MINUTES
BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
REGULAR COMMISSION MEETING
MONDAY, APRIL 26, 2004
10:00 AM

BOARD OF ANIMAL SERVICES
COMMISSION ROOM
12th Floor
419 S. Spring Street
Los Angeles, CA 90013

Commissioners: Kathleen Riordan, Vice-President
Ken Metz
Alex Rubalcava

Members of the public are invited to address the Board of Animal Services Commissioners on any item on the agenda prior to action by the Board on that specific item. Members of the public may also address the Board on any matter within the subject matter jurisdiction of the Board. The Board will entertain such comments during the Public Comment Period. Public comment will be limited to (1) minute per individual for each item addressed on the agenda and (3) three minutes on any item during the public comment portion of the meeting, unless the President of the Board waives the limitation. Public Comment will be limited to items of public interest within the subject matter jurisdiction of the Board of Animal Services Commissioners.

Members of the public who wish to address the Board must complete a Speaker card and submit it to the Board Secretary prior to final consideration of the matter.

It is requested that individuals who require the services of a translator contact the Board Secretary no later than the day preceding the meeting. Whenever possible, a translator will be provided. 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.

Si require servicios de traducción, favor de notificar la oficina con 24 horas por anticipado.

REGULAR COMMISSION MEETING, 10:00 A.M.

Commission Vice President, Kathleen Riordan, called the meeting to order at 10:29 AM. Members present were: Commissioners K. Metz, K. Riordan and A. Rubalcava.

1. REPORT OF THE GENERAL MANAGER
   A. Items to be heard by City Council – General Manager, Sharon Morris, reported that the Department has four items scheduled to be reviewed by City Council. Matters to be heard are relative to: The Mobile Spaymobile; A Donation of Dog Biscuits in excess of $15,000; The Microchip Ordinance; and a Volunteer Coordinator position.
B. **Adopt-athon:** Morris reported that two Adopt-athons will be held at all City shelters on May 1 and May 2, 2004. Adopters will be given the opportunity to adopt animals from City shelters at a slightly reduced cost.

C. **South Los Angeles Animal Shelter:** Morris reported that the South Los Angeles Animal Shelter has a rat issue. Pest control, tenting and traps are alternatives being explored. Animal placement during the resolution phase will also be addressed.

D. **Participant Shelter Ordinance:** Morris stated that she asked that the Participant Shelter report be pulled from Council consideration. There were a number of issues that will back before the Board within a few weeks. Principal issues included: extending exemption provisions to private individuals; current and future state law relative to the matter as it applies to rescue groups; handling the volume of animals being transferred, and assessing staffing levels to manage the program.

E. **FY 2004-05 Proposed Budget:** General Manager, Sharon Morris led discussion relative to the Mayor’s Proposed Budget for the Department of Animal Services in FY 2004-05. Items highlighted included:
   - Motivations and issues revolving around possibly moving the Department’s Administrative Hearing Program to the City Attorney’s Office; Reopening the Canine Court Program as an interim step in addressing Barking Dog issues before they go to our mandatory hearing process. Senior staff is looking to extend our use of the Canine Court program at least six months into the new fiscal year until additional logistical issues can be worked out.
   - Wildlife Response Team being eliminated. The two positions that made up the unit were vacant. Department staff will still be held accountable for responding to wildlife complaints.
   - Expanded funding and staff for the Licensing Canvassing Program. This will provide an additional two teams out in the Field for a total of three teams; each with 5 members respectively.
   - Spay/Neuter funding levels remained unchanged.

F. **Location of Future Commission Meetings** – Morris proposed that the Board consider changing the location site for future Commission meetings in order to provide for greater capacity when there are large meetings. Commissioner Rubalcava moved to have the matter calendared for the next Commission meeting.

G. **June 28th Commission Meeting** – Councilman Zine has requested that this meeting be held in his Council District to address the Department’s response to Coyote/Wildlife issues in his area. The proposed location site is Pierce College. Negotiations on meeting start times are underway. The Department will report back once more details are available.

H. **Elections for Board President and Vice-President** – Morris informed the Board that nominations and elections for the Board of Animal Services Commissioners’ President and Vice-President are scheduled for the May 24th and June 28th meetings, respectively.

I. **Credit Card Implementation:** Commissioner Rubalcava inquired as to the status of the Credit Card Implementation. Assistant General Manager, Regina Adams reported that by the end of this
week or early next week, the Department will begin piloting our Credit Card processing capabilities at the Administrative Offices. Once bugs have been worked out, rollout into the shelters is scheduled to occur every few days afterwards.

J. **Resuming Evening Council District Meeting Schedule** – Commissioner Riordan asked if the Department would resume having quarterly meetings in various Council Districts to address community concerns.

**Public Comment:**

1. **Phyllis Daugherty** – re – Participant Shelter Program: Finds it unnecessary for the Department to support the program. Feels the Department should not be allowed to give away City property to private individuals or rescue organizations without applying fees. Feels the City needs all the revenue it can receive and feels this is an illegal gift of private funds. There are no enforcement provisions to stop people from profiting from the animals.

2. **COMMISSION BUSINESS**
   
   A. **Approval of Minutes for the meeting of April 12, 2004**: Commissioner Metz moved to have the minutes for the meeting of April 12, 2004 held over until the next Commission meeting date. Commissioner Rubalcava seconded the motion. The minutes for the meeting of April 12, 2004 were held over until May 10, 2004.

   B. **Meetings/Events Attended**: Commissioner Metz reported that he attended a luncheon in Northern California. The guest speakers were two officers from the San Francisco Police Department’s Special Detail on Vicious Animals. Metz will be getting a copy of their policy on handling vicious animals within a couple weeks and wishes to share the information with the Board. Commissioner Riordan inquired if there were any discussions at the luncheon that revolved around guide horses. Metz provided a brief discussion of the advantages and disadvantages with owning a miniature horse as a service animal.

   C. **Consideration of Future Agenda Items**: Commissioner Riordan requested that a Mission Statement be incorporated on the signs that suggests all the reasons why we are trying to fight pet overpopulation, and that we encourage spay/neuter, and microchipping. Commissioner Riordan expressed interest in allowing Department Wildlife Officers the use of paintballs and other non-lethal force to face encounters with coyotes. Commissioner Metz asked if the Board would allow him to bring in a guest speaker who will report on her experiences with having a service animal who has been attacked on five separate occasions.

**Public Comment:**

1. **Zsuzsa Blakely**: Feels some of the items being discussed by the Board are relative irrelevancies in the real scheme of things. Feels guide horses are irrelevant. Concerned that the Board only allows one minute for public comment on matters that have been placed on the agenda. Feels some individuals, who have studied some of this stuff in depth, should be given more time especially when others are given opportunities to bring in speakers who are not under the same time constraints.

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GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

3. REGULAR AGENDA ITEMS

A. Status Report: Coyote Policy – Lt. Bowers, Wildlife Coordinator, reported that from July 2003 to the present:
   - One (1) Animal Control Officer has been assigned to the Valley area and another has been assigned to the Metropolitan area of the City.
   - Valley Area Report: 386 Coyote complaints; 97 pets killed (which includes: dogs, cats, rabbits, goats & some fowl); 29 animals were injured (which includes horses); 114 complaints of bold and aggressive behavior towards humans (i.e. – coyotes chasing people or not running away when spotted); 2 traps set in the area with 0 coyotes caught.
   - Metropolitan Area Report: 426 Coyote complaints; 41 pets killed; 19 animals were injured; 150 complaints of bold and aggressive behavior towards humans; 3 traps set with 2 coyotes caught. Of those caught, 1 coyote was relocated and 1 was released to wildlife rehabilitators.
   - Total: 812 Coyote complaints; 138 pets killed; 48 animals injured; 264 complaints of bold and aggressive behavior towards humans; and 5 traps set with 2 catches.
   - Community Outreach: Wildlife program is progressing with outreach to homeowner groups and schools. Lt. Bowers also reported that the Department and ITA have collaborated and are airing a Public Service Announcement (PSA) entitled “Encounters with Coyotes”. The PSA is being shown on CityView to alert the public to the things they can do to reduce conflicts with coyotes. The service announcement has been running since April 1, 2004. The Department has requested funding through ITA to run another PSA on Urban Wildlife. Commissioner Riordan requested a copy of the tape.

Public Comment:
1. Mary Catalano: Suggested that some of the money from the auctions be used to provide education to people about living with coyotes.
2. Zsuzsa Blakely: Expressed her opinion that coyotes are considered sacred but are very vulnerable. Stated that they only come down because they are hungry and we have taken their habitat away. Feels people need to learn to coexist with coyotes.

B. Board Report: $100 Dog Licensing Deposit – In response to claims from members of the public that the Department was illegally charging a $100 Breeders Permit, Assistant General Manager, Regina Adams, reported that after researching the matter, the Department is not charging rescue organizations a Breeder’s Permit.

Public Comment:
1. Zsuzsa Blakely – Questioned the legality of the deposit fee. Claims that nothing in the Ordinance requires a deposit or licensing. Feels the Licensing Fee is therefore, de facto, a Breeder’s License.
2. Phyllis Daugherty – Stated the only thing that is going through about the Vincent Bill is the sunset clause. In no way are licensing requirements changed. The license is to be non-discriminatory and applies to both private individuals and rescue organizations. The Vincent Bill states that there can be cooperative agreements entered into to carry out the provisions for sick animals only.
3. Bill Dyer – Feels there are valid arguments on both sides of this issue. In defense of animals,
Dyer stated, if the animals had a voice, they would request that every individual animal in the shelter be deemed deserving of a chance to live. Dyer feels we must do what we can to prevent their needless deaths. If more animals can be adopted out without this fee, then that is quite simply what must be done.

4. **Daniel Guss** – Echoes Mr. Dyer’s words. Thinks the Commission and the Department should be bending over backwards to allow people, including those who are not 501(c) (3), the ability to save animal lives.

5. **Vaughn Mackie** – Declined comment. Supports the remarks made by Mr. Guss.

6. Christy Metropol – Feels the Ordinance is wrong and needs to go away. Claims to be the “Spay/Neuter Queen” by raising tens of thousands of dollars annually to alter animals. Claims to have spoken to the Director of the Seattle Animal Control and says that he would never charge something like this. Feels many people from the public adopt animals that are already altered.

7. **Ruthann Secunda** – Feels the City needs to make it easier for members of the public to get the animals out of its shelters. Feels the fees, combined with what rescuers already have to spend on boarding, medical care, deworming, etc, makes the costs to save an animal’s life very prohibitive. Feels it is bad publicity for the City to have full litters euthanized. Feels the City’s refund return system is not easy or acceptable. Claims to have rescued over 25 animals from City shelters and feels there are so many hurdles to get her refund; she does not believe she ever received one.

8. **Scott Sorentino** – Has an agenda to rescue as many animals as possible. Feels, at the minimum, the City has the right to make the exemptions. In the interest of saving animal lives; most rescuers would argue that they would be saving more animals if the costs were lower. Feels the Hayden Law ought to govern the whole situation in the interest of getting as many animals adopted as possible. Feels the Department’s Refund Policy functions much like a Corporate Rebate Policy on merchandise. The process is made to be difficult to discourage people from claiming the refund. Claims his organization does not do shelter rescues, but does rescue 250-300 animals per year. Stated they have essentially given up on rescuing animals from the shelter because the costs are too high and the process takes too long.

9. **Lisa Janes** – Feels this is about saving animal lives. Feels 501 (c) (3) groups that operate inside the City of Los Angeles should be exempt from having to pay the licensing deposit. Does not support members of the public receiving the exemption.

10. **Mary Catalano** – Feels it is insane and appalling that the shelter costs are so high that rescue groups are unable to afford to bail animals out of the shelters. Stated that she is an individual on a fixed income but has to spend the $186 to rescue animals and never gets her money back.

11. **Jo Ann Wagner** – Also functions as a rescuer, but because she is not a 501 (c) (3), she has to pay the full price. Claims to have rescued a dog and submitted paperwork back in October 2003. She is still waiting for her license deposit refund. Yet she received her $40 refund for sterilizing the animal. Asked why wasn’t the refund for the license fee triggered? Feels they do not come in at the same time and are not handled the same way.

12. **Sheryl Green** – As a 501 (c) (3), Ms. Greene claims that it takes about six (6) months to receive the license deposit back. She receives checks, though not consistently, and there is a six-month delay. Off hand Ms. Greene believes she receives half of the refunds she files claim for. Her organization does not rely on the deposit to operate the business. Feels if the funds are returned, it is a gift but they just assume that they will not get the refund back. Claims that she attended Cornell and was taught that Federal Law trumps State Law and that State Law trumps Municipal Law. Therefore, besides the spirit and intent of what Hayden
and Vincent were trying to do, the Department must honor the fact that the statutes state that public shelters should work to the utmost with humane groups to make expedient the adoption of animals as to eliminate the killing. Under Section 30503 of the Food and Agriculture Code, the City can defer or delay or not charge any kind of deposit and enter into a cooperative agreement in lieu of requiring the spay/neuter deposit to carry out the Section - which is the intent and spirit of the law – to save animal lives. Referring to LAMC Section 53.15, Greene states that Section 53.15 rides over 53.15.2 and 53.15.3. Says Section 53.15 states that any person exempt under the any of these subsections is exempt under the licensing section. Asked when should the $100 licensing fee be charged? Asked why is the Department charging $100 per puppy under four months?

13. Pamelyn Ferdin – Feels it is not just an issue of whether the Department should be refunding the money. Expressed opposition to the idea that it costs nearly $200 to adopt an animal. Feels we all should hang our heads in shame that we are debating this topic. Feels both the public and 501 (c) (3) organizations should be allowed to save a life for free.

Commissioner Rubalcava moved to have the matter tabled and researched further by the Department to study the law, reduce the administrative hassle, and determine what (if any) changes need to be done to modify the Municipal Code. Rubalcava asked that the Department look into allegations that refunds are not being processed and returned in a timely fashion and requested that a determination be made as to what degree Section 53.15 trumps 53.12.2 or 53.12.3. Rubalcava recommended that the Department investigate the extent that no Municipal Code revisions are needed. Commissioner Rubalcava asked that a report on this matter be made at the next Commission Meeting and get to a vote. Commission Riordan added that she would like the Department to look into waiving the fee and even making it so that we don’t have to address the deposit as paperwork for staff or anyone. Commission Metz feels that it is costly to run the deposit program, so we need to find out what the possibilities are of trying to exempt as many people as possible from paying these fees so as to make everyone happy.

Commissioner Metz seconded the motion. The motion was approved by a 3:0 vote.

C. Multi-Year Licensing – Adams reported that currently the Department offers a 2-year, multi-year dog license to the public. The difference between the Department and other municipalities, such as San Diego and Riverside Counties, is that the Department does not offer any incentives for people to take advantage of the program. Adams reported that the City stands to lose in excess of $200,000 in potential earnings should it choose to offer the multi-year license at an incentive price 25% below current cost.

Agnes Ko, Senior Management Analyst II, informed the Board that currently, approximately 20% of the residents of the City fail to respond to initial dog license renewal requests. Ko reported that this results in subsequent reminder notices being issued. Ko also reported that rabies vaccination expiration dates are not in synch with the expiration date of the animal license. This too, results in the issuance of subsequent reminder notices for residents to provide proof of current vaccination for the animal.

Dr. Casandria Smith reported that every dog 4 months of age must receive an initial rabies vaccination upon entry into the shelter. This initial vaccination is deemed good for one (1)
year. Adult dogs with proof of a vaccination certificate are adopted and, if due for a rabies shot, receive the shot, which will be valid for three years. Adult dogs without proof that they have been vaccinated will be vaccinated at the time of adoption and the shot is valid for three years.

Sharon Morris stated that the Department will report back on the process involved in getting new multi-year license holders in synch with existing license holders. The Department will explore the feasibility of prorating prices for current license holders and/or adding reminders in Chameleon to capture the intended target.

Commissioner Rubalcava moved that synchronization issues be discussed at the next Commission Meeting and that the Department offer non-refundable 1 and 3 year licenses to altered dog owners at face value with a 60 day refund for animals that become either sick or die.

Commissioner Metz seconded the motion. The motion was approved by a 3:0 vote.

Public Comment:
1. Phyllis Daugherty: Supports making a small cost reduction of maybe 10% on a multi-year license. Feels it would reduce administrative costs.
2. Daniel Guss: Feels the Commissioners are here to rubber stamp what the General Manager has to say. Feels the Board and Senior Staff should not have to be educated by the public about what they should already know about vaccinations.
3. Pamelyn Ferdin: Asked why doesn’t the money generated by the Department go back to the Department to save the lives of the animals?
4. Mary Catalano: Since rescue groups do not assume permanent ownership of the animals they rescue, and since licenses purchased are non-transferable to the person(s) who adopt the animal from the rescue group, Ms. Catalano feels rescue groups should not be charged for the license.
5. Lisa Janes: Informed the Board that City shelters will only vaccinate animals for 1 year.
6. Zsuzsa Blakely: In response to Mary Catalano’s comments, Ms. Blakely claims the City did not charge the license fee to rescue groups until a year or so ago. Asked why did the City start charging the fee and by what authority?

4. PUBLIC COMMENT PERIOD

A. Zsuzsa Blakely – re: $100 Licensing Fee - Claims that there are only around seven rescue groups with LA City bailout cards and who receive the exemption. Support all rescue groups and 501 (c) (3) firms. Feels everybody should be exempt across the board and that the exemption should be applied to all animals and not to certain humans who bailout the animals. Feels the $100 fee is not authorized by the Ordinance or anything else. Feels the Ordinance was not written to penalize people trying to take animals out of the pound.
B. Mary Catalano – Does not understand why rescue organizations have to pay for litters, puppies, and mature dogs.
C. Lisa Janes – Contacted Assistant General Manager, Regina Adams, regarding the Department’s Spay/Neuter Policy. Requests a response.
D. Jo Ann Wagner – Feels some dogs are not represented correctly on the City pound website.

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Claims there were dogs in the kennel but listed as euthanized on the website.
E. Vaughn Mackie – Informed the Board that he is running the CorruptLA website.
F. Ruthann Secunda – Feels shelter volunteers supply a very valuable service to the rescue community.
G. Daniel Guss – Complained about Commissioner Rubalcava’s vote at the last Administrative Appeals Hearing.
H. Phyllis Daugherty – Commented on the distinctions between doggy daycare and grooming parlors. She also commented about the Hayden Bill and Vincent Bill.
I. Scott Sorentino – Asked if there was a way to streamline the Adoption Partner Annual Rescue Card Renewal process to reduce the paperwork required by the Department? Supports the idea of not charging rescue groups the license fee when they adopt an animal out of City shelters but have no intentions of owning the animal.
J. Pamelyn Ferdin – Feels since the public is using its personal time to attend the Commission meetings, Commissioners should be considerate enough to stay for the entire meeting.

5. ADJOURNMENT

Commissioner Rubalcava adjourned the meeting at 1:02 PM.