COMMISSION MEETING

1. COMMISSION BUSINESS

   A. Approval of the Commission Meeting Minutes for March 23, 2010
   
   B. Oral Report by the Commissioners on Meetings and Events attended
   
   C. Oral Report on Status of the General Manager Recruitment
2. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

A. Assembly Bill 2012 - Penal Code 597 Penalties

That the Board recommend to the Mayor and City Council that the City support Assembly Bill (AB) 2012, which if approved would amend California Penal Code Section 597 to make all types of animal cruelty subject to consistent penalties.

B. Bequest from the Estate of Alice Reinhardt

That the Board accept bequest of $135,001, from the Estate of Alice Reinhardt on behalf of the Department of Animal Services (Department), subject to approval of the gift by the Mayor and City Council, and subject to minor changes in the amount as may be dispersed by the estate.

C. Memorandum of Understanding with the Department of Water and Power - Information about Households with dogs.

That the Board approve the Memorandum of Understanding (MOU) between this Department and the Department of Water and Power (DWP) regarding information about households with dogs, substantially as on file in the Board office and subject to approval of the Mayor in accordance with Executive Directive No. 3 and of the City Attorney as to form, and authorize the General Manager to execute the MOU subsequent to necessary approvals.

D. Proclamation by LA Animal Services of “National Pet Week – Pets and People – Healthy Together,” May 2-8, 2010 in the City of Los Angeles.

That the Board declare on the part of the Department that the week of May 2 – 8, 2010 is “National Pet Week -Pets and People – Healthy Together” throughout the City of Los Angeles in recognition of the physical and emotional benefits to owners and companion animals when they exercise together and to encourage pet owners to ensure that their pets have regular wellness examinations, vaccinations, proper nutrition and regular exercise.

E. Fees, Late Fees, Collection Fees, and Penalties for Dog Licensing

That the Board request that the Mayor, and subsequently the City Council establish as late fees a 100% penalty for failing to license a dog within 30 days of requirement to license, and a field collection fee of $25.00 for fiscal year 2010-2011; direct the City Attorney to include in the ordinance revising the dog licensing process elimination of the $500 civil penalty for failure to license and make other technical changes to further streamline the licensing program, as described in the body of this report; and, direct the City Attorney to include in the ordinance revising the dog licensing process establishment of a 50% discount license for low-income seniors and disabled, in place of the free license.
3. DISCUSSION ITEMS

A. (Continued from the February 9, 23, and March 23, 2010, Commission Meetings)

Discussion and input from the public on effective and efficient ideas for raising money to supplement funding for Department core responsibilities of greatest financial need, and direction to staff relative to ideas presented.


4. ORAL REPORT OF THE GENERAL MANAGER

5. PUBLIC COMMENT PERIOD - (Comments from the public on items of public interest within the Board’s subject matter jurisdiction and on items not on the Agenda.)

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.

6. FUTURE AGENDA ITEMS

Requests from Commissioners for future Agenda Items.

7. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M., May 11, 2010, Los Angeles City Hall, Room 1060, 200 North Spring Street, Los Angeles, California 90012.

AGENDAS - The Board of Animal Services Commissioners (Board) meets regularly every second (2nd) and fourth (4th) Tuesday of each month at 10:00 A.M. Regular Meetings are held at City Hall, 200 North Spring Street, Room 1060, in Los Angeles, CA 90012. 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, 5th Floor, 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.

**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 in public comment which is limited to three (3) minutes. 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. Total speaker time on any agenda item will be limited to ten (10) minutes per item and fifteen (15) minutes for Public Comment, unless extended as above.

**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
total 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.
1. ADMINISTRATIVE APPEAL HEARINGS (Rescheduled from April 13, 2010)

A. Barking Dog Case Number: BD 09377 NC

Appellant: Gerald Laska
Complaining Witness: Kadhim Alhily
Field Operations Supervisor, North Central Animal Care Center, Lt. William Tranzow
Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst II
Report to the Board of Animal Services Commissioners  
KATHLEEN J. DAVIS, Interim General Manager

COMMISSION MEETING DATE:  April 27, 2010  
PREPARED BY:  Linda Barth

REPORT DATE:  April 8, 2010  
TITLE:  Assistant General Manager

SUBJECT:  Assembly Bill 2012 –Penal Code 597 Penalties

BOARD ACTION RECOMMENDED:

That the Board recommend to the Mayor and City Council that the City support Assembly Bill (AB) 2012 which, if approved, would amend California Penal Code Section 597 to make all types of animal cruelty subject to consistent penalties.

SUMMARY:

Assemblymember Ted W. Lieu (D-Torrance) introduced AB 2012 on February 17, 2010, which amends Section 597 of the Penal Code, relating to cruelty to animals. The bill removes explicit jail, prison, and fine language from the various animal cruelty prohibitions, where it was inconsistent between different types of crimes against animals and, in essence, revises the punishment for neglect-type cruelty (597(b)) so as to match the stricter punishment of other animal cruelty sections. In all cases the offense will be punishable by imprisonment in a county jail for not more than one year, or in the state prison, or by a fine of not more than $20,000, or by both that fine and imprisonment. The bill makes other technical, non-substantive changes. The City Attorney has advised that they concur with a recommendation to support this bill which strengthens punishment for all animal cruelty and neglect.
FISCAL IMPACT:

Support for this bill would have no direct fiscal impact on the Department but would provide more effective enforcement and deterrent.

Approved:

Kathleen J. Davis, Interim General Manager

BOARD ACTION:

_______ Passed

_______ Passed with noted modifications

_______ Tabled

Disapproved _______

Continued _______

New Date _______
Report to the Board of Animal Services Commissioners

COMMISSION MEETING DATE: April 27, 2010
PREPARED BY: Ross Pool
REPORT DATE: March 19, 2010
TITLE: Management Analyst II
SUBJECT: Bequest from the Estate of Alice Reinhardt

BOARD ACTION RECOMMENDED:

That the Board accept bequest of $135,001, from the Estate of Alice Reinhardt on behalf of the Department of Animal Services (Department), subject to approval of the gift by the Mayor and City Council, and subject to minor changes in the amount as may be dispersed by the estate.

SUMMARY:

The Los Angeles Administrative Code, Section 5.200.1 (Receipt of Property) states that any gift or bequest to be utilized by a Department, that exceeds $25,000, must be accepted by the Mayor and City Council.

Ms. Alice Reinhardt passed away on March 7, 2009, in Van Nuys, California. The Decedent’s will, dated November 24, 2008, was admitted into probate on April 29, 2009. Paragraph J of Article II of the Will stipulates that the net proceeds of the sale of a house in Van Nuys California, totaling $270,002.67 should be divided, with one-half to the City of Los Angeles, Department of Animal Services. As such, the Department, will realize a net bequest of $135,001.33. Any funds received will be deposited into the Animal Welfare Trust Fund.
FISCAL IMPACT:

There will be no financial impact on the Department’s budgeted funds. This bequest will be deposited into the Department’s Animal Welfare Trust Fund and used to support Department Programs in accordance with the provisions of the Fund.

Approved:

Kathleen J. Davis, Interim General Manager

BOARD ACTION:

_______ Passed

Disapproved _______

_______ Passed with noted modifications

Continued _______

_______ Tabled

New Date _______
Report to the Board of Animal Services Commissioners
KATHLEEN J. DAVIS, Interim General Manager

COMMISSION MEETING DATE: April 27, 2010
PREPARED BY: Linda Barth

REPORT DATE: April 20, 2010
TITLE: Assistant General Manager

SUBJECT: Fees, Late Fees, Collection Fees, and Penalties for Dog Licensing

BOARD ACTION RECOMMENDED:

That the Board request that the Mayor, and subsequently the City Council:

1. Establish as late fees a 100% penalty for failing to license a dog within 30 days of requirement to license, and a field collection fee of $25.00 for fiscal year 2010-2011;

2. Direct the City Attorney to include in the ordinance revising the dog licensing process elimination of the $500 civil penalty for failure to license and make other technical changes to further streamline the licensing program, as described in the body of this report; and,

3. Direct the City Attorney to include in the ordinance revising the dog licensing process establishment of a 50% discount license for low-income seniors and disabled, in place of the free license.

SUMMARY:

Background

On February 23, 2009, the Board approved recommending to the Mayor and City Council a slate of amendments to Los Angeles Municipal Code (LAMC) Section 53.00 et. seq. to update and improve the dog licensing process, including:
Issuance of licenses for up to three years;
Co-terminating of licenses with rabies vaccinations;
Issuance of puppy registrations;
Updating of licensing processes to permit selling new licenses on the Internet;
Establishment of late fees and penalties to be set via a process similar to other Department fees which are now submitted as recommendations to the Mayor and Council for approval (the license fees themselves to remain established by ordinance).

The Mayor approved and forwarded the recommendations to the City Council, which on May 19, 2009, directed the City Attorney to prepare and present the necessary ordinance to amend LAMC as proposed by the Board (CF 09-1064). In working with the City Attorney to provide language for late fees, another complicating issue arose: the 45-day timeframe before the hefty $500 civil penalty is to be assessed (LAMC 53.15.3) constrains the effectiveness of a late fee to induce payment.

At the meeting of December 8, 2009, the Board considered a report recommending a 50% late fee ($7.50 or $50.00) and also changing the existing $500 penalty to activate after 180 days in place of the current 45 days. However, after discussion and public comment, the Board requested further information in regard to the $500 civil penalty and analysis of some additional licensing incentives, such as escalating late fees rather than one flat late fee.

The Department is not able to efficiently impose or collect interest charges for licenses and permits because our "billing system" in the Chameleon database software does not calculate partial payments or escalating late fees. There is simply no way to accrue interest and add it to amounts owed for licenses or permits. Even penalties are difficult to accommodate in the software system. All delinquencies are small. The average delinquency amount is below $20 making it impossible to recover collection costs through interest charges. The optimum strategy is to establish a licensing program that motivates compliance and provides streamlined processes to achieve that compliance.

On March 23, 2010, the Board discussed additional information, comparisons with other jurisdictions, and a summary of fees and penalties used by Los Angeles County in their Dog Licensing program.

Recommended Fees and other Changes

The following additional recommendations in connection with dog licensing, as approved, can be inserted into the ordinance reforming the dog licensing process already in preparation by the City Attorney.

(latitude) Establish 100% Late Fees ($15.00 and $100.00)
(latitude) Reduce Timeline for Late Fee (or Penalty) from 45 days to 30 days
Eliminate the $500 Penalty
Establish a Field Collection Fee Per Location of $25
Eliminate any reason for a license refund
Enable unaltered licenses to be sold while enforcing spay/neuter requirements on a parallel track

The $500 penalty has been in place since the 1960s, the last period in which fears of rabies deaths were rampant. Other jurisdictions focus on more reasonable and immediate penalties and late fees to compel compliance, rather than a fast-acting punitive fee that compels avoidance.

Department staff consulted with both Los Angeles County and the Southeast Area Animal Control Authority (SEAACA) over recent months in response to requests by the Council to research licensing options. Among information gleaned was that in the County the late fee is 100% of the license cost, in place of attempting to track and calculate the number of years a dog owner has been in arrears and calculate the exact number of back years owed. Also in the County, canvassing officers charge a $40 field collection fee per location. This is a relatively new fee based on many years of successful canvassing experience with officers; it is showing some initial success. Staff recommends a $25 field collection fee in order to motivate dog owners to pay in advance or on-line, but to avoid too steep a fee that may drive dog owners to hide from enforcement.

An amnesty campaign could be implemented based on waiving late fees or other minor penalties, but cannot be based on waiving the license fee itself or a civil penalty. When on-line license registration is feasible, a greater waiver might be considered for persons who self-subscribe than mail in or go to a care center. The field collection fee of $25, if instituted, would be a motive to license one’s dog before officers arrive.

Current language on refunding of license fees states that “no portion of the license tax shall be refunded in the event ownership, custody or control of any dog is terminated during the license period.” This needs to be expanded and clarified to disallow any refund for any reason, such as change in sterilization status, not only change of ownership.

In successful licensing programs, including the Los Angeles County program, officers sell a license regardless of immediate ability to meet mandatory spay/neuter requirements. If an owner cannot prove sterilization of a dog, the higher unaltered fee is charged. The owner is then advised about the spay/neuter requirements and expected to comply in conformance with the law. Existing enforcement tools are utilized, which would be the 60-day notice, and 120-day to 180-day penalties in the City of Los Angeles.
Elimination of Free Licenses for Low-Income Seniors and Disabled

Fee setting for low-income senior and disabled licenses could also be inserted into the ordinance reforming the dog licensing process already in preparation by the City Attorney.

⇒ Establish a 50% discounted license fee of $7.50 in place of the free license

Few jurisdictions offer free licenses for senior and disabled dog owners, although most offer discounts. A modest fee might be considered given that processing the senior and disabled licenses takes the same staff resources as processing a full-charge license. Charging a license fee for service animals is not recommended given Americans with Disabilities Act requirements, nor for custodians of police dogs.

FISCAL IMPACT:

Elimination of the civil penalty is not expected to have a negative revenue impact since it is rarely applied. Increase in revenue from application of the reasonable late fees is fairly certain but the amount to be expected is difficult to estimate because the program is completely new. Also, revenue will increase because the late fee may motivate some people to act who otherwise might forget to license altogether, or some may select higher-first-year-revenue, multi-year licenses to avoid annual payments and fees.

We currently issue about 4500 free licenses to seniors and disabled persons of low income. Charging a half-price fee of $7.50 per license will yield about $30,000 per year, helping to offset the cost of clerical staff which process the licenses. The question of whether any portion of revenue from this half-price fee should be dedicated to spay/neuter funding is a question not addressed in this context.

Approved:

Kathleen J. Davis, Interim General Manager

BOARD ACTION:

________ Passed

Disapproved ________

________ Passed with noted modifications

Continued ________

________ Tabled

New Date ________
Report to the Board of Animal Services Commissioners  
KATHLEEN J. DAVIS, Interim General Manager

COMMISSION MEETING DATE:  April 27, 2010  
PREPARED BY:  Linda Barth

REPORT DATE:  April 19, 2010  
TITLE:  Assistant General Manager

SUBJECT:  Memorandum of Understanding with the Department of Water and Power - Information about Households with Dogs

BOARD ACTION RECOMMENDED:

That the Board approve the Memorandum of Understanding (MOU) between this Department and the Department of Water and Power (DWP) regarding information about households with dogs, substantially as on file in the Board office and subject to approval of the Mayor in accordance with Executive Directive No. 3 and of the City Attorney as to form, and authorize the General Manager to execute the MOU subsequent to necessary approvals.

SUMMARY:

By motion introduced on February 17, 2010, the City Council formally requested that the DWP provide information to the Department from their customer database which includes the households with dogs so that meter readers and other DWP personnel can be aware of any animal issues when they are visiting a property (Council File 10-0286). On March 3, 2010, the DWP advised the Council that they would agree to furnish the addresses of customers with dogs to Animal Services solely for use in enforcing City laws relating to requirement for licenses. DWP's information relative to canine presence is designated: (A) single dog present; (B) multiple dogs present; (C) "dangerous" dog(s) present. While DWP cannot warranty the current status of dogs on the property, all of the dog data in its possession will be shared. They requested an MOU to delineate the proprietary information to be shared and establish the express use of and security for the information, and subsequently DWP has provided an MOU for our review.
Subsequent to execution, DWP will transmit the data to Animal Services in a format convenient to both city agencies.

The MOU is an instrument to clarify the responsibility of the Department in use and possession of the information, which will be treated with confidentiality as is our existing address and owner information. The intent of the Department after receipt of the data will be first to compare with existing licensed owners of dogs. Where addresses and names do not show as licensed, letters will be sent inquiring about current dog ownership and explaining license requirements. Areas suggesting a high concentration of unlicensed dogs may be generally targeted in license enforcement efforts.

FISCAL IMPACT:

A similar sharing of information occurred in 2005, but did not yield many records or result in a noticeable licensing increase. However, the current list may be more robust. Every new license also creates an on-going revenue stream.

Approved:

Kathleen J. Davis, Interim General Manager

BOARD ACTION:

Passed

Disapproved

Passed with noted modifications

Continued

Tabled

New Date
Report to the Board of Animal Services Commissioners
Kathleen J. Davis, Interim General Manager

COMMISSION MEETING DATE: April 27, 2010
PREPARED BY: Miki Shaler

REPORT DATE: April 20, 2010
TITLE: Management Asst.

SUBJECT: Proclamation by LA Animal Services of “National Pet Week – Pets and People – Healthy Together,” May 2-8, 2010 in the City of Los Angeles.

BOARD ACTION RECOMMENDED:

That the Board declare on the part of the Department that the week of May 2 – 8, 2010 is “National Pet Week -Pets and People – Healthy Together“ throughout the City of Los Angeles in recognition of the physical and emotional benefits to owners and companion animals when they exercise together and to encourage pet owners to ensure that their pets have regular wellness examinations, vaccinations, proper nutrition and regular exercise.

SUMMARY:

National Pet Week was jointly founded in 1981 by the American Veterinary Medical Association (AVMA) and the AVMA Auxiliary to foster responsible pet ownership, recognize the human-animal bond, and increase public awareness of veterinary medicine. The 2010 theme for National Pet Week is “Pets and People—Healthy Together,” the goal of which is to promote the importance of exercise for people and pets.

The Los Angeles County Department of Public Health has invited LA Animal Services, along with the Los Angeles County Department of Animal Care and Control and the Southern California Veterinary Medical Association, to join in declaring a local National Pet Week 2010 in Los Angeles.
Subject: Proclamation by LA Animal Services of “National Pet Week – Pets and People – Healthy Together,” May 2-8, 2010 in the City of Los Angeles

Obesity is now one of the biggest health threats to pets and people in the United States. Forty four percent of dogs, 55% of cats, and 68% of adult Americans are considered overweight or obese, according to the Association for Pet Obesity Prevention and the Centers for Disease Control and Prevention. Just as with people, pets face health risks associated with obesity, including osteoarthritis, diabetes, hypertension, heart disease, and cancer. To combat this problem, both public health professionals and veterinarians have endorsed a proactive approach that includes adoption of healthy changes in diet and physical activity.

The Department therefore recommends that the Board declare the week of May 2 – 8, 2010 “National Pet Week -Pets and People – Healthy Together” throughout the City of Los Angeles and invite pet owners and residents of the City of Los Angeles to participate by engaging in physical activity with a pet. Through a press release or collaboration with other media events that may occur, the Department will also encourage pet owners to ensure that their pets have regular wellness examinations, vaccinations, proper nutrition and regular exercise.

FISCAL IMPACT:

This declaration has no direct fiscal impact however healthy pets and better informed pet owners may indirectly result in lower pet intake.

Approved:

Kathleen J. Davis, Interim General Manager

BOARD ACTION:

Passed  Disapproved
Passed with noted modifications  Continued
Tabled  New Date