian Robles

Complaining Witness: Alheli Barrios and Jose Orozco

North Central Animal Care and Control: Lieutenant John Cessna

Respondents, Marga Vergara and Luis Damian Robles, and Witnesses, Alheli Barrios and Maria Montiel Carrillo, were in attendance. Respondent Robles testified that the evidence provided at the hearing did not support the General Manager's decision. Witness Barrios testified in response to the Respondent's testimony. The Commissioners discussed the merits of the request and the evidence provided to the Hearing Examiner.

The Commissioners discussed the need to review the audio of the administrative hearing and obtain input from the Hearing Examiner.

Commissioner Zaft made a motion to continue the decision to the next meeting. The motion was seconded by **Commissioner Wolfson** and was approved by a vote of 3 - 0.

II. REGULAR COMMISSION MEETING

1. PUBLIC COMMENT

Phyllis Daugherty: Lamented resignation of Commissioner Brent as she has direct inside shelter experience; shared that Dr. Mackey is receiving lifetime achievement award from the So. California Veterinary Medical Association on January 30; stated that not all animals that are adopted out do well. **Erica Goewey:** Bunny World Foundation; stated that rabbits at North Central are outside next to dog cages, some for two years or longer, exposed to cold and rain, feet being hurt on wires. **Leyla Hadzimuratovic:** Bunny World Foundation; Foundation gave \$500 to North Central for air-conditioning barn where bunnies kept in summer; asked why bunnies not being kept in-doors; illegal vendors at Santee Alley. **Alberto Del Real:** Stated that while dog, Red Man, was at the shelter he was underweight (showed pictures of dog and it's condition) and treated cruelly.

2. COMMISSION BUSINESS

A. Approval of Minutes for December 8, 2015.

Public Comments

None

Commissioner Gross moved to approve the minutes for December 8, 2015 and **Commissioner Wolfson** seconded. The motion passed 3 - 0.

3. ORAL REPORT OF THE GENERAL MANAGER

GM Barnette discussed the following:

- December 12 and 13: Whisker Wonderland sponsored by Pet Care Foundation provided discounted adoption fees for all dogs and kittens under four months old; adoptions of dogs and cats over four months old are still being paid by the ASPCA.
- Precious Pet project at North Central works with shy dogs to socialize them and make them more adoptable; by mid-December 63 dogs have been through the project of which 41 have been adopted and six transferred to Best Friends, four redeemed by owner, and 12 still available at the shelter as of this report.
- Dr. Prupas presented to City and County District Attorney's Offices about the role of Veterinarian in animal cruelty cases.
- Public Relations Specialist interviews are completed; introduced Sara Ebrahimi who has background in public relations and marketing for animal welfare.
- City Council approved Lucy Foundation and Spay for L.A. contracts for mobile spay neuter services in low-income neighborhoods, free of charge with CA ID or USPS correspondence to prove residence in area.
- Strategic Planning Committee (GM, AGM, LAAS Board President and Vice President, and Ryan Carpio) met with Consultant, Francisca Baxa, on January 6 to discuss process and next steps for soliciting input from staff, community, volunteers and political leaders; next meeting in two weeks.
- LAAS invited to participate in NBC 4 Southern California's "I am a volunteer" program featuring non-profit organizations to encourage volunteerism.
- December 8: GM and DFO Salazar met with City Attorney to review ACE program and processing components; discussed streamlining citation and hearing request processing.
- Problems finding Licensing Canvasser position applicants and keeping those hired.
- West L.A. shelter
 - Problems with radiant heat – inoperable for 2-3 weeks due to lack of parts for 8-year old system; GSD had system in working order on December 15.
 - Awnings damaged during recent high winds; GSD bid the project and working on temporary solution until replacement.
- North Central shelter radiant heat still out; GSD has provided portable propane heaters until repairs are made and is checking regularly to ensure they are working properly, and provided a 24 hour emergency number.
- East Valley shelter complaints of water intrusion in animal housing portion of outdoor kennels; tarps purchased to place over kennels
- Two new vans have been pulled from service due to incident involving the cage gate during impound of aggressive animal, and are being reassessed.
- Thanked Arlene for six volunteer orientations during January; no appointments necessary.
- LAAS partnered with Melanie Pozez, founder of the Bark Avenue Foundation, to provide 26 animals from North Central for the "Light Up the Season" event at

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Disney Studios in Burbank; approximately 3,000 employees and their families in attendance; all animals adopted, 10 by private citizens.

- Laurel Canyon Neighborhood Watch sent complimentary letter to LAPD for teamwork performed with LAAS on animal cruelty suspect arrest.
- PetCo Foundation continues to provide pet grooming for our animals to prepare for adoptions.
- November 28, 2015 – 2-year old Siberian Husky impounded; reportedly, it had been stabbed in the neck by homeless person; our Vets performed surgery to stop the bleeding; dog is at Harbor shelter waiting to be adopted.
- December 10, 2015 – two of North Central's long-term residents, a pit-bull and pit-bull mix, shined at Animal Planet Puppy Bowl; half-time spot during the Super Bowl where a puppy from the Puppy Bowl goes missing; watch to see what happens.
- December 13, 2015 – Congressman Tony Cardenas hosted winter meeting at East Valley shelter; 180 people in attendance; Jake Miller addressed the crowd.
- January 5, 2016 – Officer reported stray horse in Tujunga Wash when rain water increased; Officer able to get horse out to safety; believed to be owned by homeless people.
- January 5, 2016 – ACTs discovered bullet holes in window at West Valley District Supervisor's office; safety glass shattered, LAPD investigated and believes broken by bb pellets; Personnel notified.
- ACO picked up dog in Chesterfield Square after being hit by car and attacked by dog; Chief Vet performed orthopedic surgery; "Colby" taken on channel 7 and making full recovery in new home.

Public Comment

Phyllis Daugherty: Stated that report provided by DFO Salazar on new vehicles indicated that he had expert working on designing vehicles; according to several people, vehicles are useless – can't see over front of vehicle especially going uphill, they're too long; has email from captain who asked for two seats for safety, but told they were for single person only; however, vehicles have four seats and less compartment space; asked for investigation on amount of time and money spent designing new vehicles; asked how much money has been made on ACE program.

4. COMMISSIONERS' ORAL REPORTS AND FUTURE AGENDA ITEMS

Commissioner Zaft: Read statement sent by Commissioner Brent regarding her resignation, and recognized her service on the Commission; requested report on conditions in shelters to keep all animals warm and protected from the elements.

Commissioner Wolfson: Discussed future agenda items previously requested: Wag free dog walks for adopters; establishment of uniform standards for housing of bunnies; opportunity to sell pet supplies at shelters; awareness and enforcement of dog licensing laws; discussion on charges for animal adoptions; encouraging fostering of animals; discussion on intake of cats when no space is available; partnering with Portraits of Hope for school children to paint, decorate and soundproof shelters; recognition and training of volunteers; increasing hours for volunteers to donate their time and for public to adopt animals – keeping one shelter open late one evening a week.

Commissioner Gross: Thanked Commissioner Brent for her service to Commission and wished her luck at Wildlife Center; participated in Strategic Planning meeting – goal is to solicit community and stakeholder input to work towards common goals; spoke with Housing Department about 2016 Rent Stabilization workshops and will conduct another series of Pets and Housing sessions at shelters – will schedule more of them in the evening.

Public Comment

Leyla Hadzimuratovic: Requested a rabbit meeting before Easter; asked to look into free vouchers to spay neuter rabbits; reminded about agreement to add rabbits to City code; thanked enforcement of red alerts; however, blue alerts are not being sent for medically affected rabbits. (**Commissioner Zaft** thanked Leyla for her work relocating shelter rabbits)

5. Discussion Items

A. Proposal to Enter MOU with Foundation to Support Animal Services

Maggie Neilson discussed tradition of public-private relationships to support mission of public sector organization and work with Department and City Attorney.

Commissioner Gross asked about structure and relationship with Department. **Ms Neilson** responded that it needs to be an independent entity with a board that has the fiduciary responsibilities and controls, and has an ongoing coordination with the Department to ensure working towards the same mission; Department staff cannot sit on the board, but can attend meetings in an advisory and communications capacity; initially it will be the founding members and donors who will bring the expertise to the board; will need to determine whether to interface and coordinate with organizations already working with Department – already got their input – would like access, but not be part of the organization. **Commissioner Gross** asked about the oversight and coordination. **Ms Neilson** responded that it is subject to the rules and regulations governing 501(c)3 organizations; the board is ultimately responsible for the staff and outcomes. **Commissioner Zaft** asked about the process. **GM Barnette** responded that it will go to the Mayor for signature, PAW Committee and City Council for approval. **Commissioner Zaft** noted a typo on the first page: the last “Whereas” should have the formal name of the Board of Animal Services Commissioners; suggested that a renewal provision be included; recommended selecting donors that will work well with Department. **Commissioner Wolfson** thanked Ms Neilson for work on MOU.

Public Comment

Phyllis Daugherty: Stated that most non-profits supporting other City Departments include the name of the entity in theirs; expressed concern that organization sounds like a general fundraiser and that the Department will get part of it; does not indicate that it will report to the Controller or City Attorney; people will believe that they are donating to the City or a specific shelter.

Ms Neilson responded that the organization will purchase needed items that may not be the priority of the Department in their budget, but are in support of the mission; money can be spent on organizations that support the mission of the Department; it will help coordinate resources more quickly. **Commissioner Gross**

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asked about consideration to include the Department's name in the Foundation title. **Ms Neilson** responded that name can be changed at any time. **Commissioner Zaft** noted that the Articles of Incorporation were not provided and requested that they be sent to the Commissioners.

Commissioner Wolfson moved to approve the MOU between the Los Angeles Animal Rescue Foundation and Los Angeles Animal Services and instruct the General Manager to transmit the MOU to the Mayor and City Council to request their approval. **Commissioner Gross** seconded and the motion passed 3 - 0.

B. Update on Review of Permitting Requirements for Exotic Animals

DFO Mark Salazar provided an overview of the staff report, and took questions.

Commissioner Zaft asked, in reference to the incident, whether permits issued to an animal rental company are in effect for one year. **DFO Mark Salazar** responded that the vendor is the animal rental company that receives the Wild Animal permit for one year, and the promoter or coordinator for the event also obtained an Animal Acts and Exhibition permit for the specific location, and refers to the vendor with the Wild Animal permit. **Commissioner Zaft** asked if both permits are obtained from LAAS; **DFO Mark Salazar** responded affirmatively. **Commissioner Zaft** referred to rule 10.16, which states that the permitted entity shall keep the animal confined at all times on the premises for which the permit has been issued, unless there is special permission from the Department to remove the animal; asked if permit was given to have elephant in Hollywood Hills, whether the event coordinator agreed to the conditions for receiving the permit and provided the detailed description of the proposed activities, written public safety plan and what to do if animal escaped, description of barriers, security staffing, signage and fencing, detailed description of containment methods. **DFO Mark Salazar** responded affirmatively and that all would have been reviewed by staff before making a recommendation to issue permit. **Commissioner Zaft** asked whether the event coordinator provided written notice to the surrounding properties informing them of the event and elephant. **DFO Mark Salazar** responded that it is all part of the permitting process. **Commissioner Zaft** asked whether staff had confirmed that notification had taken place. **Officer Annette Ramirez** responded that the permit applicant is not required to provide proof of having complied with the notification. **Commissioner Zaft** stated that the existing regulations are robust, but noted several instances where the event coordinator violated the terms; had surrounding residents been notified of the event, there would have been some objections to the issuance of the permit. **DFO Mark Salazar** responded that staff does not check with residents to confirm notification. **Commissioner Zaft** asked whether there was any staff review of this particular case to determine compliance. **DFO Mark Salazar** responded not to his knowledge. **Commissioner Zaft** requested to see the applications for this particular case in order to be understand how the system is working; **DFO Mark Salazar** responded affirmatively. **Commissioner Zaft** asked whether imposing restrictions when it involves a residential neighborhood would create a 1st Amendment or due process or deprivation of property issue; believes a city may be able to restrict elephants and lions in residential neighborhoods. **GM Barnette** responded that staff is looking for direction; report was to provide information on current process; questioned giving an organization a permit for a year. **Commissioner Zaft** responded that it could

make sense for the rental company, but for animals to be kept at the location; for an event, it must be a separate permit for an event where zoning should be considered. **Commissioner Gross** stated that although the report states that the vendors are exceptionally careful with their business, but the Hollywood situation indicates that is not the case – elephants were walking up the street, people were draping themselves over the elephants and taking pictures – they weren't being very careful; disagreed that a ban on these types of events would result in unpermitted events because the fine is cheaper than the permit – recommended increasing the cost of the fine; the problem is enforcement – would like to disallow this particular type of activity. **GM Barnette** shared that Council Members Ryu and Koretz had introduced a motion to ask the City Attorney to prepare an ordinance to restrict and otherwise regulate the display of wild and exotic animals in public spaces when a special event or filming permit have not already been issued. **Officer Annette Ramirez** added that permits are issued for animal acts and exhibition, not parties. **Commissioner Zaft** recommended adding the listing of the purpose of event to assist with enforcement when inconsistent with purpose; vendor's permit should be able to be revoked if rental animal used for improper purpose or for unpermitted event; requested to see the applications and permits for this particular case, and a follow-up report with recommendations for changes. **DFO Mark Salazar** suggested timing it with when the City Attorney completes their report. **Commissioner Wolfson** stated that he supports Commissioner Gross' recommendations on the fines. **Commissioner Zaft** asked whether the item was heard today at Council or PAW Committee. **GM Barnette** responded that it was not today, but is coming up on an agenda for PAW Committee.

Public Comment

Nick Greif (CD4): Stated that the motion is in relation to animals being used for profit in the public right of way; commented that current process allows for inappropriate use of animals; working on separate process to address "party houses"; argued that unpermitted events resulting from banning permits can be dealt with – can dissuade vendors from animal rentals rather than risk losing permit; consulted with attorneys and stated that it is not a 1st Amendment issue; 1-year permit is not an issue for vendors, but permit for locations should be limited to actual date and time of event; need for mechanism to shut down event if violations of the terms of permit are observed. **Catherine Doyle:** Director of Science Research and Advocacy with Performing Animal Welfare Society; offered assistance with process; mentioned public safety issues; questioned some artistic and educational components of events; questioned allowing these types of events. **Commissioner Zaft** asked if there are any examples of other cities. **Ms Doyle** responded that San Francisco banned all wild animal performances and displays. **Commissioner Zaft** asked about the filming industry. **Ms Doyle** responded that Oakland rules should be looked at; the number of permits issued for filming should be reviewed to determine impact. **Phyllis Daugherty:** Stated that California Fish and Wildlife should be included, recommended consulting with legitimate animal handler for filming – Second Generation; stated that there are no 1st Amendment rights issue.

Commissioner Zaft asked staff to take the comments and recommendations made and work with the City Attorney to come back with a report with recommended changes. (**Commissioner Wolfson** was not well and left the meeting, recommended adjourning in honor of Commissioner Brent's service)

C. Staff Report on El Niño Preparations

DFO Mark Salazar provided an overview of the materials and described what is “El Niño”; has been participating in preparation meetings since September 2015, and participating in community preparedness meetings; stated that staff has been trained and shelter staff are prepared for additional animals, and Best Friends is also available; LAFD will respond if incident involves fast water; fleet vehicles available include two horse trailers, a mighty mover capable of transporting and temporarily housing approximately 30 animals, a blue med tent for temporary set up of medical services, a gator for wet and difficult terrain, and an inflatable motorized boat; if a family needs temporary housing for their animals, housing will be provided free of charge for 30 days; will provide portable holding cages at the various city facilities such as recreation centers and temporary shelters if needed.

Commissioner Zaft asked if there were any incidents experienced with recent rains. **DFO Mark Salazar** responded that there have been issues with the heating system as discussed, and drainage issues at North Central’s back parking lot, which did not affect the animals. **Commissioner Gross** asked about the kennel areas as they are exposed to the elements – what is the procedure. **DFO Mark Salazar** responded that it is best that DFO Dedeaux address questions about shelters; not seeing issues with kennels flooding and not being able to drain. **Commissioner Gross** asked about exposure. **DFO Mark Salazar** responded that there are areas in the kennels where they can get out of the rain; mentioned horse rescue in Tujunga Wash. **Commissioner Zaft** asked about Officer involved and whether there was fast moving water. **DFO Mark Salazar** responded that it was an East Valley Officer, horse was at homeless encampment and water was picking up. **Commissioner Gross** asked if there has been additional public outreach on how to care for animals; use of City Council e-newsletters and Neighborhood Councils. **DFO Mark Salazar** responded that information is being distributed at townhall meetings. **Lt. Susan Botta** responded that a guide is being compiled with different City Departments and services. **Commissioner Zaft** asked if Canvassers were helping with outreach. **DFO Mark Salazar** responded that it was a good idea. **Commissioner Gross** suggested doing the same type of outreach as that conducted during heatwave.

6. ADJOURNMENT

Commissioner Gross made a motion to adjourn and **Commissioner Zaft** seconded. Motion passed 2 - 0.

Meeting ended at 1:20 p.m.