



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

REGULAR MEETING AGENDA
Tuesday, November 28, 2017
9:00 A.M.

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

LARRY GROSS
President

OLIVIA E. GARCÍA
Vice-President

LAYNE DICKER
ALISA FINSTEN
ROGER WOLFSON

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) 482-9558.

Si requiere servicios de traducción, favor de hacer pedido con 24 horas de anticipo al (213) 482-9558.

I. ADMINISTRATIVE APPEALS

- 1. Barking Dog Noise Case: BD 172169 SLA**
Respondent: Sylvia Hercules and Ashley Martinez
South Los Angeles Animal Care and Control: Lieutenant Jose Gonzalez
Complaining Witness: Miranda Fawn Sattaar El
- 2. Barking Dog Noise Case: BD 171210 WV**
Respondent: Julie Ann Apparis
West Valley Animal Care and Control: Lieutenant Lorna Esparza
Complaining Witness: Michael Wischhusen
- 3. Dangerous Animal Case: DA 171391 WV**
Respondent: Neda Eivazmohammadi and Matthew Ryan Rosyner
West Valley Animal Care and Control: Lieutenant Lorna Esparza
Complaining Witness: Gavin Grogan, Shannon Grogan, Gina Vergara and Angelica

Velasco De Vergara

4. Dangerous Animal Case: DA 172412 SLA

Respondent: Alex Maradiaga and Norma Cordova

South Los Angeles Animal Care and Control: Lieutenant Jose Gonzalez

Complaining Witness: Gaudy Galeano

II. 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. NEIGHBORHOOD COUNCIL COMMENTS** - (Discussion with Neighborhood Council representatives on Neighborhood Council Resolutions or Community Impact Statements filed with the City Clerk which relate to any agenda item listed or being considered on this agenda for the Board of Animal Services Commissioners)

3. COMMISSION BUSINESS

A. Approval of the Minutes for Meeting of November 14, 2017. (Action Item; Public comment limited to one minute per speaker).

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

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

6. BOARD REPORTS

A. Oral Update on the Department's Phone System Problems and Collaboration with the Information and Technology Agency (ITA). (Public comment limited to one minute per speaker).

B. Board Report on Feeding Vegan Food to Shelter Dogs. (Public comment limited to one minute per speaker).

7. ADJOURNMENT

Next Regular Meeting is scheduled for 7:00 P.M., December 12, 2017, at Ramona Hall Community Center, 4580 North Figueroa Street, Auditorium, Los Angeles, California 90065.

AGENDAS - The Board of Animal Services Commissioners (Board) meets regularly every second (2nd) and fourth (4th) Tuesday of each month at 9:00 A.M. Regular Meetings are held at City Hall, 200 North Spring Street, Room

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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, 221 North Figueroa Street, 6th Floor, Suite 600, Los Angeles, CA 90012. Board Agendas may also be viewed on the 2nd 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 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
ANIMAL SERVICES
COMMISSIONERS**

LARRY GROSS
PRESIDENT

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LAYNE DICKER

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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

LOUIS P. DEDEAUX
INTERIM ASSISTANT GENERAL MANAGER

NOTIFICATION OF ADMINISTRATIVE APPEAL HEARINGS

To Be Held:

Tuesday, November 28, 2017, at 9:00 A.M.

City Hall

**200 North Spring Street, 10th Floor, Room 1060
Los Angeles, CA 90012
(Entrance on Main Street)**

This serves as formal notice pursuant to Section § 53.18(q) 4 of the Los Angeles Municipal Code (LAMC) to the following parties and witnesses in the appeal(s) listed below:

1. **Barking Dog Noise Case: BD 172169 SLA**
Respondent: Sylvia Hercules and Ashley Martinez
South Los Angeles Animal Care and Control: Lieutenant Jose Gonzalez
Complaining Witness: Miranda Fawn Sattaar El
2. **Barking Dog Noise Case: BD 171210 WV**
Respondent: Julie Ann Apparis
West Valley Animal Care and Control: Lieutenant Lorna Esparza
Complaining Witness: Michael Wischhusen
3. **Dangerous Animal Case: DA 171391 WV**
Respondent: Neda Eivazmohammadi and Matthew Ryan Rosyner
West Valley Animal Care and Control: Lieutenant Lorna Esparza
Complaining Witness: Gavin Grogan, Shannon Grogan, Gina Vergara and Angelica Velasco De Vergara
4. **Dangerous Animal Case: DA 172412 SLA**
Respondent: Alex Maradiaga and Norma Cordova
South Los Angeles Animal Care and Control: Lieutenant Jose Gonzalez
Complaining Witness: Gaudy Galeano

These hearings will not be rescheduled, except for good cause.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. 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.

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For additional information, please refer to the Board's "Rules and Procedures for Appeals", or contact the Department of Animal Services at (213) 482-9558, or visit the Department's website: <http://www.laanimalservices.com/>. Written statements are to be submitted to the Commission seven days prior and, if in excess of 50 pages, seven hard copies must be provided. You may submit your statement (50 pages or less) via email to: ani.commission@lacity.org.

Para información en español, llame al (213) 482-9558.



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES



MINUTES

TUESDAY, November 14, 2017 at 9:00 AM

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

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

Larry Gross, President
Olivia E. García, Vice President
Layne Dicker
Alisa Finsten
Roger Wolfson

Meeting called to order at 9:04 a.m. Commissioners present were Gross, García, and Dicker. Also present from Los Angeles Animal Services (LAAS) Board Secretary Johana Moran, Assistant General Manager (AGM) Dana Brown, General Manager (GM) Brenda Barnette; and Deputy City Attorney (DCA) Dov Lesel.

Commissioner Gross opened the meeting, introduced staff, and provided an overview of the meeting agenda.

I. **ADMINISTRATIVE APPEALS**

1. **Possible Dangerous Animal Case: DA 171306 NC**

Respondents: Ace of Hearts, Karrie Whitman, Susan M. Dyer
North Central Animal Care and Control: Lieutenant John Cessna
Complaining Witness: Sabrina Panal

Commissioner Gross asked ACA Lesel for counsel on the Board's jurisdiction if the respondent's address is in West Hollywood. **ACA Lesel** stated that this can be treated as a regular case, it would apply to the City of Los Angeles; the fact that the owner is domiciled or incorporated in a different city should not make a difference. **Commissioner Garcia** provided guidelines for conduct of appeal hearings. The Respondents, Ace of Hearts and Karrie Whitman, were represented by legal counsel Anne Brendel. Respondent Susan Dyer was not present and not represented. Testimony was taken from Ms. Brendel who stated that Daytona is a therapy dog as put forth in a document that she emailed to the Hearing Examiner after the Administrative Hearing. **ACA Lesel** counseled that, from a legal standpoint, it does not carry a lot of weight. The letter that Ms. Brendel referred to was not part of the record and she provided the Board with a hardcopy. **ACA Lesel** counseled that, by and large, the Commission needs to make its decision based on the evidence that was received by the Hearing Examiner during the hearing. **ACA Lesel** added that the Board is free to ignore the letter or they can decide to consider how and when it was transmitted and whether to give it any probative value; but, by and large, they are free to disregard it, as it was not provided at the hearing. Ms. Brendel testified that the Hearing Examiner was upset that the police were told that this was a service dog and she implied that it may have weighed unevenly on the report. **Commissioner Gross** remarked that there is a difference between a service animal and an emotional support animal; from what he can see, this was not a service dog. Ms. Brendel confirmed that Commissioner Gross is correct and

stated that her clients thought that therapy dogs have the same protections as service dogs; she has since explained the difference. Ms. Brendel stated that the prior foster had no problems with Daytona for the six months that she had him and claimed that it was only due to an emergency that the dog had to be placed with a new foster, Ms. Klaer. Ms. Brendel stated that Ms. Klaer blatantly violated the foster agreement and acted grossly negligent by throwing a party, allowing the dog to be around children and off-leash in a public area. Ms. Brendel argued that the rescue group should not be held responsible and the dog should not be put down for the recklessness of the foster; she asserted that the incident could have been avoided had the parents and the foster been more responsible. The Board asked Ms. Brendel to comment on the texts in the record and Ms. Brendel was unable to provide answers. Ms. Whitman was not present at the beginning of the hearing but arrived at this point and her testimony was taken including that she informed the foster that the dog was not good with children and that she hasn't seen the texts in question but they are probably from a former employee. Ms. Whitman stated that the rescue has been around for 23 years with very few incidents and a less than 1% return rate. The complaining witness, Sabrina Panal, was present and her testimony was taken, including that she was under the understanding that Daytona was okay with children, not that he shouldn't be around children. Ms. Panal provided the details of the attack, including that the dog not show signs of aggression before it lunged at her son. At the Board's request, Ms. Panal also described the earlier incident involving a younger child, including that she and other guests did not see what happened so they all thought the child could be reacting out of general fear of dogs; that is why they agreed to Ms. Klaer's request to bring the dog back. Ms. Whitman argued that the foster set the dog up to fail, the foster contract states the dogs are never to be off leash outside of the home. **Commissioner Gross** commented he's concerned that Ms. Whitman appears to not be taking any responsibility and putting it all on the foster, he noted that Ms. Klaer's testimony indicates that she made the rescue aware that she was intimidated by the dog and had no experience with dogs. **Commissioner Gross** admonished Ms. Whitman that she has a responsibility and obligation to the foster, yet she's throwing her under the bus. Ms. Whitman refuted that statement. **Commissioner Gross** added that the texts are also of concern, Ms. Klaer's testimony and the texts show that she was being told to hide the dog and deceive the police and animal control. Ms. Whitman denied seeing those texts. **Commissioner Gross** replied that they are in the record and added that Ms. Whitman is responsible for her employees. **Commissioner Dicker** commented that he finds it to be unconscionable. Ms. Whitman stated that the employee was fired over this incident. Ms. Whitman and Ms. Brendel took questions from the Board. The Board discussed the merits of the appeal, the evidence provided to the Hearing Examiner, and the grounds supporting the General Manager's determination. **ACA Lesel** provided legal guidance.

Commissioner Dicker found that the dog does have sensitivity around children and believes that triggers can be managed, would like the determination to be license revocation rather than destroy the dog; found the rescue group to be irresponsible and should be barred from pulling dogs from LAAS shelters or having dogs in the City of Los Angeles for three years. **Commissioner Garcia** found that the rescue group was irresponsible and failed the dog. **Commissioner Gross** found that the dog has demonstrated aggression and attacked two

children, the Board has a responsibility to ensure that other children are not attacked and there is no guarantee that the dog will be trained.

Commissioner Gross made a motion to uphold the decision of the General Manager to declare Daytona to be a Dangerous Animal. **Commissioner Garcia** seconded and the motion failed by a vote of 2-1; without a majority vote, the General Manager's decision stands.

Public Comment:
None.

2. Possible Dangerous Animal Case: DA 171221 WV

Respondent: Effren E. Valenzuela
West Valley Animal Care and Control: Lieutenant Lorna Esparza
Complaining Witness: Vera Dem

Testimony was taken from the Respondent, Effren Valenzuela, and his sister, Vanessa Valenzuela. The Complaining Witness, Vera Dem, was not in attendance and provided a written statement. Mr. Valenzuela stated that the hearing process was unfair and cited remarks made by the Hearing Examiner and the Complaining Witness regarding the nature and severity of the injuries. Mr. and Ms. Valenzuela both alleged that Ms. Dem made false statements at the hearing. Ms. Valenzuela stated that one of the dogs, 'Elsa,' is her dog; her brother gave it to her when she was a minor and she's very sad without her. Ms. Valenzuela added that her brother has taken all of their dogs and relocated to Kern County; she would like to keep her dog in the City of Los Angeles. Mr. Valenzuela stated that since the bite incident he has taken his dog, 'Snowy' (Snow White), to training with the American Obedience Inc. in Bakersfield; he added that the trainer said she might not be dog-friendly but she is manageable around other dogs. Mr. Valenzuela stated that another dog, 'Grizzly,' has never bitten anyone and is not aggressive. Respondent and his sister took questions from the Board and ACA Lesel. **Commissioner Gross** commented that the dogs have been impounded several times, demonstrating a confinement issue, and ACE citations were issued for licensing. Mr. Valenzuela asked to be allowed to bring his dogs back to the City of Los Angeles during the winter months due to hardship commuting when the roads are closed. **Commissioner Garcia** suggested relocating closer to the City of Los Angeles as a possible solution and commended Mr. Valenzuela for the effort made to keep his dogs, noting that he, eventually, complied with licensing. Ms. Valenzuela interjected to explain that for financial and educational reasons, they cannot afford anything closer; she added that she plans to join her brother. The Board discussed the merits of the appeal, the evidence provided to the Hearing Examiner, and the grounds supporting the General Manager's determination.

Commissioner Gross made a motion to uphold the General Manager's decision to revoke licenses for dogs Snow White, Grizzly Bear, and Elsa. **Commissioner Dicker** seconded and the motion was approved by a unanimous vote of 3-0.

Public Comment:
None.

3. Possible Dangerous Animal Case: DA 172394 SLA

Respondent: Julia Harris

South Los Angeles Animal Care and Control: Lieutenant Jose Gonzalez

Complaining Witness: Marcos Armas

The Respondent, Julia Harris, was represented by legal counsel John J. Uribe. Complaining Witness Marcos Armas was not present at the start of the hearing but arrived later. Testimony was taken from Mr. Uribe who stated that there are problems with the General Manager's approach, it is not as set forth LAMC 53.18.5; additionally, the LAMC does not mention what weight to give each of the criteria to deem a dog a Dangerous Animal and on that basis, there cannot be a finding or preponderance of evidence to establish that his client's dog 'Remy' was a Dangerous Animal. Mr. Uribe stated that the Hearing Examiner did not consider all of the criteria in the report and went outside his role by making a lay opinion regarding the dog's trainability, violating the Evidence Code section 703. Respondent and her attorney took questions from the Board. Mr. Armas arrived at this point and his testimony was taken, including that his dog, 'Sammy,' was like a therapist to him and that they were on their daily walk when they were attacked by Ms. Harris's two dogs resulting in injuries and the death of his dog. Ms. Harris apologized to Mr. Armas. Mr. Uribe gave a brief rebuttal and continued taking questions from the Board. The Board discussed the merits of the appeal, the evidence provided to the Hearing Examiner, and the grounds supporting the General Manager's determination.

Commissioner Dicker made a motion to reverse the decision of the General Manager and modify it to license revocation for both dogs. **Commissioner Garcia** seconded.

Commissioner Gross interjected that Mr. Armas's dog died as a result of the attack; additionally, the Hearing Examiner's report to made valid points that the dog, Remy, is aggressive, and Rocky appears to be more of a follower. **Commissioner Dicker** stated that Remy is dog-aggressive and opined that a first offense of dog reactivity does not deem a dog dangerous. **Commissioner Gross** asserted that he respects the opinion of the Department's staff, Animal Control Officers and General Manager. **Commissioner Garcia** commented that it comes down to an owner issue, the owner was irresponsible and should not get the dogs back but Remy should not die for her owner's irresponsibility.

Commissioner Dicker renewed his motion to reverse the decision of the General Manager and modify it to license revocation. **Commissioner Garcia** seconded and the motion failed by a vote of 2-1; without a majority vote, the General Manager's decision stands.

Public Comment:
None.

II. REGULAR COMMISSION MEETING

1. PUBLIC COMMENT

Phyllis Daugherty: Identified herself as a member of Animal Issues Movement and

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thanked Commissioner Gross and GM Barnette for upholding the law today. Ms. Daugherty spoke on the need for more Animal Control Officers and referenced recent news stories; spoke on handout she brought for the Board on the topic of a rescue group. **Jeffrey Mausner**: Identified himself as a volunteer of the West Valley Animal Shelter and relayed another volunteer's suggestion to hold more meetings at shelters; spoke on need for more attention for evidence dogs, rescue only dogs, and ex-PDA's, to allow volunteers to take them out more.

2. NEIGHBORHOOD COUNCIL COMMENTS - (Discussion with Neighborhood Council representatives on Neighborhood Council Resolutions or Community Impact Statements filed with the City Clerk which relate to any agenda item listed or being considered on this agenda for the Board of Animal Services Commissioners)

Jeffrey Mausner identified himself as a Board member and Second Vice President of the Tarzana Neighborhood Council (TNC), Chair of the TNC Animal Welfare Committee (AWC), the TNC and the Valley Alliance of Neighborhood Councils (VANC) liaison to LAAS. Mr. Mausner provided a packet to the Board of the TNC's September 26, 2017 meeting minutes and spoke on the resolution to file a Community Impact Statement in support of Council File 17-0170 reaffirming the City Council's goal to make Los Angeles a no-kill city of all healthy adoptable shelter animals by December 31, 2017, with no further extensions; and the resolution to support use of all kennels at the West Valley shelter, including training kennels, puppy kennels, and kennels in the grooming room before any healthy adoptable animals are killed for lack of space at any of the City's shelters. Mr. Mausner also referred to printouts from the LAAS website, showing the numbers of dogs and cats at each of the shelters on November 13, 2017, and compared the Woof Stats reports of number of animals killed at each shelter, concluded that the other shelters should be helping South Los Angeles more. Mr. Mausner also provided photos of the empty puppy kennels in the West Valley and stated that they remain vacant for months; he stated that keeping the kennels vacant seems unjustified when dogs are still being killed in South L.A. Mr. Mausner mentioned that the most important short-term solution to save the lives of dogs and cats in South L.A. is the opening of the Jefferson Park shelter; he stated that it's taking the City too long to get that shelter open.

Commissioner Gross stated that perhaps GM Barnette can provide some clarity on some of the issues raised by Mr. Mausner. **GM Barnette** spoke on activity between shelters to help each other and transfer dogs; she pointed to the live/save rate of 91% for dogs, cats are a bigger issue. GM Barnette opined that LAAS is not unnecessarily killing animals; described the multiple levels of approval required for euthanasia.

Public Comment:
None.

3. COMMISSION BUSINESS

A. Approval of the Minutes for Meeting of October 24, 2017.

Commissioner Garcia made a motion to approve the minutes of October 24, 2017. **Commissioner Dicker** seconded and the motion was approved by a unanimous

vote of 3-0.

Public Comment:
None.

B. Approval of the 2018 Board Meeting Schedule.

Commissioner Dicker inquired about holding more of the meetings at shelters. **GM Barnette** stated that it is a staff constraint; some staff would require overtime, and mentioned the added cost for ITA to record. **Commissioner Gross** added that we can look at other activities where the public can be engaged more, such as the collaboration with the Housing Department, now in its third year. **GM Barnette** mentioned that we have also spoken at Neighborhood Council meetings to speak on topics of interest.

Public Comment:
None.

Commissioner Dicker made a motion to approve the 2018 Board Meeting Schedule. **Commissioner Garcia** seconded and the motion was approved by a unanimous vote of 3-0.

4. ORAL REPORT OF THE GENERAL MANAGER

GM Barnette discussed the following:

- Two potential contractors were identified for the Jefferson Park shelter, the CAO's Municipal Facilities team is managing the RFP process, a contract may be awarded before the end of December and it is hoped that the facility will be open by early January. **Commissioner Dicker** inquired if there is an outline of the functions of the facility. **GM Barnette** relayed that both contractors submitted an executive summary and the CAO is working on getting the specifics, a meeting will be held soon to iron out the details; she hopes there is an emphasis on cats. **GM Barnette** added that CD 10 has requested a spay/neuter clinic and a wellness clinic for companion animals in the neighborhood.
- The Department is experiencing severe staffing shortages at upper management levels; there is one AGM vacancy due to the retirement of Louis Dedeaux, two DFO's are out on long-term medical leave, our only PR Specialist resigned effective October 30th. The Department is accepting applications for the AGM position, interviews will be held for PR Specialist later this week; it is hoped that the first round of candidates will produce a winner.
- The Department is working on its 2018/19 budget submission, due on the 19th. The package seeks to creatively address the issues with the current telephone system, support the goals set forth by the Mayor. Funding is expected to be restored for the ACO positions that were not filled last year; if approved, the hiring process can begin early in the Fiscal Year. Historically, the City was contributing 1.1 million to the Animal Sterilization Fund (ASF) and that amount has diminished in recent years with the end of spay/neuter of community cats, the Department took some one-time reductions; and

certain veterinarian and RVT positions were charged to that fund. With the increase in spay/neuter and good vendors, Council will be asked to consider funding at a higher level than in the past several years. **Commissioner Dicker** inquired, assuming the injunction is overturned and the Department resumes TNR activities, where the funding will come from. **GM Barnette** confirmed that it will be from the ASF; she explained that \$7 out of \$20 and \$2 out of \$100 for dog licenses goes into the ASF. **Commissioner Dicker** inquired what the threshold is for financial assistance for spay/neuter and if that threshold can be lowered. **GM Barnette** replied that it is based on the HUD guidelines for low income; people do not need a lot of documentation, just proof of residence in the City and ID. **Commissioner Dicker** would like a discussion on altering the threshold to make more people eligible.

- The dishwasher at the Harbor shelter is inoperable, staff and volunteers are washing the food dishes and water bowls by hand. Repair is expected before the end of the week.
- On November 4, LAAS participated in Shelter Me and Susie's Senior Dogs off-site senior dog adoption event at Cheviot Hills Recreation Center in West L.A. LAAS took 33 dogs; 12 got adopted and one got fostered.
- On November 4, Chesterfield Square South Los Angeles shelter hosted a day of service event with 18 volunteers from Mount St. Mary's University. The group of volunteers assisted staff in performing a deep cleaning of the kennels and automatic dog waterers. All in attendance had a great time.
- On November 5, West L.A. shelter attended Woofstock mobile adoption event with reduced adoption fees sponsored by The Pet Care Foundation; they took 10 dogs and 2 kittens, 3 dogs got adopted.

Public Comment:

Jeffrey Mausner: Asked for comment on the schedule for the Community Cat Program EIR up to the point of returning to court for the injunction.

GM Barnette stated that the work is a moving target and we are looking at a schedule that may not see us in court until sometime in 2019.

5. COMMISSIONERS' ORAL REPORTS AND FUTURE AGENDA ITEMS

Commissioner Dicker: Wants every shelter dog to get out every day, it should be a goal of staff and volunteers, especially an issue with PDA dogs. He suggested the Department include a Behavior and Training Consultant position in its budget; thinks they can assist in many areas, including hearings, play groups, behavioral assessments and kennel enrichment. Commissioner Dicker mentioned that he plans to attend the Best Friends national conference July 19 to July 21; he will sign up for anything involving progressive sheltering. He spoke on the need for a new PR Specialist who understands web design, marketing and social media to make our animals more accessible. **GM Barnette** commented on the status of the RFP for a Marketing Consultant.

Commissioner Garcia: Requested post-adoption support, such as handouts or a packet. **GM Barnette** will look into the status of the development and will return with a timeline. **Commissioner Gross** recalled that a discussion for the development of a video. **Commissioner Dicker** commented on possible sources of materials and

developing a list of referrals that could help. **Commissioner Garcia** added that information should be on our website, such as leash laws. **GM Barnette** replied that leash law information is on our website but it is not easy to find.

Commissioner Gross: Reported on the ribbon cutting at Western University Clinic in the West Valley shelter and reported on the ground breaking at the North Central shelter. **Commissioner Dicker** inquired at the estimated completion date. **GM Barnette** replied that it will take at least two years. **Commissioner Gross** requested a report on how the self-certification program is working.

Public Comment:

Jeffrey Mausner: Urged the Board to look to turn the old North Central facility into something similar to Mission Hills and what Jefferson Park will be, with a rescue running the facility. **Commissioner Gross** clarified that it is the new facility is on top of the old.

6. Board Reports

A. Oral Staff Report on Kapparot Response.

Director of Field Operations (DFO) William Tranzow provided an update of the Department's response to Kapparot and, specifically, calls with allegations of violations to our current laws. DFO Tranzow took a moment to thank Rabbi Jonathan Klein of Faith Action for Animals and credited Rabbi Klein for being instrumental in disseminating information to the Department. DFO Tranzow reported on two incidents that occurred, the first was on the 1600 block of Lavania, an investigation was conducted for possible humane violations with LAPD present, consent was given to inspect, the fowl appeared to be in good health, the suspect admitted that the hens were for the religious atonement ritual, no violations were observed at the time of the inspection and the case was closed on September 28; of note, the suspect had legal counsel present, protesters were present, the suspect had prior incidents over the last few years. DFO Tranzow relayed that the second incident was on the 1500 block of Holt, the original complaint was for fowl on the property, there were multiple contacts on the property, it started with five fowl of which three were claimed for Kapparot, there were several follow ups; a minor sanitation issue was addressed and no violations found other than distance pursuant to LAMC 53.59 and 53.71 and 591.1 was written on the ACE for sanitation concerns, full compliance was completed on November 9. He is aware of one other call of fowl dropped off for possible atonement ritual that turned out to be for food consumption; that call was received and investigated by LAPD, not LAAS.

Commissioner Gross inquired about two other situations, one involving the L.A. Poultry Co. on Virgil and the other at the Hebrew Academy Center in Woodland Hills. **DFO Tranzow** apologized for not being familiar with the second one and stated that the first is one was mentioned in his report. He added that this year seems to be surprisingly quiet. **Commissioner Gross** added that there is a video of the one in L.A. Poultry Co. where it appears that a participant appears to be using a chicken as a weapon. **DFO Tranzow** stated that he cannot comment on that. DFO Tranzow clarified points of his report for the Board and detailed

collaboration with the Department of Sanitation and LAPD. **GM Barnette** added that the Animal Cruelty Task Force is made up of LAPD and LAAS Animal Control Officers, which is where DFO Tranzow was stationed before accepting the DFO position; this is DFO Tranzow's first time serving as the LAAS contact for Rabbi Klein; additionally, DFO Tranzow did not have the benefit of being briefed by his predecessor.

Commissioner Gross requested that DFO Tranzow speak on what areas of our response were satisfactory and where we could improve. **DFO Tranzow** replied that, given current laws, we responded and dealt with issues satisfactorily. He stated that he received a lot of first hand information from officers and from Rabbi Klein.

Commissioner Dicker asked ACA Lesel how Kapparot practitioners skirt PC 597 (a); killing an animal is illegal except for food. **ACA Lesel** replied that the actual ceremony part is covered by the First Amendment protections, and it used to be that the animal in the ritual would be killed for food but that had to cease because, oftentimes, they would not have a permit to kill for food. **GM Barnette** stated that in the beginning LAAS did not get involved much in Kapparot issues and it's only been in the last several years, prompted by our Commissioners and our relationship with Rabbi Klein that we have stepped up quite a bit, while still trying to be respectful of First Amendment rights; not to say that we can't do more. **DFO Tranzow** asserted GM Barnette's statement and added that it seems that there is a decline due to the efforts of people like Rabbi Klein and law enforcement. **Commissioner Gross** remarked that we are dealing with a Supreme Court decision that ties our hands and doing the best we can in the areas that we do have jurisdiction on. **Commissioner Gross** inquired if LAAS received any calls on the L.A. Poultry Co. incident. **DFO Tranzow** replied that there was no formal call received, only video on social media.

Public Comment:

Commissioner Gross, in his capacity as Board President, approved three minutes for Rabbi Klein to speak on this item.

Jonathan Klein: Identified himself as a member of Faith Action for Animals and posited that there was no formal complaint for the incident at 121 N. Virgil because it got chaotic and people left, they could not keep track of who people were, it was toward the end of the ritual on the day leading into Yom Kippur when the most expression of this ritual takes place in certain communities, there is plenty of footage of the horrendous situation. He made suggestions on what LAAS can improve upon, including stronger communication and notification to organizers and participants of this ritual, there is only a handful of places where this happens and we know where those places are, they all could be notified ahead of time with a laundry list of all the possible violations they could be committing. Rabbi Klein asserted that the First Amendment does not allow for any cruelty leading up to the ritual and this is why, in Jewish tradition, so many people oppose this ritual. He cited 597 (a) and stated that most of the animals used in the ritual are not food grade, they are spent hens that were never intended for food, which furthers that point that this is not the observance of tradition. Rabbi Klein urged the Board to question victories; from the perspective

of activists, this was the worst year ever. At Commissioner Gross's prompting, Rabbi Klein elaborated that people are particularly aggravated by the situation at Lavonia Avenue, where Herschel Cohen has, for the fourth year in a row, acted with impunity with killing a lot of these animals; it is known that this is a coordinated activity with the congregation, everyone is diverted to his residence. He added that, in regards to the Hebrew Discovery Center, where a lot of the protests were held, the circumstantial evidence suggests that people going in to the ritual may have diminished but the number of bags of dead animals that were videotaped as they were hauled away was every bit as large as ever.

The Board discussed with ACA Lesel that it may be an issue to bring up to Sanitation and City Council; there is a possible zoning issue with Lavonia if Lavonia is a residential street. **GM Barnette** stated that she will try to get Rabbi Klein and ACA Lesel together to prepare a list of possible violations, and prepare notifications ahead of time targeted to those we know are practicing the ritual; an animal cruelty flyer went out previously. The Commissioners agreed that they would like to have something ready early next year. **Commissioner Garcia** inquired what happens when Sanitation is notified. Rabbi Klein replied that he does not believe there is a fine. **Commissioner Gross** suggested turning up for public comment at the meetings of the Board of Public Works and the Planning Commission to make them aware that they have some ability to address this issue. **Commissioner Dicker** proposed coming up with some ideas to make the practice illegal. **Rabbi Klein** gave some background leading up to the Supreme Court decision.

Phyllis Daugherty: Stated that Santeria is alive and well and recounted that she worked with attorneys to make sure that, this year, Sanitation would answer correctly. Ms. Daugherty spoke on the ongoing cruel practice of killing goats for Ramadan and suggested that anything published addresses all practices.

B. Berman Living Trust Donation Acceptance.

Volunteer Coordinator (VG) Victoria Garcia presented a brief overview, including that the bequest of \$20,000.00 to be deposited into the Animal Welfare Trust Fund is restricted to the purposes of Volunteer Services.

Public Comment:
None.

Commissioner Garcia made a motion to approve the Acceptance of the Berman Living Trust Donation. **Commissioner Dicker** seconded and the motion was approved by a unanimous vote of 3-0.

C. Woof Stats Reports for July, August, and September 2017. *(Item tabled to next meeting)*

D. Animal Welfare Trust and Animal Sterilization Fund Balances for July, August and September 2017.

Chief Accounting Employee (CAE) Lilia Liclican presented an overview of the Animal Sterilization Fund (ASF) and the Animal Welfare Trust Fund (AWTF)

balances for the months of July, August and September. **GM Barnette** mentioned that the budget for vendors is tight. **CAE Liclican** informed the Board that the CAO is asking that LAAS use ASF funds to pay for administrative costs, such as salaries and related costs that go back into City coffers. **Commissioner Gross** asked if that is something new. **CAE Liclican** replied that it is not. **GM Barnette** clarified that it is, specifically, what they calculated were for the fees for the Registered Veterinary Technicians (RVT's) and the Veterinarians when performing the actual surgeries; a cost analysis was done to find how many hours of the RVT's and Veterinarians' time are used for spay/neuter and that is what is being charged. **GM Barnette** added that it's been about three years since this was the case. **CAE Liclican** stated that it started when the City was in dire need of money that we catered in to their request that we put in money from the ASF to the City coffers but now we find it hard to put in money because we are not generating as much money from donations, which we rely on to pay for animal sterilizations. **CAE Liclican** asserted that the ASF should only be used to pay for the sterilization of animals. **Commissioner Gross** asked CAE Liclican if she foresees a shortfall to pay our contractors. **CAE Liclican** stated that she has enough to pay in this year but, next year, there is an increase in the mobile sterilizations, there will be a huge liability. **GM Barnette** added that this is part of the Department's budget package, we are requesting money from the City to be put in the ASF for this and we've had some preliminary conversations with staff from the Mayor's office and the CAO. **CAE Liclican** gave the Board a summary of the amount of the City's declining contributions to the ASF in last four years in contrast to them asking for funds from the ASF; the CAO has added that a percentage of the salaries other LAAS staff be paid out of the ASF if they do any work related to animal sterilization, two of her employees' salaries are paid out 100% by the ASF. **Commissioner Gross** remarked that people concerned over let their Council Members know. **CAE Liclican** took questions from the Board on line items in the reports.

Public Comment:

Phyllis Daugherty: Stated that the Animal Sterilization Fund is strictly for pets of residents of the City only and suggested that a new account be use for sterilizing feral cats.

7. ADJOURNMENT

Meeting ended at 12:08 p.m.

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DR. JEREMY PRUPAS
CHIEF VETERINARIAN

Report to the Board of Animal Services Commissioners

MEETING DATE: November 28, 2017

PREPARED BY: Dr. Jeremy Prupas

REPORT DATE: November 20, 2017

TITLE: Chief Veterinarian

SUBJECT: FEEDING VEGAN FOOD TO SHELTER DOGS

BOARD ACTIONS RECOMMENDED:

1. DENY request to feed vegan food to shelter dogs.

SUMMARY:

We recognize that individual, privately owned dogs can do well on a wide variety of diets (Commercial, Vegetarian, Organic, Grain-free, Gluten-free, Raw, and Vegan). However, that is quite a different population than the group of dogs we encounter daily in our animal shelters.

Three clinical Nutritionists (affiliated with the Veterinary schools at UC Davis and the University of Pennsylvania), a Shelter Medicine specialist, and a Veterinary Toxicologist who works closely with a Pet Food Company were contacted about the use of vegan dog food in animal shelters. None of these veterinary specialists thought it would be a good idea to feed shelter dogs a vegan diet.

- Reasons cited included inadequate protein, calcium, and phosphorus levels, with additional concerns being raised over digestibility and palatability issues in feeding a widely varying population of dogs.
- The fact that we deal with a lot of injured dogs and dogs with medical conditions (who have increased energy demands) is also an issue. There was also the added concern over being able to meet the energy demands of pregnant and/or lactating dogs.
- The increased fiber content of these diets would also likely lead to increased fecal bulk and frequency of bowel movements which would increase the work for ACTs, impairing their ability to keep the facility clean.

The City has a central procurement process and vendors must be registered and approved before they can bid to supply products and supplies purchased for City use. The current cost for dog food is \$0.87/pound for dry dog food. The only currently contracted City vendor that offers a vegan diet would cost \$3.87/pound.

"Creating a Humane LA"

AN EQUAL OPPORTUNITY EMPLOYER

Visit our website at www.LAAnimalServices.com

Report to the Board of Animal Services Commissioners
SUBJECT: Feeding Vegan Food to Shelter Dogs

Many humane organizations have adopted a policy that only vegetarian/vegan food can be served to people attending agency sponsored functions. One possible compromise would be to make it a policy that any agency catered event held on Shelter grounds or officially sponsored by the Department must be vegan/vegetarian. This would not include food occasionally provided for staff and volunteers by non-city event sponsors.

FISCAL IMPACT:

There is no fiscal impact on the City General Fund if the request to Deny this suggested action is upheld.

Approved:

Brenda F. Barnette

Brenda F. Barnette, General Manager

BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____