



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

REGULAR MEETING AGENDA
Tuesday, January 23, 2018
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. **Dangerous Animal Case: DA 172455 NC**
Respondent: Narek Davityan
North Central Animal Care and Control: Lieutenant Angela Hooks
Complaining Witness: William Greenfield, Hayley Greenfield, John Daughtrey and Lisa Welti
2. **Dangerous Animal Case: DA 161242 EV**
Respondent: Edward Olshansky
East Valley Animal Care and Control: Lieutenant Jose Gonzalez
Complaining Witness: Gihan Thomas

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 January 9, 2018. (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. DISCUSSION ITEMS

- A. Auction Adoption Issues. (Public comment limited to one minute per speaker).

7. BOARD REPORTS

- A. Oral Staff Report on Staffing Levels. (Public comment limited to one minute per speaker).
- B. Recommendation to Start Reporting Calendar Year Numbers in Shelter Management Reports and Implement an Assistant General Manager of Life Saving Along With a Life Saving Coordinator in Each Shelter. (Action Item; Public comment limited to two minutes per speaker).
- C. Recommendation to Approve the Memorandum of Understanding with the Community College District for Use of their Equestrian Center at Pierce College for Emergency Sheltering of Large Non-Exotic Animals. (Action Item; Public comment limited to two minutes per speaker).

8. ADJOURNMENT

Next Regular Meeting is scheduled for 9:00 A.M. February 13, 2018, at City Hall 200 North Spring Street, Room 1060, Los Angeles, California 90012. (Enter on Main Street).

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 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

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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

OLIVIA E. GARCIA
VICE PRESIDENT

COMMISSIONERS

LAYNE DICKER

ALISA FINSTEN

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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

VACANT
ASSISTANT GENERAL MANAGER

VACANT
ASSISTANT GENERAL MANAGER

NOTIFICATION OF ADMINISTRATIVE APPEAL HEARINGS

To Be Held:

Tuesday, January 23, 2018, 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. **Dangerous Animal Case: DA 172455 NC**
Respondent: Narek Davityan
North Central Animal Care and Control: Lieutenant Angela Hooks
Complaining Witness: William Greenfield, Hayley Greenfield, John Daughtrey and Lisa Welti
2. **Dangerous Animal Case: DA 161242 EV**
Respondent: Edward Olshansky
East Valley Animal Care and Control: Lieutenant Jose Gonzalez
Complaining Witness: Gihan Thomas

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.

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.

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BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES



MINUTES

TUESDAY, January 9, 2018 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, Dicker, Finsten and Wolfson. Also present from Los Angeles Animal Services (LAAS) Board Secretary Johana Moran, General Manager (GM) Brenda Barnette and Assistant City Attorney (ACA) Dov Lesel.

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

I. ADMINISTATIVE APPEALS *(Item taken out of order, held after item II. 5)*

1. Possible Dangerous Animal Case: DA 171535 WV

Respondents: Christina Adjieff and George Adjieff
West Valley Animal Care and Control: Lieutenant Lorna Esparza
Complaining Witness: Erika Rudner and Jeffrey Rudner

Respondents Christiana Adjieff and George Adjieff were present and cited errors made during the investigation and administrative hearing relating to the breed of dog and number of dogs involved. Ms. Adjieff testified that she agrees with the decision and that despite attempts to train the dog and the dog's gentle behavior in the home, the dog continued to escape and became over protective. Ms. Adjieff stated that she found a rescue group to take the dog. **Commissioner Dicker** asked if the respondents are objecting to the inability to have another dog. Ms. Adjieff confirmed and added that she's had dogs all her life. Mr. Adjieff added that moving forward they would not get the same breed of dog. Complaining Witnesses Erika Rudner and Jeffrey Rudner were present and their testimony was taken including that their son was bitten by Respondents dog and they described the injuries and trauma sustained. The Rudners added that Respondents' dog has a history of getting out and causing injury to others and offered to provide letters from various neighbors. **Commissioner Wolfson** advised that the Board could not consider the new evidence. **ACA Lesel** counseled that if the board upholds the license revocation the three year prohibition comes with it; the Board has the power to modify, uphold or reverse the General Manager's decision; the Board does not have the power to change the three year prohibition pursuant to the Los Angeles Municipal Code (LAMC); the LAMC does allow the General Manager to modify that three years if the Board upholds the license revocation and the matter would be between the Respondents and the General Manager. Before discussion took place **Commissioner Dicker** declared that he was ready to make a motion.

Commissioner Dicker made a motion to uphold the decision of the General

Manager to revoke the license of Atticus and to add a strong recommendation to the General Manager that the Respondents be immediately permitted to own another dog that weighs 40 pounds or under and that is aged 2 years or older. None seconded and the motion failed.

The Board discussed the merits of the appeal, the evidence provided to the Hearing Examiner, and the grounds supporting the General Manager's determination. Respondents testified that they have plans to fence in their front yard as an additional safety measure. The Board noted that action should have been taken after the first incident rather than after three incidents and consideration should be taken for the ability of the Respondents to keep dogs properly confined. **Commissioner Gross** found that the decision of the General Manager is appropriate, is in favor of upholding the decision, informing GM Barnette of the discussion and asking her to pursue the feasibility of Respondents having another dog.

Commissioner Dicker made a motion to uphold the decision of the General Manager to revoke the license for Atticus and to recommend to the General Manager that the Respondents be allowed to own a dog that weighs 40 pounds or under and that is aged two years or older after sufficient proof is provided that their property is secure including the front yard. **Commissioner Wolfson** seconded the motion. **Commissioner Gross** announced that he would oppose on the basis that the General Manager is capable of determining what is correct to ensure the safety of the neighborhood. **ACA Lesel** counseled that the General Manager is free to disregard the Board's recommendation at her discretion pursuant to the LAMC; there is no time limit involved. The motion failed by a vote of 2-2-1 with Commissioner Finsten abstaining.

Commissioner Gross made a motion to uphold the decision of the General Manager to revoke the license for Atticus and added that the Board urges GM Barnette to consider allowing Respondents to have another dog within the three years based on circumstances and appropriate action. **Commissioner Garcia** seconded the motion and the motion was approved by a unanimous vote of 5-0.

Mrs. Rudner inquired if she will be notified if Respondents are allowed to get another dog. **ACA Lesel** advised it is not a general practice issue notice and advised Ms. Rudner to submit relevant paperwork and contact information to Board Secretary Moran for consideration by GM Barnette.

Public Comment:
None.

2. Possible Dangerous Animal Case: DA 171204 SLA

Respondent: Bruce McKinley Woods
South Los Angeles Animal Care and Control: Lieutenant Jose Gonzalez
Complaining Witness: Rosa Martinez

Testimony was taken from Respondent Bruce Woods. Mr. Woods testified that the dog was able to get out for various reasons including family coming and going, illness, construction and he described the safety measure he took after the last incident and that is willing take any additional measures to keep his dog. Mr. Woods added that his dog is a pampered family pet and does not understand how he bit the

victim. Complaining Witness Rosa Martinez testified that Respondent's dog bit her leg inflicting injury and that she is suffering lasting effects. Ms. Martinez added that Mr. Woods failed to render aid to her. Ms. Martinez argued that it is unfair for Ms. Woods to get his dog back if she cannot have her leg back as it was before. Ms. Martinez took questions from the Board. Mr. Woods argued that he did not hear Ms. Martinez because he was asleep and came out when his mother alerted him. Mr. Woods stated that he tried to give Ms. Martinez his information and alleged that she would not talk to him; he is sorry for what happened. Mr. Woods took questions from the Board regarding a prior incident.

The Board discussed the merits of the appeal, the evidence provided to the Hearing Examiner, and the grounds supporting the General Manager's determination. Respondent testified that he made improvements to his property to prevent this from happening again. The Board noted that there is a history of the dog owner failing to comply with notices for proof of rabies vaccination, licensing and leash laws. **Commissioner Gross** found that the decision of the General Manager is appropriate, is in favor of upholding the decision, and has confidence in GM Barnette to take appropriate action if a request is made to have a dog before the end of the three year period.

Commissioner Gross made a motion to uphold the General Manager's decision to revoke licenses for Starsky, Hutch and Stone. **Commissioner Garcia** seconded and the motion was approved by a unanimous vote of 5-0.

Public Comment:
None.

II. REGULAR COMMISSION MEETING

1. PUBLIC COMMENT *(Item taken out of order, held first)*

Phyllis Daugherty: Identified herself as a member of Animal Issues Movement and reported issues with getting calls through on 3-1-1; it is a liability issue that could lead to a law suit.

Commissioner Gross announced Assistant General Manager (AGM) Dana Brown's departure from LAAS and the subsequent delay on the phone report with ITA.

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)

Public Comment:
None.

3. COMMISSION BUSINESS *(Item taken out of order, held after item 1. 2)*

A. Approval of the Minutes for Meeting of December 12, 2017.

Commissioner Wolfson made a motion to approve the minutes of December 12,

2017. **Commissioner Dicker** seconded and the motion was approved by a unanimous vote of 5-0.

Public Comment:
None.

4. ORAL REPORT OF THE GENERAL MANAGER

GM Barnette discussed the following:

- Update on flood activity including an ACO is stationed at the headquarters and staff was alerted to remain on-call, if needed; most of the landslides affected the County more than us. **Commissioners Gross and Finsten** mentioned an incident involving the rescue of a man and dog in the Sepulveda Basin. **GM Barnette** confirmed she heard Swift Water Rescue went out there. The Department is on duty and meetings are scheduled with the Fire Department to plan for large animal rescue and update emergency plans. LAAS is in discussions with the County of Los Angeles on doing a joint project for the evacuation of large animals, a proposal may be presented to the Board in the coming weeks.
- Interviews are underway to fill the two vacant Assistant General Manager Positions. 13 qualified candidates have been identified from around the country including some from the City of Los Angeles.
- The Director of Volunteer Services resigned to care for her recently bereaved mother. The Department is in the process of trying to fill the position.
- Two Directors of Field Operations are on long-term leave. It is hoped that Mark Salazar will return soon. Jan Selder is retiring and the Department is working on a process to fill her position.
- Pet Care Foundation does monthly reduced-fee adoption events for the Department and sent an update of their 2017 results. In 2017 they adopted out a total of 4,042 dogs and cats; 2,796 dogs and 1,246 cats. Additionally, Pet Care Foundation sends out groomers to the shelters to make animals more attractive to adopters.
- On December 12 the Department received a 10K donation to the Animal Welfare Trust Fund (AWTF) from PetSmart Charities. The donation was made in the name of Christine Hershey, a member of the PetSmart Charities Board of Directors and given to help support strengthening the organization's mission with support for the AWTF's work that is within the following PetSmart Charities pillars: "Preventing Pet Homelessness, Helping Shelter Pets Thrive and Supporting the Bond Between People and Pets."
- On January 3 the UCLA Law School partnership with our Administrative Hearings Program officially began. The Department is excited to be a part of this pilot program and expect there to be a mutual benefit for the law school, the City, the hearing participants and the animals. GM Barnette announced that the students

were in the audience to observe today's meeting.

Commissioner Gross asked when a phone update might be ready. **Commissioner Finsten** added that candidates for the AGM position should be advised that an understanding of phone systems is sought. **GM Barnette** provided a summary of the recent activity between LAAS, ITA and the Mayor's office to resolve the issue. Additionally, Dana Brown is providing some ongoing consultation on the phone issue. **Commissioner Gross** inquired about the status of the Strategic Plan. **GM Barnette** relayed that a draft of the Board-approved Strategic Plan was submitted to the Mayor's office with a request for a letter from the Mayor to be added to the Strategic Plan; Public Relations Specialist (PRS) Ashley Rodriguez embellished the layout of the Strategic Plan; the Department is waiting for a nod from the Mayor's office. **Commissioner Gross** mentioned that at GM Barnette's discretion PRS Rodriguez could attend a Board meeting to speak about what she's working on. **GM Barnette** agreed and provided examples of Ms. Rodriguez's initiative and willingness to take on projects.

Public Comment:

Phyllis Daugherty: Commented on the phone issues including that it is unacceptable for the City to not have working phones. She stated that ACO vehicles are unfit to be at emergency sites due to their poor condition. Ms. Daugherty added that there is a history of aid between the City and County.

Teri Austin: Commented on the departure of the LAAS Volunteer Coordinator, offered to provide a bilingual person to provide public outreach at North Central specific to spay/neuter outreach. **GM Barnette** agreed to work something out with Ms. Austin and her foundation.

Commissioner Gross inquired if an updated report on the new vehicles can be provided. **GM Barnette** responded that the Department is supposed to receive one every four to six weeks until the order is complete.

5. COMMISSIONERS' ORAL REPORTS AND FUTURE AGENDA ITEMS *(Item taken out of order, held after item II. 1)*

Commissioner Dicker: Reported that he participated in a ride-along with ACO Tammy Shepphird and commended Officer Shepphird for her phenomenal public service. He stated that he will attend the American Pets Alive conference in Austin next month and urged the Commissioners to attend the No More Homeless Pets Conference in Los Angeles in July. Commissioner Dicker spoke about transitioning some of his own dogs to a partially vegan diet. He announced that together with Commissioner Garcia they compiled a list of 38 items of interest; copies of the list were made available to the Board and public. **Commissioner Gross** interjected and explained that the purpose of this item is take a few minutes to speak and outline what the Commissioners want to hear back on. **Commissioner Wolfson** mentioned that having this item on the agenda was his initiative and the idea was to respect the Brown Act by talking about future agenda items. **Commissioner Dicker** prioritized the list as follows: the kitten issue and euthanasia of neonatal cats, develop a list of materials to be distributed with adopted animals, expand intervention programs, establish department-wide standards for open kennels and medical euthanasia,

plans for ensuring PDA dogs are taken out and walked, targeted fundraising to fulfill some departmental needs, future action items for recommendation to City Council on a ban on ear cropping/pinning, a ban on tattooing of pets and creation of an animal abuser registry.

Commissioner Garcia: Requested an update on the ACO trucks.

Commissioner Wolfson: Commended Commissioner Dicker for his energy and organization. **Commissioner Dicker** suggested that the Board schedule discussions with the public on items raised by the public. **ACA Lesel** counseled that it would be a discussion item and the Board can do it as long as it is on the agenda. **Commissioner Wolfson** stated that he has been able to get items raised by the public on the agenda by emailing the Board President and requesting that it be added to the agenda.

Commissioner Finsten: Passed.

Commissioner Gross: Thanked Lieutenant Annette Ramirez for accompanying him to all of the Pets in Housing workshops throughout the City and also thanked partners Los Angeles Housing and Community Investment Department and the Housing Rights Center; this is the third year holding the workshops. He recounted the priorities in the Strategic Plan and mentioned that staff is depleted with key management positions vacant; focus should be on prioritizing the issues brought forth by the residents that participated in creating the Strategic Plan including no-kill, developing spay/neuter, enforcement, license and adoption. Commissioner Gross noted that other issues that came up have taken the General Manager off track from developing the Strategic Plan. **Commissioner Finsten** suggested that a summary page of the Strategic Plan could be included in the Board Packets or published along with the Agenda before the meetings. **Commissioner Garcia** agreed and stated that many of the 38 items on the list fall under the purview of the Strategic Plan and hopes to have some type of benchmark where the Board can measure progress. **Commissioner Wolfson** stated that if some of Commissioner Gross's comments were geared toward the plant-based dog food initiative, there is a tremendous amount of community support behind it and it is about not killing animals. Commissioner Wolfson pointed out that the Board does not have a backlog of no-kill agenda items that are held off in favor of other things. **Commissioner Gross** asserted that the Board responsible for addressing the issues and making things happen. **Commissioner Wolfson** acknowledged that Commissioner Gross does not have the easiest job and appreciates his efforts. **Commissioner Garcia** agreed and thanked Commissioner Gross.

Public Comment:
None.

6. Board Reports *(Item taken out of order, held after item II. 4)*

- A. Animal Welfare Trust Fund and Animal Sterilization Fund Balances for October and November 2017.

Chief Accounting Employee (CAE) Lilia Liclican provided an overview of the balances including that funds are running low in the Animal Sterilization Fund

(ASF) to pay out spay/neuter programs. As of November 2017, 1.6 million in unrestricted funds are available to pay veterinarians for spay/neuter programs. **Commissioner Garcia** recalled that CAE Liclican mentioned that this issue at a prior meeting. **CAE Liclican** confirmed and added that it is the effect of the City withholding subsidies to the ASF from the General Fund for three years in a row; the department is requesting in the 2018/2019 budget for 1.9 million to keep the Department afloat and pay out sterilization costs. At **Commissioner Garcia's** prompting, **CAE Liclican** confirmed that the City Administrative Officer urged the Department to pay a portion of staff salaries using money from the ASF to reimburse the General Fund; it is impacting the balance available to pay the providers. **Commissioner Gross** asked for clarification on what the funds are spent on. **CAE Liclican** stated that it is for spay/neuter vouchers and adoption sterilization costs. **Commissioner Garcia** inquired about the voucher redemption rate. **CAE Liclican** replied that the redemption rate is 40 percent for the free spay/neuter vouchers. **Commissioner Gross** inquired if there is a plan. **GM Barnette** stated that the Department is working on a proposal to offer free spay/neuter for cats for the rest of this fiscal year, there should be enough funds to cover that and to continue existing programs; many of the vendors do not use 100 percent of what is on their contract, savings can be gained there; the proposal would ask for approval from the Board followed by the Personnel and Animal Welfare (PAW) Committee approval and then City Council approval. **GM Barnette** added that the idea for the proposal came out NKLA Coalition meetings to try to reduce the cat births in the City; the Mayor's office and the budget team are aware that LAAS needs an allocation next year to continue to provide spay/neuter programs. Donations were discussed including donations from Leda Gellar Trust, Berman Living Trust and Judith Guth Trust.

Public Comment:

Teri Austin: Mentioned that the numbers for Lucy Pet Foundation (LPF) on the report are a bit skewed due to portal issues; LPF did not submit some of their numbers for September, October and November; their numbers are a bit higher than reported. Ms. Austin spoke on the need for more mobile outreach. **Commissioner Gross** stated that the Board is aware that it is an invoicing and processing issue and LPF is clearly doing the work. **Commissioner Wolfson** noted that people like Ms. Austin are why LAAS is doing so well.

Phyllis Daugherty: Thanked LPF and spoke about the outreach for spay/neuter. Ms. Daugherty inquired why not do all free spay/neuter for the dogs. **GM Barnette** said it is connected to the respective live/save rates. Ms. Daugherty replied that is not a good enough reason to not spay/neuter all the dogs.

B. Woof Stats Reports for October and November 2017.

GM Barnette focused on an overview of the report for November including that the shelter wide live/save rate is 88.45 percent. Licensing numbers are not up significantly and staff is looking into why it is not higher. Dog and cat euthanasia is down by 29 percent overall. Volunteer numbers are disappointing and may be the result of not having volunteer orientations at North Central due to the construction; a new location may be used for volunteer orientations. Foster numbers are up by 40 percent overall. The three biggest shelters are dealing with

constraints; North Central is under construction; East Valley is extremely busy with high numbers of animals going and coming; South Los Angeles has more animals coming in and more rescues go there to pull animals. GM Barnette stated that staff is motivated and coming up with new ideas.

Commissioner Gross asked about the number of spay/neuter surgeries performed by LAAS veterinarians. **GM Barnette** spoke about why spay/neuter surgeries are not top priority for LAAS veterinarians including that it is not efficient when they have so many medical cases to attend to, staff shortages and the availability of contract veterinarians to perform the spay/neuter surgeries for shelter animals. **Commissioner Gross** asked about the quantity of surgeries performed by the contract veterinarians. **Senior Management Analyst (SMA) John Forland** spoke about the Letter of Agreements for the contract veterinarians. **GM Barnette** added that the veterinarians are under contract to sterilize a certain number of animals for LAAS shelters and the numbers on the report may indicate that some are behind to meet their goal; the Department may need to notify the veterinarians that they only have six months left to reach their goals. **Commissioner Gross** remarked that the Department appears to be making inroads despite many challenges. **GM Barnette** commended LAAS staff and officers for handling these challenges.

Public Comment:

Teri Austin: Agrees that performing spay/neuter surgeries is not the best use of LAAS veterinarians' time due to the number of injured animals brought into the shelters; LAAS veterinarians are needed for triage; other veterinarians who perform high volumes of spay/neuter can perform the surgeries more quickly.

Phyllis Daugherty: Agrees with Ms. Austin's statement about the abilities of some veterinarians to perform a high volume of spay/neuter surgeries. Ms. Daugherty recalled Gail Raff's comments at the last meeting about the kittens that are fostered to anyone and the number of kittens that die or become ill in foster care, there is no monitoring of this. She added that outsourcing the spay/neuter surgeries is better as it establishes a connection between the adopter and the veterinarian for future needs.

Commissioner Gross pointed out that Commissioners Garcia and Dicker brought up the issue of the kittens earlier. **GM Barnette** responded that a plan may be developed in partnership with the NKLA Coalition. **Commissioner Dicker** added that LAAS should not wait to act on the kitten issue until the injunction is lifted. **GM Barnette** agreed.

7. ADJOURNMENT

Meeting ended at 10:58 a.m.

To: Board of Animal Services Commissioners and General Manager Brenda Barnette

Re: **ANIMAL SERVICES AUCTION REQUIREMENT**

From: Dov Lesel, Assistant City Attorney

Date: January 21, 2018

The Los Angeles Municipal Code (LAMC) Section 53.11 mandates that animals from the shelter are to be sold via auction. This is consistent with California Civil Code Section 2080 et seq. which states that a public agency, if it finds property or anything of value, including stray animals, requires the animal to be sold at public auction.

This in part may be due to the fact that a public agency must not dispose of anything of value in a manner that would be or appear to be a gift of public funds. This concept is rooted in common law as well as the California Constitution (see *Cal. Const., art. XVI, § 6: "nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual"*). Violations can be challenged via a taxpayer lawsuit.

Any problems with the auction process can be addressed by the Department. Usually, animals that generate enough interest to result in an auction are highly desirable and do not need to be rescued. Over the years, Department employee have made suggestions to make the auction process work better and avoid some common complaints. These include complaints that rescue groups often out-bid the general public.

Another staff suggestion has been to enforce a "do not adopt" registry, which can address the problem of owners turning in older dogs and then winning the auction for a new, younger dog.

The auction process is also a valuable revenue source, bringing into the Department funds to help with its mission. These funds can be used for free or subsidized spay/neuter and other Department needs to help the community.

To address the perceived unfairness of an auction which rewards the highest bidder, employees have suggested that the additional money from an auction, above the cost of the regular adoption price, might be placed in a special fund to help cover the adoption costs for other animals or for other adopters, especially those who failed to win the bid.

Some of the code sections mentioned above are set out below -

Section 53.11 of the LAMC states in pertinent part:

(a) The Department shall hold any stray animal ... impounded under the provisions of this article for a period of ... days during which time the owner of such animal, if known, shall be notified, after which time said animal may be sold by an officer of the Department as follows: Written or printed notice of sale at public auction, stating the time and place of sale and containing a description of the animal to be sold...;

(b) In the case of dogs ... said animal may be sold by an officer of the Department in the same manner as provided in this section for the sale of other animals

(c) Cats, rabbits, birds, poultry, and other animals not hereinabove mentioned shall be disposed of as in the case of dogs except that no license fee shall be charged....

(g) Whenever any dog has been impounded ... and the owner thereof has not redeemed the same ... the Department of Animal Services without offering said dog for sale at public auction, is hereby authorized, upon the request of any of the armed forces of the United States to deliver the dog to said armed forces

California Civil Code Section 2080 et seq. deals with lost and found property and states as follows in pertinent part:

... Any person or any public or private entity that finds and takes possession of any ... personal property, or saves any domestic animal from harm, neglect, drowning, or starvation, shall, within a reasonable time, inform the owner, if known.... Any person who takes possession of a live domestic animal shall provide for humane treatment of the animal.

Section 2080.3 continues in pertinent part as follows:

(a) If the reported value of the property is two hundred fifty dollars (\$250) or more and no owner appears ... the title shall vest in the person who found or saved the property unless the property was found in the course of employment by an employee of any public agency, in which case the property shall be sold at public auction....

(b) If the reported value of the property is less than two hundred fifty dollars (\$250) and no owner appears ... title shall vest in the person who found or saved the property, unless the property was found in the course of employment by an employee of any public agency, in which case the property shall be sold at public auction.

California Civil Code Section 2080.6 states in pertinent part as follows:

(a) Any public agency ... may adopt reasonable regulations for the care, restitution, sale or destruction of unclaimed property in its possession. Any public agency adopting such regulations shall provide therein (1) that such unclaimed property shall be held by such agency for a period of at least three months, (2) that thereafter such property will be sold at public auction to the highest bidder....

(b) "Public agency" as used in this section means any state agency ... any city, county, city and county, special district, or other political subdivision.

California Penal Code Section 491. Dogs are personal property, and their value is to be ascertained in the same manner as the value of other property. (Amended by Stats. 1987, Ch. 109.)

**BOARD OF
ANIMAL SERVICES
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**DEPARTMENT OF
ANIMAL SERVICES**
221 N. Figueroa Street
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BRENDA F. BARNETTE
GENERAL MANAGER

Vacant
ASSIST. GENERAL MANAGER,
Administration

Vacant
ASSIST GENERAL MANAGER, Life-Saving

DR. JEREMY PRUPAS
CHIEF VETERINARIAN

Report to the Board of Animal Services Commissioners

MEETING DATE: January 23, 2018

PREPARED BY: Brenda Barnette

REPORT DATE: January 17, 2018

TITLE: General Manager

SUBJECT: START REPORTING CALENDAR YEAR NUMBERS IN SHELTER MANAGEMENT REPORTS AND IMPLEMENT AN ASSISTANT GENERAL MANAGER OF LIFE SAVING ALONG WITH A LIFE SAVING COORDINATOR IN EACH SHELTER

BOARD ACTIONS RECOMMENDED:

1. **APPROVE** staff recommendation to start reporting calendar year numbers in shelter management reports; and
2. **APPROVE** staff recommendation to implement an Assistant General Manager of Life Saving along with a Life Saving Coordinator in each shelter.

BACKGROUND:

The Department of Animal Services formerly reported on the animal census and outcomes on a calendar year and now the reports are presented based on the fiscal year which coincides with the budget cycle from July 1-June 30.

We are finding that reporting on our fiscal year rather than the calendar year is confusing to constituents and many of our partners. Additionally, the Department has been including the population at the beginning of the reporting cycle rather than starting with the exact impounds, adoptions, euthanasia, etc. for the twelve-month period. This does not mean that the population at the beginning of a calendar or fiscal year will be eliminated. It just means that the 12-month reporting period will be accurate for that 12-month period and that is our staff recommendation.

We have determined that using the fiscal year does not really help us with our fiscal year budgeting process. It does however add confusion for our community and our partners.

SUMMARY OF PROPOSED CHANGE IN POLICY:

To make our monthly and annual statistics more easily understandable to our community members and our adoptions partners, we propose adjusting our reporting cycle from the fiscal year to the

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Visit our website at www.LAAnimalServices.com

Report to the Board of Animal Services Commissioners

SUBJECT: Start Reporting Calendar Year Numbers in Shelter Management Reports and Implement an Assistant General Manager of Life Saving Along With a Life Saving Coordinator in Each Shelter

calendar year. We will begin each January with the actual impounds, adoptions, euthanasia, etc for that month and build on that each month. The population at the beginning of a calendar year will be included for all outcomes.

We believe that the change to a calendar year will have the following benefits:

1. Reduce confusion with constituents; and
2. Better coordination with partners who use calendar year, which will allow the shelters to coordinate more easily on a weekly basis to give us important information if we need to adjust our strategies for life-saving.

The addition of Life-Saving coordinators in the shelters as well as naming the Assistant General Manager (AGM) over operations the AGM of Life-Saving calls attention to our life-saving mission and identifies the staff who will be evaluating the weekly statistics and making recommendations for strategies for improvement.

The Department may decide to phase out the Fiscal Year information in the future depending on an evaluation of its usefulness to the Commission and the Department.

FISCAL IMPACT:

There is no fiscal impact.

Approved:



Brenda Barnette, General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____

**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
CITY OF LOST ANGELES,
Through its DEPARTMENT OF ANIMAL SERVICES
AND
LOS ANGELES COMMUNITY COLLEGE DISTRICT /
LOS ANGELES PIERCE COLLEGE**

PARTIES (each a “Party”):

LOS ANGELES COMMUNITY COLLEGE
DISTRICT
("District")
770 Wilshire Boulevard
Los Angeles, CA 90017
Attn: James B. Watson, Contracts Manager

On behalf of Los Angeles Pierce College (“College”)
6201 Winnetka Avenue
Woodland Hills, CA 91371
Attn: Larry Kraus, Associate Vice President
Administrative Services

CITY OF LOS ANGELES (“City”)
Emergency Management Department
200 N Spring St
Los Angeles, CA 90012

Copies of legal notices must also be sent to:
City of Los Angeles
Department of Animal Services
221 N. Figueroa Street,
6th Floor, Suite 600,
Los Angeles, CA 90012
(888) 452-7381

MEMORANDUM OF UNDERSTANDING

DESCRIPTION OF FACILITY:

Los Angeles Pierce College Equestrian Center (“Equestrian Center”) is an 840,000 square feet equine teaching facility located at 6201 Winnetka Avenue, Woodland Hills, California. The Equestrian Center is generally bounded by De Soto Ave and a 300 foot Agriculture Education Center buffer on the West, Victory Boulevard and a 600 foot Agriculture Educational Center buffer on the North, Parking Lot 8 on the East, and El Rancho Drive on the South. There are two (2) eight foot by forty foot storage containers located in the Equestrian Center which are used for the storage of emergency shelter operations supplies. The storage container location and access to the Equestrian Center and storage containers are set forth on the Campus Map (attached as “Exhibit 1”) and are collectively referred to as “Facility”.

INTENDED USES AND ALTERNATIVE DESIGNATION

Facility will be used as a temporary emergency evacuation shelter to provide refuge only for large, non-exotic animals including, but not limited to, horses, goats, pigs, cattle, and similar farm animals, in the event of an emergency requiring evacuation and temporary sheltering of multiple animals during an emergency, including wildfire, flood and earthquake. The Facility will not be used for evacuation of human beings, small domesticated animals such as dogs and cats, or wild/exotic animals such as bears, snakes, or tigers.

When the Facility is used for the evacuation shelter purposes, it shall include the areas identified in the Site Plan (attached “Exhibit 1”). When the Facility is discussed in this Memorandum of Understanding (“MOU”) in connection with its capacity to serve as an evacuation shelter, the Facility will be referred to as “Shelter”. At all other times, the designation “Facility” will be used. The Facility may also be used by the City, from time to time, on a day use basis for emergency training exercises, under the terms and conditions as agreed upon by the Parties prior to its use as long as the College receives prior notice 72 hours before use of the Facility for emergency training exercises.

RECITALS

WHEREAS, the Facility has served as an interim emergency animal shelter for the City for many years in the past; and

WHEREAS, the use of the Facility has been well established in the minds of Los Angeles communities as being a safe haven for large animal evacuations during times of natural disaster; and

WHEREAS, the District desires to establish written terms and conditions by which the Facility can be used for the emergency sheltering of horses and small livestock when evacuation orders have been issued by the City of Los Angeles or as otherwise directed by the Los Angeles City Department of Animal Services; and

WHEREAS, the City desires to use the Facility identified herein and as the District is willing to allow such use as long as such use does not interfere with the educational purposes of the College;

WHEREAS, any animal residing at the Facility which is the property of the District and/or whose care and feeding is maintained under a separate lease agreement shall not be displaced; and

WHEREAS, use of the Facility is conditioned upon the occurrence of a proclamation of emergency in accordance with Exhibits 3 and 4 and activation of emergency responders by the City of Los Angeles when evacuations of large domestic animals are necessary, and prior approval for use of the Facility must be sought from the College President or his/her designee before use of the Facility;

NOW, THEREFORE, the Parties hereby agree as follows.

AGREEMENT

1. **TERM AND CONSIDERATION.** Upon request, if feasible and in consideration of the performance of the covenants herein contained, District does hereby allow the City to use the Facility, conditioned upon the emergency needs of the City of Los Angeles when large animal evacuations are necessary AND prior approval is obtained by the College President or designee for the purpose set forth above before shelter activation. This MOU shall be in effect on the date fully executed by both parties up to a maximum duration of five (5) years if not earlier terminated per Provision 14.
2. **EXTENSIONS AND AMENDMENTS.** This MOU is the entire agreement between the parties as to its subject matter and supersedes all prior or

contemporaneous understandings, negotiations or agreements between the parties, whether written or oral, with respect thereto. Any amendment to this MOU shall be in writing as mutually determined between District and City. The City acknowledges that District and its agents, employees, and representatives have made no representation to the City of any kind regarding any matter including, but not limited to, the effect of applicable laws or zoning on the City's intended use under this MOU.

3. **SHELTER ESTABLISHMENT.** Shelter for evacuated farm animals and horses will be established and managed by City, through a shelter manager appointed by City of Los Angeles, Department of Animal Services Emergency Manager, Emergency Management Coordinator or designee ("Shelter Manager") and the sheltering personnel and volunteers under City's supervision, in cooperation with Facility Coordinator and other personnel designated by the District. Sheltering Personnel will perform the functions in accordance with existing City of Los Angeles Animal Services' standard operating procedures for large animal shelters. For the comprehensive description of shelter personnel/volunteer functions, please look to Large Animal Sheltering Site Operations Guideline (heretofore referred to as "Guideline," attached herein as "Exhibit 4"). City shall be responsible for ensuring that intake forms be completed on the animals prior to sheltering such evacuated animals, and kept on file by the Shelter Manager.
4. **CONDITION OF FACILITY.** The Facility Coordinator and Shelter Manager (or designee) will jointly conduct a pre-occupancy survey of the Facility before it is turned over to the City to be used as Shelter. They will use the first page of the Facility/Shelter Opening/Closing Form (heretofore referred to as "Opening/Closing Form," attached herein as "Exhibit 2") to record any existing damage or conditions. The Facility Coordinator will identify and secure all equipment that the City should not use while utilizing the Facility as Shelter.
5. **SECURITY.** The Shelter Manager will ensure that personnel and/or volunteers under his/her supervision perform all the delegated safety and traffic control related functions as detailed in the Guideline (see Exhibit 4). In cooperation with the Facility Coordinator, the Shelter Manager, as he or she deems necessary and appropriate, will coordinate with Facility Coordinator and Sheriff's Office for on campus and local law enforcement regarding any public safety issues at the Shelter.
6. **CITY RESPONSIBILITIES.**
 - (a) **Shelter Management.** At all times during Shelter activation, City will assume primary responsibility for all aspects of the operation and management of the Shelter including but not limited to staffing, security, insurance, equipment,

supplies, including but not limited to bedding and grooming materials, food products for animal feeding, and services such as rendering medical assistance to animals. If these supplies or services are provided to the City by the District during the evacuation, the City shall keep an inventory of materials and/or services performed and reimburse the District within a reasonable amount of time. The City shall also reimburse the District for use of water, electricity and any other utilities used during the evacuation.

- (b) **Supervision of All Persons Involved in Sheltering Operation.** The City will assume sole responsibility for supervision of all persons involved in the Shelter operation, including members of the general public. No action taken by College or District shall be construed as sponsoring, encouraging, soliciting, or extending supervision over the volunteers from members of its student body, faculty, staff, or any college-affiliated group.
 - (c) **Unclaimed Animal Placement.** In the event that an owner of an evacuated animal is unable or unwilling to reclaim the animal at the de-activation of the evacuation center, the City is responsible for long-term placement of the unclaimed animal and transporting the animal to the placement site from the Shelter. If the City fails to place such an unclaimed animal the District will charge City for any expense to the District associated with the extended sheltering and feeding of the unclaimed animal as set forth on the Facility's standard rate sheet for horse boarding fees.
- 7. **SMOKING PROHIBITED.** The City agrees to enforce District's no smoking policy within the Facility or in any other place utilized by the City if such place is designated as non-smoking.
 - 8. **GENERAL PROHIBITIONS WHILE USING DISTRICT PROPERTY.** Subject to exceptions enumerated in the District's Board of Trustees' ("Board of Trustees") current rules, the following are prohibited and the City agrees to enforce such prohibitions while using District's property: unlawfully discriminatory conduct, profanity, possession of or use of intoxicating liquors or narcotics, quarreling or fighting, betting or other forms of gambling, such as conducting a raffle or lottery, and the conduct set forth in Article VIII of Chapter IX of the Board Rules. The City shall agree to not displace any animal who resides at the Facility. These animals which are used within the instructional programs are considered the property of the District. Some animals, while not directly owned by the District but whose care and feeding is maintained under a separate lease agreement, shall also not be displaced.
 - 9. **COMPLIANCE WITH ORDINANCES, LAWS AND REGULATIONS.** The City agrees that it will at all times during its use and occupancy of the Facility

comply with all applicable ordinances, laws, and regulations, including but not limited to regulations promulgated by District from time to time affecting the use and occupation thereof to the fullest extent possible in a disaster. Other than as set forth in this MOU, the City's use and occupation of the Facility shall not interfere in any way with the occupancy or activities of any other agency, tenant, occupant, or District on District Premises.

10. **ALTERATIONS, ADDITIONS AND/OR IMPROVEMENTS TO DISTRICT PROPERTY.** The City agrees that during the term of this Agreement, City shall have no right to make alterations, additions, or improvements to the Facility without the written consent of District. The City shall maintain the Facility in a neat and clean condition, and shall return the Facility to District in substantially the same condition, except for normal wear and tear, after each use.
11. **REPAIRS AND/OR REPLACEMENT OF DISTRICT PROPERTY.** The City shall be responsible for and shall pay for repairs or replacements except for damage caused by the emergency, by the District's officers, employees or agents or a pre-existing condition. City shall reimburse the District for damages to the District facilities based on replacement at replacement value. The District will file a written request for payment on the City's standard Claim for Damages form, which is attached as Exhibit 5 or may be filed online. The District shall notify the Department of Animal Services and/or the Emergency Management Department of any such Claim for Damages within 30 days of its filing. In the event of any disagreement regarding responsibility for alleged damage, or the amount owed for repairs or replacements, the Parties agree to meet and confer to attempt to resolve their differences. If such meeting and conferring does not resolve the disagreement, the Parties agree to designate a mediator to assist in the resolution of their differences. Any payment of damages shall require approval by the City through its claim process.
12. **SIGNAGE AND PUBLICITY.** The City may post signs identifying the Facility as an Animal Evacuation Center operated by the City in locations approved by the District or Facility Coordinator and will remove such signs when the Facility is closed. The District will not issue press releases or other publicity concerning the Facility without the express written consent of the Shelter Manager. The District will refer all media questions about the Facility to the Shelter Manager, Campus Public Relations Officer and College President or designee. A sign may not state or otherwise suggest that either the District or a college sponsors or endorses a particular individual, organization or activity. Use of the District and/or college name for publicity and advertisement purposes is prohibited, unless permission is granted by the Board of Trustees in advance.
13. **RIGHT OF ENTRY.** District and the agents and employees of District shall

have the right to enter upon the Facility at all reasonable times to inspect the same to see that no damage has been or is done, to protect any and all rights of District, and to post such reasonable notices as District may desire to protect the rights of District. The City, its employees, agents or volunteers will be allowed to occupy the Facility throughout the period during which the Facility is used as Shelter, including overnight stays required to care for the evacuated animals.

14. **TERMINATION OF MOU.** District, at its sole discretion, shall have the right to cancel and terminate this MOU immediately and without notice upon its discovery of a violation of any term, condition, or provision of the MOU on the part of City. Should any such violation occur, District, at its sole discretion, shall have the right to deny future requests by City for the use of the Facility which is the subject of this MOU, or for any other property or facility of District. District shall also have the right to terminate without notice this MOU at any time if the property being used by City under this MOU is needed for academic purposes. District shall not terminate the MOU during the time the Facility has been activated for evacuation purposes and is being used as a Shelter.
15. **VACATING DISTRICT PROPERTY.** The City will notify the District or Facility Coordinator of the closing or de-activation date of the Shelter. The City and District or Facility Coordinator will determine an appropriate timeline to vacate based on an analysis of the emergency disaster conditions.

Before the City vacates the Facility, the Shelter Manager and Facility Coordinator will jointly conduct a post-occupancy survey, using the second page of the Opening/Closing Form (see Exhibit 2) to record any damage or conditions. The City shall leave the Facility in as good order and condition as the Facility were at the beginning of the term of this MOU for Use; ordinary wear and tear thereof and damage by the elements, fire, earthquake, flood, or acts of God excepted.

16. **DEFENSE AND INDEMNIFICATION/LIMITATION OF LIABILITY.** The City agrees to defend, hold harmless, and indemnify District, its Board of Trustees, officers, employees and agents from and against any legal liability, including reasonable attorney fees, with respect to injuries to persons/animals or damage to the District's facilities arising in the course of the animal evacuation with the exception of injuries by persons directly under the College's supervision or caused by the willful actions or negligence of the District, its Board of Trustees, officers, employees or agents, or a pre-existing condition of the Facility. The City will not assume liability for animals evacuated to the Facility prior to its activation into Shelter. The District will not assume liability for animals that it turns away prior to the activation.
17. **INSURANCE AND WORKER'S COMPENSATION COVERAGE.** The City

is self-insured.

18. **NOTIFICATIONS.** Any notice required to be served under this MOU shall be in writing and shall be deemed given when personally delivered or deposited in the U.S. mail, postage prepaid to the addresses first listed above.
19. **NONDISCRIMINATION.** The City, in the execution of this MOU, certifies that any program or activity conducted by the City at the District-owned facility will be operated in a manner which is free of discrimination on the basis of sex, race, religious creed, color, ancestry, national origin, medical conditions not requiring qualified medical care, (cancer related as defined under State law), marital status, pregnancy, age, disability, veteran status, or sexual orientation, and that it will comply with all applicable federal and California anti-discrimination laws.
20. **GOVERNING LAW.** This MOU shall be deemed to have been executed and delivered within the State of California, and the rights and obligations of the parties hereunder, and any action arising from or relating to this MOU, shall be construed and enforced in accordance with, and governed by, the laws of the State of California or United States law, without giving effect to conflict of laws principles. Any action or proceeding arising out of or relating to this MOU shall be brought in the City of Los Angeles, State of California, and each Party hereto irrevocably consents to such jurisdiction and venue, and waives any claim of inconvenient forum.
21. **ATTORNEYS' FEES AND COSTS.** If either Party shall bring any action or proceeding against the other Party arising from or relating to this MOU, each Party shall bear its own attorneys' fees and costs, regardless of which Party prevails.
22. **BOARD AUTHORIZATION.** The effectiveness of this MOU is expressly conditioned upon approval by the District's Board of Trustees, the Board of Animal Services Commissioners of City's Department of Animal Services, and the Los Angeles City Council.
23. **STATEMENT REGARDING BOARD OF TRUSTEES.** The City acknowledges that the Board of Trustees does not sponsor or endorse the person/organization using the District facilities nor their activities.
24. **ASSIGNMENT.** This MOU is personal to the City, and the City's rights hereunder may not be assigned, sub-licensed, or otherwise transferred in any fashion, regardless of whether such an arrangement is called an assignment, a sub-license, or any other name.
25. **SEVERABILITY.** The City and the District agree that if any part, term, or

provision of this MOU is found to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect other parts, terms, or provisions of this MOU, which shall be given effect without the portion held invalid, illegal, or unenforceable, and to that extent the parts, terms, and provisions of this MOU are severable.

IN WITNESS WHEREOF, the parties hereto have executed this MOU by their duly authorized representatives in Los Angeles, California, as of _____, 2018.

**THE CITY OF LOS ANGELES,
Department of Animal Services**

By _____
Brenda F. Barnette, General Manager

Date: _____

Emergency Management Department

By _____
Aram Sahakian, General Manager

Date: _____

**APPROVED AS TO FORM:
MICHAEL N. FEUER, City Attorney**

By _____
Dov S. Lesel, Assistant City Attorney
Date _____

**ATTEST:
HOLLY L. WOLCOTT, City Clerk**

By _____
Deputy City Clerk

Date _____

IRS Taxpayer Identification Number _____

City Agreement Number _____

**LOS ANGELES COMMUNITY
COLLEGE DISTRICT on behalf of
its BOARD OF TRUSTEES**

By _____

Title: _____

Date _____