BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Tuesday, AUGUST 26, 2014
10:00 AM

LOS ANGELES CITY HALL
ROOM 1060
200 NORTH SPRING STREET
LOS ANGELES, CALIFORNIA 90731

DAVID ZAFT
President

ALANA YANEZ
Vice-President

JENNIFER BRENT
LARRY GROSS
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) 482-9501.

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

I. REGULAR COMMISSION MEETING

1. 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.
2. COMMISSION BUSINESS

   A. Approval of the Minutes for the Meeting of August 12, 2014 (Action Required).

3. ORAL REPORT OF THE GENERAL MANAGER

4. COMMISSIONERS’ ORAL REPORT AND FUTURE AGENDA ITEMS

5. DISCUSSION ITEMS

   A. Legal Status and Treatment of Rabbits

   B. Improving Rabbit Outcomes – Tracking and Reporting Rabbit Outcomes and Working With New Hope Partners

   C. Recap and Discussion re: Recent Investigations – Addressing Similar Situations in the Future

6. BOARD REPORT

   A. Recommendations on Dangerous Dog Ordinance (Action Required).

   B. Recommendation For Dog Playgroups Contractor (Action Required)

   C. Request For Monthly New Hope Report

7. ADJOURNMENT

Next Commission Meeting is scheduled for 7:00 P.M. September 9, 2014, Best Friends Shelter, Mission Hills, 15321 Brand Boulevard, Mission Hills, California 91345

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.

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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

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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.
Report to the Board of Animal Services Commissioners
Brenda Barnette, General Manager

COMMISSION MEETING DATE: May 27, 2014
PREPARED BY: Brenda F. Barnette

REPORT DATE: May 22, 2014
TITLE: General Manager

SUBJECT: UPDATE ON SHELTER RABBITS AND SUMMARY OF RELATED ORDINANCES

BOARD ACTION RECOMMENDED:

- Note and File

SUMMARY
The Department of Animal Services houses rabbits for adoption at all six City shelters. This includes taking in owner surrenders, strays, and custody bunnies being held as evidence.

The Department is very fortunate to have outstanding volunteers who provide daily care, feeding, exercise and love to our resident bunnies. These volunteers also counsel prospective adopters. One of these volunteers, Michelle Kelly, will give an oral presentation at the May 27, 2014 Commission meeting.

Michelle Kelly has volunteered on behalf of abandoned rabbits for over a decade. She has spent countless hours caring for rabbits in public animal shelters, provided humane housing, and paid for spay/neuter of the rabbits at Animal Services until the mandatory neuter policy took effect. She lobbied the City for years to get a mandatory neuter policy and higher adoption fees in place to stop the population growth and protect the rabbits. Michelle is also a licensed educator for House Rabbit Society and continues to hold workshops and classes on rabbit care for the public, shelter employees and volunteers.

Ms. Kelly will offer suggestions on more effective bunny placement and how the Department can better serve the bunnies in its shelters.
Below is information to give the Commission and the public a better view of the current rabbit situation in City shelters and legislation related to owning rabbits.

1. Rabbit capacity (# of cages by shelter and total) and Bunny Inventory on 5/20/14

<table>
<thead>
<tr>
<th>Shelter</th>
<th>Spaces</th>
<th>May 20, 2014 Bunny Inventory</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Valley Shelter</td>
<td>21</td>
<td>11</td>
</tr>
<tr>
<td># Healthy Rabbit Cages</td>
<td></td>
<td></td>
</tr>
<tr>
<td># Isolation/Medical Rabbit Cages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum # of rabbits that can be housed</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Harbor Shelter</td>
<td>12</td>
<td>6</td>
</tr>
<tr>
<td># Healthy Rabbit Cages</td>
<td></td>
<td></td>
</tr>
<tr>
<td># Isolation/Medical Rabbit Cages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum # of rabbits that can be housed</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>North Central Shelter</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td># Healthy Rabbit Cages</td>
<td></td>
<td></td>
</tr>
<tr>
<td># Isolation/Medical Rabbit Cages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum # of rabbits that can be housed</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>South LA (Chesterfield Square) Shelter</td>
<td>33</td>
<td>40*</td>
</tr>
<tr>
<td># Healthy Rabbit Cages</td>
<td></td>
<td></td>
</tr>
<tr>
<td># Isolation/Medical Rabbit Cages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum # of rabbits that can be housed</td>
<td>33</td>
<td></td>
</tr>
<tr>
<td>West LA Shelter</td>
<td>27</td>
<td>45</td>
</tr>
<tr>
<td># Healthy Rabbit Cages</td>
<td></td>
<td></td>
</tr>
<tr>
<td># Isolation/Medical Rabbit Cages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum # of rabbits that can be housed</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>West Valley Shelter</td>
<td>16</td>
<td>8</td>
</tr>
<tr>
<td># Healthy Rabbit Cages</td>
<td></td>
<td></td>
</tr>
<tr>
<td># Isolation/Medical Rabbit Cages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum # of rabbits that can be housed</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>TOTAL CAGES/BUNNIES</td>
<td>129</td>
<td>134</td>
</tr>
</tbody>
</table>
The Department confiscated 19 rabbits in extreme heat distress. The former owner relinquished them to the Department and they will be distributed among our shelters with available space and will be available for adoption after they are altered.

2. Average length of stay: Rabbits, cats and dogs

<table>
<thead>
<tr>
<th></th>
<th>FY 2010-11</th>
<th>FY 2011-12</th>
<th>FY 2012-13</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>CATS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>10.08</td>
<td>7.66</td>
<td>8.31</td>
<td></td>
</tr>
<tr>
<td>RABBITS</td>
<td>38.27</td>
<td>37.31</td>
<td>50.62</td>
<td></td>
</tr>
</tbody>
</table>
| Average Length of Stay by Shelter and Fiscal Year

During Fiscal Year 2012-13, the average length of stay for cats was 8.31 days, for dogs it was 14.08 days, and for rabbits it was 50.62 days.

3. Impounds/ euthanasia/live release for cats, dogs and rabbits.

<table>
<thead>
<tr>
<th></th>
<th>FY 2010-11</th>
<th>FY 2011-12</th>
<th>FY 2012-13</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>CATS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>22,220</td>
<td>21,880</td>
<td>21,083</td>
<td></td>
</tr>
<tr>
<td>DOGS</td>
<td>34,532</td>
<td>35,397</td>
<td>33,743</td>
<td></td>
</tr>
<tr>
<td>RABBITS</td>
<td>506</td>
<td>523</td>
<td>840</td>
<td></td>
</tr>
</tbody>
</table>

Impounds, Live Releases and Live/Save Rates by Fiscal Year
### Live/Save by Fiscal Year

<table>
<thead>
<tr>
<th></th>
<th>CATS</th>
<th>DOGS</th>
<th>RABBITS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>E VALLEY</td>
<td>HARBOR</td>
<td>N CENTRA</td>
</tr>
<tr>
<td><strong>Cats</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010-2011</td>
<td>33.39%</td>
<td>39.90%</td>
<td>23.06%</td>
</tr>
<tr>
<td>2011-2012</td>
<td>39.22%</td>
<td>34.16%</td>
<td>28.10%</td>
</tr>
<tr>
<td>2012-2013</td>
<td>47.76%</td>
<td>35.02%</td>
<td>30.16%</td>
</tr>
<tr>
<td><strong>Dogs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010-2011</td>
<td>80.30%</td>
<td>67.26%</td>
<td>63.08%</td>
</tr>
<tr>
<td>2011-2012</td>
<td>81.39%</td>
<td>67.26%</td>
<td>69.73%</td>
</tr>
<tr>
<td>2012-2013</td>
<td>84.63%</td>
<td>78.70%</td>
<td>74.28%</td>
</tr>
<tr>
<td><strong>Rabbits</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010-2011</td>
<td>80.98%</td>
<td>72.92%</td>
<td>54.17%</td>
</tr>
<tr>
<td>2011-2012</td>
<td>79.70%</td>
<td>77.97%</td>
<td>72.03%</td>
</tr>
<tr>
<td>2012-2013</td>
<td>54.08%</td>
<td>33.70%</td>
<td>24.71%</td>
</tr>
</tbody>
</table>

4. **Current New Hope Partners for Rabbits:**

- **Bunny World Foundation**  
  Lejla Hadzimuratovic, President/Director

- **BunnyLuv Rabbit Resource Center**  
  Sharon Mills, President/Director

- **Rabbit Rescue Inc**  
  Natalie Mathis, President/Director

- **The Marina Sanctuary**  
  Dina Douglas, President/Director

  **HELP - A Home for Every Living Pet**  
  (This group has not be adopting rabbits lately; they have been taking dogs.)  
  Joyce Forrest, President/Director

- **Kinder 4 Rescue**  
  Laurel Kinder, President/Director

5. **Laws/ordinances related to number of rabbits permitted, spay/neuter requirements and licensing.**

There are no codes regulating the number of rabbits that can be maintained, requiring sterility, or licensing. There is a distance requirement set by departmental rules and regulations which require rabbits be maintained 20 feet away from the owner’s dwelling and 35 feet away from any neighboring dwelling. Los Angeles Municipal Code 53.59 allows the Department to set the distances for animals by rules.

6. **Laws/ordinances/regulations specific to breeding and/or raising rabbits including breeding rabbits for meat at my home?**

There are no Municipal Codes or any other codes specific to breeding or raising rabbits. (Note: Commercial establishments and pet shops can't sell mill-bred rabbits but “backyard breeders” or hobbyists are not regulated.)
Regarding raising rabbits for consumption, it is legal (there are no codes prohibiting consuming rabbits, fowl, or livestock which have been home- or farm-raised) as long as they are slaughtered in a humane manner, are not selling the meat, and it is only for household consumption. Selling meat would be regulated by Food and Agriculture Codes and the USDA.

7. **Bunny Adoption Fees in neighboring jurisdictions:**

- **Glendale Humane Society** - Does not adopt out rabbits, only dogs and cats.
- **Pasadena Humane Society** - $30 including spay/neuter and microchip.
- **Pomona Valley Humane Society** - $25 and they do not spay/neuter $30 for optional microchip, or $55 total.
- **Burbank Animal Shelter** - $30 including spay/neuter and $15 for rabbits adopted that were previously altered prior to arrival to the shelter. They do not microchip rabbits.
- **Santa Monica Animal Shelter** - $17 adoption fee, $70 spay/neuter fee, $17 optional microchip fee, totaling $104.
- **Orange County Animal Care Services** - $35 unaltered including microchip; $75 spay/neutered including microchip.
- **Blythe** - $5; they do not spay/neuter and they do not microchip.
- **Coachella Valley Animal Campus** - $5; they do not spay/neuter and they do not microchip.
- **Western Riverside County/City** - Market price. They do not have a set adoption price.
- **Ramona Humane Society San Jacinto** - $40 including spay/neuter; $25 optional microchip fee, totaling $65
- **Inland Valley Humane Society & SPCA** - $25 for all rabbit adoptions, includes neuter for males; they do not spay females, $30 optional microchip = $55.
- **Norco** - $5; they do not spay/neuter and they do not microchip.
- **San Bernardino** - $5; they do not spay/neuter and they do not microchip.
- **Rancho Cucamonga** - $40 includes spay/neuter and microchip.
- **Southeast Area Animal Control Association (SEAACA)** - $25 includes spay/neuter and microchip.
- **County of Los Angeles Department of Animal Care and Control** - $65 including spay/neuter and microchip.
- **San Diego Humane Society** - $25 including spay/neuter.
- **San Diego House Rabbit Society** - $65 for a single adoption; $115 for a bonded pair including spay/neuter.
- **County of Santa Barbara Animal Control** - $30 including spay/neuter; $30 optional microchip fee

8. **Spay/Neuter for Rabbits**

Spay/neuter funding is not available through vouchers for rabbits. All shelter rabbits are spayed or neutered prior to going out to their new homes. This is an item that would have a budget impact so it would need to be changed during the budget process next year or if we obtain a grant restricted for altering bunnies.

The City pays our contract veterinarians $72 on average for each spay or neuter surgery. Altering a rabbit is often more expensive. We have not done any outreach to see if we could get participating veterinarians to extend their services and the fee schedule for rabbits if we want to expand that program.
9. Red List Expanded to Include Rabbits

Animals are placed on the “Red List” which is updated daily to indicate to rescues that these animals would be the first to be euthanized if we run out of space. It is a 48-hour minimum alert to give groups an opportunity to rescue the rabbits from the shelter. It is not a message that says the Department going to kill; it is a message that says we may have to kill for space if more rabbits come into the shelter. And it is an opportunity for rescues to make a difference by taking those rabbits.

We do not know when we will need space. Nineteen bunnies were seized and impounded last week in an emergency due to extreme heat. We are not able to predict and must be able to move quickly if necessary.

We do not kill for time. A week or so ago I saw a bunny who was about to have a one-year anniversary at our South LA (Chesterfield Square) shelter.
Report to the Board of Animal Services Commissioners

Brenda Barnette, General Manager

COMMISSION MEETING DATE: August 26, 2014
PREPARED BY: Brenda Barnette

REPORT DATE: August 22, 2014
TITLE: General Manager

SUBJECT: RECOMMENDATION ON DANGEROUS DOG ORDINANCE

BOARD ACTION RECOMMENDED:

That the Board, subject to the approval of the Mayor and Council:

- AUTHORIZE the General Manager to work with the Office of the City Attorney to prepare changes, using public dialogue and Commission recommendations, to Section 53 of the Los Angeles Municipal Code related to “dangerous animals.”

BACKGROUND

During the 2014-15 budget hearings, the Budget and Finance Committee asked the Department to consider Breed-Specific Legislation. The General Manager recommended against BSL and suggested, as an alternative, involving the Board and the Personnel and Animal Welfare Committee in making changes to dangerous animal legislation.

During the last four fiscal years, the Department has handled an average of 2,284 cases of dog aggression against another animal, and 4,440 cases of dog aggression against a person. Of those cases, an average of 1,601 involved dog aggression against both a person and another animal.

As part of the Mayor’s “back-to-basics” priority outcomes, the Department is responsible for helping make Los Angeles a safer and more livable city. We believe that one critical part of this is making streets safer relative to dangerous animal attacks against community members and companion animals.

We reviewed a sampling of dangerous or vicious dog legislation that included the County of Los Angeles, Moreno Valley, Prince George County (Maryland) and Washington state. We solicited input from staff — especially Animal Control Officers who work with potentially dangerous dogs every day.
This is a complex and challenging issue that will require considerable public discussion and Commissioners’ involvement to change current legislation and help promote Los Angeles as safer and more livable community.

The City shares borders with the County of Los Angeles, as well as rescue groups and challenges. As we know, wildlife and companion animals do not recognize political borders. Therefore, as a starting point in developing much-needed City policy, I am attaching the County’s legislation: Chapter 10.37, “Potentially Dangerous and Vicious Dogs.”

FISCAL IMPACT
None.

Approved:

_____________________________
Brenda Barnette, General Manager

Attachment

BOARD ACTION:

________ Passed
Disapproved ________

________ Passed with noted modifications
Continued ________

________ Tabled
New Date ________
Chapter 10.37
Potentially Dangerous and Vicious Dogs

10.37.010 Purpose of this chapter.
Within the county of Los Angeles there are potentially dangerous and vicious dogs that have become a serious and widespread threat to the safety and welfare of the citizens of the county which should be abated. The provisions of this chapter set forth the procedures by which a dog is found to be a potentially dangerous dog or a vicious dog, thereby becoming subject to appropriate controls and other actions. This chapter is intended to supplement rather than supplant any other remedy available under state statute or county ordinance. (Ord. 2001-0042 § 2 (part), 2001.)

10.37.020 Potentially dangerous dog--Definition.
Potentially dangerous dog means any of the following:
A. Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury to any person, domestic animal or livestock off the property of the owner or custodian of the dog;
B. Any dog which, when unprovoked, bites a person or otherwise engages in aggressive behavior, causing a less severe injury than as defined in Section 10.37.040;
C. Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal or livestock off the property of the owner or custodian of the dog. (Ord. 2013-0033 § 3, 2013.)

10.37.030 Vicious dog--Definition.
"Vicious dog" means any of the following:
A. Any dog that engages in or has been found to have been trained to engage in exhibitions of fighting;
B. Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a person;
C. Any dog previously determined to be and currently listed as a potentially dangerous dog in Los Angeles County, or to be a dangerous or vicious dog in another jurisdiction, which, after its owner or custodian has been notified of this determination, continues the behavior described in Section 10.37.020 or is maintained in violation of Section 10.37.130, an administrative decision, a court order or restrictions placed upon it by another jurisdiction. (Ord. 2013-0033 § 4, 2013.)
10.37.040 Severe injury--Definition.
“Severe” injury means any physical harm to a human being that results in a serious illness or injury, including but not limited to a major fracture, muscle tears or disfiguring lacerations requiring multiple sutures or corrective or cosmetic surgery. (Ord. 2011-38 § 2, 2011.)

10.37.050 Enclosure--Definition.
“Enclosure” means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a potentially dangerous or a vicious dog in conjunction with other measures which may be taken by the owner or custodian of the dog. The enclosure shall be designed to prevent the animal from escaping. The animal shall be housed pursuant to section 597t of the Penal Code. (Ord. 2001-0042 § 2 (part), 2001.)

10.37.060 Department--Definition.
“Department” means the department of animal care and control. (Ord. 2001-0042 § 2 (part), 2001.)

10.37.070 Impounded--Definition.
“Impounded” means taken into the custody of the department. (Ord. 2001-0042 § 2 (part), 2001.)

10.37.080 Exemptions.
This chapter does not apply to humane society shelters, animal control facilities, or veterinarians or to dogs while utilized by any police department or any law enforcement officer in the performance of police work. (Ord. 2001-0042 § 2 (part), 2001.)

10.37.090 Right of entry and inspection.
A duly authorized employee or agent of the department or any law enforcement officer may enter and inspect private property in the manner as set forth in Section 10.12.210. Upon inspection, the department may act to enforce the provisions of this chapter. (Ord. 2001-0042 § 2 (part), 2001.)

10.37.100 Authority to seize and impound animal posing an immediate threat to public safety.
A. If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists that the dog in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the dog pending the hearing to be held pursuant to this chapter. The owner or custodian of the dog shall be liable for the costs and expenses of keeping the dog impounded if the dog is later adjudicated potentially dangerous or vicious. Such costs and expenses shall be paid prior to the release of the dog.
B. When a dog has been impounded pursuant to subsection A and it is not contrary to public safety, the director of the department of animal care and control shall permit the animal to be confined at the owner's expense in a department-approved animal or veterinary facility. (Ord. 2013-0033 § 5, 2013.)

10.37.110 Potentially dangerous or vicious dog hearing.
A. Hearing
If an animal control officer or a law enforcement officer has investigated and determined that there is probable cause that a dog is potentially dangerous or vicious, the director of the department of animal care and control shall petition the Superior Court, within the judicial district wherein the dog is owned or kept, for a hearing, or shall serve a petition for an administrative hearing, to determine whether or not the dog in question should be declared potentially dangerous or vicious.

B. Notice of Hearing and Petition
Whenever possible, a complaint received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. The director of the department of animal care and control shall notify the owner or custodian of the dog that a hearing will be held by the Superior Court, or that an administrative hearing will be held, at which time he or she may present evidence as to why the dog should not be declared potentially dangerous or vicious. The owner or custodian of the dog shall be served with notice of the hearing and a copy of the petition, either personally or by first class mail. The hearing shall be held promptly within no less than five (5) working days nor more than ten (10) working days after the service of the notice upon the owner or custodian of the dog. For purposes of this chapter, service is complete upon deposit of the document(s) in the mail or when documents are personally served.
C. Conduct of Hearing

The hearing shall be conducted as an administrative hearing or a limited civil case pursuant to Code of Civil Procedure Section 85, et seq., and open to the public. The judicial officer or administrative hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. A jury shall not be available. The judicial officer or administrative hearing officer may find, upon a preponderance of the evidence, that the dog is potentially dangerous or vicious and shall make other orders or findings required or authorized by this chapter. The judicial officer or administrative hearing officer may decide all issues for or against the owner or custodian of the dog even if the owner or custodian fails to appear at the hearing.

D. Administrative Hearing Officer

If the dog owner or custodian is notified that an administrative hearing will be held, the hearing shall be conducted by a neutral hearing officer. The department may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who signed the petition or directed the seizure or impoundment of the dog, and is not junior in rank to that person(s). In the alternative, the department may utilize the services of a hearing officer from outside the department. (Ord. 2013-0033 § 6, 2013.)

10.37.120 Notice of determination and appeal from court hearing.

A. Following a court hearing conducted pursuant to Section 10.37.110, the owner or custodian of the dog shall be notified in writing of the determination and order issued, either personally or by first class mail, postage prepaid by the court. If the petitioner or the owner or custodian of the dog contests the determination, he or she may, within fourteen (14) calendar days after the mailing of the notice of determination, appeal the decision, which appeal shall be made to the Superior Court before a judge other than the judge who originally heard the petition. The fee for filing an appeal shall be the fee provided for by Section 31622(a) of the Food and Agricultural Code and shall be payable to the county clerk. The petitioner or the owner or custodian of the dog shall serve notice of the appeal upon the other party personally or by first class mail, postage prepaid.

B. The court hearing the appeal shall conduct a hearing de novo, without a jury, and make its own determination as to potential danger and viciousness, and make any orders authorized by this chapter, based upon the evidence presented. The hearing shall be conducted in the same manner and within the time periods set forth in Section 10.37.110. The court may admit all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The issue shall be decided upon the preponderance of the evidence.

C. The court hearing the appeal may decide all issues for or against the owner or custodian of the dog even if the owner or custodian fails to appear at the hearing.

D. The determination of the court hearing the appeal shall be final and conclusive upon all parties. (Ord. 2013-0033 § 7, 2013.)

10.37.121 Notice of decision and judicial review of administrative decision

Following an administrative hearing conducted pursuant to Section 10.37.110, a written notice of the decision shall be served on the department and the owner or custodian of the dog either personally or by first class mail. If the department or the owner or custodian of the dog desires to contest the decision, the department or the owner/custodian shall notify the other party, in writing, within fourteen (14) calendar days after the decision is served, of the intention to seek judicial review of the decision. The party seeking judicial review by the Superior Court shall comply with all requirements of Code of Civil Procedure Section 1094.5 et seq. (Ord. 2013-0033 § 8, 2013)

10.37.130 Consequences of potentially dangerous determination.

The following conditions apply to a dog determined potentially dangerous:

A. The dog shall be properly licensed, microchipped, and vaccinated at the owner or custodian's expense, prior to release to the dog's owner or custodian. If the dog was not impounded, the dog owner or custodian shall provide proof that the dog is licensed, microchipped and vaccinated within fourteen (14) calendar days after the decision or court order declaring the dog to be potentially dangerous is served on the dog owner or custodian. The department may include the designation in the registration records of the dog, after the court has determined that the designation applies to the dog.

B. The dog, while on the owner or custodian's property, shall, at all times, be kept indoors, or in a securely fenced yard or enclosure from which the dog cannot escape, and into which children cannot trespass. The yard or enclosure shall be inspected and approved in writing by the department prior to release of the dog to its owner or custodian. If the dog was not impounded, the yard shall be inspected and approved in writing by
the department within fourteen (14) calendar days after the decision or court order declaring the dog to be potentially dangerous is served on the dog owner or custodian.

C. The dog may be off the owner or custodian’s premises only if it is muzzled and restrained by a substantial leash, not exceeding six (6) feet in length, and if it is under the control of an adult capable of restraining and controlling the dog. At no time may the dog be left unattended while off the owner or custodian’s premises.

D. The owner or custodian of the dog shall notify the department immediately if the dog is at large, or has committed an attack on any person, domestic animal or livestock. If the dog no longer resides with the owner or custodian of record, or the dog is transferred to another person(s), the owner or custodian shall advise the department of the dog’s new location, in writing under penalty of perjury, and provide a copy of the administrative decision or court order declaring the dog to be potentially dangerous, to the new owner and custodian. Each subsequent owner or custodian shall provide each new owner and custodian with a copy of the administrative decision or court order during the effective period of the decision or court order. Likewise, if the dog is moved to another jurisdiction, the owner or custodian is required to provide the animal control authorities in the new jurisdiction with a copy of the administrative decision or court order during the effective period of the decision or court order.

E. The dog shall complete an obedience course for a minimum of ten (10) hours of training with the owner or custodian at his or her expense within sixty (60) calendar days after release of the dog to its owner or custodian. The course shall be a course approved by the department prior to release of the dog to the owner or custodian. If the dog was not impounded, the dog owner or custodian shall obtain approval by the department within fourteen (14) calendar days after the decision or court order declaring the dog to be potentially dangerous is served on the dog owner or custodian.

F. The dog shall be spayed or neutered at the expense of the owner or custodian prior to the release of the dog to its owner or custodian. If the dog was not impounded, the dog owner or custodian shall provide proof that the dog has been spayed or neutered within thirty (30) calendar days after the decision or court order declaring the dog to be potentially dangerous is served on the dog owner or custodian.

G. The dog may be required to wear a bright reflective collar visible at 50 feet in normal daylight, which will be provided by the department at the owner or custodian’s expense.

H. The owner or custodian of the dog may be required to maintain general liability insurance covering property damage and bodily injury caused by a potentially dangerous or vicious dog, with a combined single limit of $300,000.00 per occurrence. If required to maintain such insurance, the owner or custodian is required to show proof of insurance within fourteen (14) calendar days after the decision or court order declaring the dog to be potentially dangerous is served on the dog owner or custodian.

I. All charges for services performed by the department pursuant to this Section 10.37.130 and all fines shall be paid prior to the release of the dog to its owner or custodian or within fourteen (14) calendar days after the services are performed or the charges and fines are ordered to be paid. If said charges and fines are not paid within fourteen (14) calendar days after the services are performed or the fines are ordered to be paid, the dog shall be deemed to be abandoned and may be disposed of by the department.

J. If the determination that the dog is potentially dangerous under Section 10.37.020, is made pursuant to a court hearing, the judicial officer shall impose a fine on the owner or custodian not to exceed $500.00 for each separate basis upon which the determination was made. The fine shall be paid to the department for the purpose of defraying the costs of the implementation of this chapter.

K. A judicial officer or administrative hearing officer may impose such other reasonable conditions as are deemed necessary to protect the public safety and welfare. (Ord. 2013-0033 § 9, 2013.)

10.37.140 Consequences of vicious dog determination.

A. A dog determined to be a vicious dog may be destroyed by the department when it is found, after proceedings conducted under Section 10.37.110, that the release of the dog would create a significant threat to the public health, safety and welfare.

B. If it is determined that a dog found to be vicious shall not be destroyed, the judicial officer or administrative hearing officer shall impose the conditions on an owner and custodian of potentially dangerous dogs required by Section 10.37.130, the conditions required by this section, and any other conditions necessary to protect the public health, safety, and welfare.

C. The enclosure that is required pursuant to subsection B of Section 10.37.130 shall be an enclosure which is enclosed on all sides, and which is locked by a padlock. It may be required to have a top and a cement floor. The enclosure shall be approved in writing by the department, prior to the release of the dog to the owner or custodian. If the dog was not impounded, the dog owner or custodian shall obtain approval by the department within fourteen (14) calendar days after the decision or court order declaring the dog to be vicious is served on the dog owner or custodian.

D. The owner or custodian of a vicious dog shall give written notice of the vicious dog determination to United States Post Office (local branch) and all utility companies which provide services to the premises where the dog is kept. The owner or custodian shall provide a copy of the notices to the department prior to the
release of the dog from impound. If the dog was not impounded, the dog owner or custodian shall provide a
copy of the notices to the department within fourteen (14) calendar days after the administrative hearing or
court determination declaring that the dog is vicious.
E. The owner or custodian of the dog shall post one or more signs on the premises at a location(s) approved
by the department stating that a dog which has been determined to be vicious resides on the premises. The
signs shall be posted within fourteen (14) calendar days after the decision or court order declaring the dog
to be vicious is served on the owner or custodian.
F. If the determination that a dog is vicious under Section 10.37.030, is made pursuant to a court hearing, the
judicial officer shall impose a fine on the owner and/or custodian not to exceed $1,000.00 for each separate
basis upon which said determination was made. The fine shall be paid to the department for the purpose of
defraying the cost of the implementation of this chapter.
G. The owner or custodian of a dog determined to be a vicious dog may be prohibited from owning, keeping,
possessing, controlling, or having custody of any dog for a period of up to three years, if it is found at the
hearing conducted pursuant to the petition to declare the dog vicious, that ownership or possession of a dog
by that person would create a significant threat to the public health, safety, and welfare. (Ord. 2013-0033 §
10, 2013.)

10.37.150 Compliance with conditions and consequences of violation of conditions.
A. The hearing officer or judicial officer who heard the petition to determine if a dog is potentially dangerous or
vicious may schedule follow-up hearing dates to ensure compliance with all conditions imposed.
B. Consequences that may result from the failure of an owner or custodian of a dog released after a hearing
pursuant to Section 10.37.110 or Section 10.37.120 to comply with any of the conditions imposed under
Section 10.37.130 or Section 10.37.140 include, but are not limited to the following:
   1. The failure to comply with any condition is a misdemeanor punishable by a fine not exceeding
      $1,000.00 or by imprisonment in the County Jail for a period not exceeding six months, or by both such
      fine and imprisonment;
   2. A violation of any part of administrative decision or court order may be the subject of a civil action for
      injunctive relief to enjoin the person who violated the decision or order. The filing and prosecution of an
      action of injunctive relief shall not limit the authority of the County to take any other action permitted by
      law;
   3. A violation of an administrative decision or court order following a determination that a dog is potentially
dangerous, may result in the filing of an action to determine if the dog is vicious under Section

If there are no additional instances of the behavior described in Section 10.37.020 within a 36-month period
from the date of designation as a potentially dangerous dog, the dog shall be removed from the list of potentially
dangerous dogs. The dog may, but is not required to be, removed from the list of potentially dangerous dogs
prior to the expiration of the 36-month period if the owner or custodian of the dog demonstrates to the
department that changes in circumstances or measures taken by the owner or custodian, such as the training of
the dog, have mitigated the risk to the public safety. (Ord. 2001-0042 § 2 (part), 2001.)

10.37.170 Exceptions.
A. No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person
who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon
premises occupied by the owner or custodian of the dog, or was teasing, tormenting, abusing, or
assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared
potentially dangerous or vicious if the dog was protecting or defending a person within the immediate
vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous or
vicious if an injury or damage was sustained by a domestic animal or livestock which at the time of the
injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog.
B. No dog may be declared potentially dangerous or vicious if the injury or damage to a domestic animal or
livestock was sustained while the dog was working as a hunting dog, herding dog, or predator control dog
on the property of, or under the control of, its owner or custodian, and the damage or injury was to a
species or type of domestic animal or livestock appropriate to the work of the dog. (Ord. 2013-0033 § 13,
2013.)

10.37.180 Infraction/misdemeanor penalty for dog bites.
In addition to the conditions and restrictions imposed on the ownership of potentially dangerous and vicious
dogs set forth in this chapter, an owner or custodian of a dog who permits, allows or causes a dog to run, stray
or be uncontrolled or at large upon a public street, sidewalk, park or other public property, or in or upon the private property of another person, is guilty of a public offense punishable as an infraction or misdemeanor if such dog bites, attacks or causes injury to any person or to a domestic animal or livestock. (Ord. 2013-0033 § 14, 2013.)
Report to the Board of Animal Services Commissioners
Brenda Barnette, General Manager

COMMISSION MEETING DATE: August 26, 2014
REPORT DATE: August 22, 2014
SUBJECT: RECOMMENDATION FOR DOG PLAYGROUPS CONTRACTOR

BOARD ACTION RECOMMENDED:

- APPROVE a one-year Letter of Agreement, with two one-year renewal options, substantially in the form as attached, with Bound Angels to provide training for Animal Services staff at six shelters on how to run play groups to provide socialization and exercise.

SUMMARY
The Board of Animal Services Commissioners approved the issuance of a Request For Qualifications (RFQ) from dog training professionals to provide training for Animal Services staff at six shelters on how to run play groups to provide socialization and exercise. These activities would help reduce shelter dogs’ stress and make their time in our shelters more enjoyable. The Board approved this on September 24, 2013. Responses were due on October 28, 2014.

There were two proposals, one from Aimee Sadler and the other from Holistic Dog Expert. Neither proposal met the Department’s needs and/or was cost effective. Therefore, the Department, with the approval of the Office of the City Attorney, was able to conduct telephone bids with two other playgroups providers. After this latter process, the Department is recommending a Letter of Agreement with Bound Angels.

BOUND ANGELS
Robert Cabral is the founder of Bound Angels, located at 23823 Malibu Road, #50, Malibu, California. Bound Angels provides services to shelters, humane societies and rescue organizations to help save lives. Their programs range from online training, books, educational and dissemination campaigns, as well as canine behavior training and behavior assessments.
Bound Angels provides guidance in marketing shelter adoption programs as well as canine behavior assessments and training. They offer “Shelter Rescue,” a two- to three-day training to municipal shelters and humane societies that teaches employees and volunteers about canine behavioral skills. The goal of this program is to help shelter workers better understand canine behavior and to help solve problems before they arise and solve them quickly.

Mr. Cabral is the author of two books. *Selling Used Dogs* teaches shelter workers, volunteers and rescue groups how to get animals adopted. *Desperate Dogs Determined Measures* details canine evaluation, interaction and rehabilitation.

**Proposed Services**: The proposed scope of work required will include, but not be limited to the following:

- Provide training at six City shelters on how to run play groups with shelter dogs to provide socialization and exercise. The goal is reduce shelter dogs’ stress and make their time in our shelters more enjoyable. This playgroup time will better socialize shelter dogs, and make them more adoptable. Staff would have first-hand knowledge of a dog’s behavior in these play groups, share this information to prospective adopters, and increase a dog’s chances of leaving the shelter.

- Provide proper animal handling techniques to employees and volunteers. This is expected to result in improved employee and volunteer safety.

- Provide training to improve employee/volunteer skills related to canine behaviors, modifying inappropriate canine behaviors, and promoting appropriate dog-to-dog social behavior.

- Provide the Department with training-related protocols and procedures that can lead to an increase in the live-save rate and improved quality of life for shelter dogs. These documents will ensure that training provided by the Bound Angels can be followed effectively upon the conclusion of this training.

**Compensation**: Bound Angels will provide initial training at all six shelters, twice at each shelter, for $950 per day. This initial training is expected to cost $11,400. Any additional training will be for $450 per day.

**Recommendation**: Bound Angels is a local organization, so making follow-up visits to the shelters will be more convenient and less expensive (he will not charge for travel/accommodations). In the past, Mr. Cabral has provided Animal Services, at no charge, instructional videos and bilingual written materials. His photography lines the walls of the East Valley shelter. Due to his demonstrated experience providing similar services to shelters, his working relationship with the Department, proximity, and price, the Department recommends Bound Angels to provide playgroup services.

**FISCAL IMPACT:**
There is no impact to the General Fund. Funds will come from the Animal Welfare Trust Fund.
Report to the Board of Animal Services Commissioners
Subject: Recommendation for Dog Playgroups Contractor

APPROVED

BRENDA BARNETTE, General Manager

Attachment:

Draft Letter of Agreement

BOARD ACTION:

________  Passed  Disapproved  __________

________  Passed with noted modifications  Continued  __________

________  Tabled  New Date  __________
This Letter of Agreement (Agreement) is for Bound Angels (Provider) to provide training for Animal Services staff at six shelters on how to run play groups to provide socialization and exercise. These activities would help reduce shelter dogs’ stress and make their time in our shelters more enjoyable.

1. Scope of Work

The proposed scope of work required will include, but not be limited to the following:

- Provide training at six City shelters on how to run play groups with shelter dogs to provide socialization and exercise. The goal is reduce shelter dogs’ stress and make their time in our shelters more enjoyable. This playgroup time will better socialize shelter dogs, and make them more adoptable. Staff would have first-hand knowledge of a dog’s behavior in these play groups, share this information to prospective adopters, and increase dog’s chances of leaving the shelter.

- Provide proper animal handling techniques to employees and volunteers. This is expected to result in improved employee and volunteer safety.

- Provide training to improve employee/volunteer skills related to canine behaviors, modifying inappropriate canine behaviors, and promoting appropriate dog-to-dog social behavior.

- Provide the Department with training-related related protocols and procedures that can lead to an increase in the live-save rate and improved quality of life for shelter dogs. These documents will ensure that training provided by the Provider can be followed effectively upon the conclusion of this training.

2. Fees

The Provider agrees to accept the following for these services:

- $950/day for initial training at six shelters, with two days at each shelter.

- Additional training, upon the Department’s request, will be $450/day.

3. Billing and Record Keeping

a. Upon completion of the services, Bound Angels shall bill the Department for services rendered. The required documentation shall be completed and mailed to

   Attention: Brenda Van Den Bosch
   Department of Animal Services
   221 North Figueroa Street Room 500
   Los Angeles CA 90012

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1 A “day” is defined at six hours.
b. Billings must be submitted within 60 days of services or they will not be honored by the Department. Billings received after the 10th of each month will be processed the following month.

c. All payments are subject to review and approval of Provider’s full documentation and work performance by the Department.

d. The Department will make all reasonable efforts to pay Bound Angels each month for services rendered in the previous month as long as original invoices and supporting documentation are received on time as indicated therein.

4. Term

Unless terminated sooner, this Agreement shall commence upon signing by Bound Angels, and shall terminate one (1) year thereafter, and may be renewed for up to two (2) additional one-year terms by City. If the terms herein are updated, a new Agreement will be sent to Bound Angels for execution at the time of renewal, and must be executed by Bound Angels if it wishes to provide services.


a. Provider shall provide all materials, equipment, and personnel and shall bear all costs for any necessary permits, insurance and taxes required to perform these services.

b. Bound Angels shall maintain a City of Los Angeles Business Tax Registration Certificate.

c. Termination: Either party may terminate this Agreement at any time by giving the other party fifteen (15) days prior written notice. If Provider fails to abide by any of the terms or conditions of the Agreement, the Department may give Provider a written notice to cure. If not cured within 30 days after notice (forthwith for a default involving sanitary or safety conditions) or reasonable progress to cure is not made, the Department may terminate the Agreement and suspend sending animals to Provider.

d. Insurance: Provider shall acquire and maintain insurance coverage and liability limits of a type and in an amount for premises liability, malpractice and such other insurance as is customary for licensed California veterinarians in the Los Angeles area, with one or more financially sound and reputable insurance companies and provide proof of such insurance to the Department upon request.

6. Maximum Annual Amount to be Paid to Provider

The amount to be paid to the Provider by the Department under this Agreement may not exceed either $25,000. Payment in excess of this annual amount in either category must be done pursuant to a City contract subject to prior approval of the Board of Animal Services Commissioners.

I HAVE READ THE OPERATION GUIDE AND I AGREE TO ABIDE BY ITS TERMS.

ROBERT CABRAL, BOUND ANGELS (Print)
Report to the Board of Animal Services Commissioners

Brenda Barnette, General Manager

COMMISSION MEETING DATE: August 26, 2014
REPORT DATE: August 22, 2014

SUBJECT: REQUEST FOR MONTHLY NEW HOPE REPORT

BOARD ACTION RECOMMENDED:

- NOTE AND FILE this report.

SUMMARY

In a previous request to the Department, the Board wanted monthly information relative to the New Hope partners. The report would have the following information:

1) List of top New Hope partners and number of dogs/cats “pulled” from the six shelters.
2) The number of animals transported and the names of the destination facility.
3) The number of dogs/cats pulled by Best Friends Animal Society and taken to the Northeast Valley (Mission Hills) shelter. And of those, the number adopted, transported, and the break down showing how many went to each destination facility.

The attached monthly report is the first and complies with the Board’s direction.

FISCAL IMPACT:
There is no impact to the General Fund.
Report to the Board of Animal Services Commissioners
Subject: Monthly New Hope Report

APPROVED

BRENDA BARNETTE, General Manager

Attachments

BOARD ACTION:

_______ Passed

_______ Passed with noted modifications

_______ Tabled

Disapproved

Continued

New Date
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