Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. For information please call (213) 482-9558.

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

FACILITY TOUR OF BEST FRIENDS ANIMAL SOCIETY MISSION HILLS SHELTER

Commission Tour of Mission Hills Shelter (starts at 6:15 p.m.). Public is welcome. The Commission meeting will begin promptly at 7:00 p.m.

REGULAR COMMISSION MEETING

1. PUBLIC COMMENT PERIOD - (Comments from the public on items of public interest within the Board’s subject matter jurisdiction that are not on the Agenda; two minutes per speaker.)

Public Comments: The Brown Act prohibits the Board and staff from responding to the speakers' comments. Some of the matters raised in public comment may appear on a future agenda.
2. NEIGHBORHOOD COUNCIL COMMENTS  - (Discussion with Neighborhood Council representatives on Neighborhood Council Resolutions or Community Impact Statements filed with the City Clerk which relate to any agenda item listed or being considered on this agenda for the Board of Animal Services Commissioners)

3. COMMISSION BUSINESS

   A. Approval of the Minutes for Meeting of August 22, 2017. (Action Item; Public comment limited to one minute per speaker).

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

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

6. DISCUSSION ITEMS

   A. Addressing Department’s Phone System Problems. (Public comment limited to one minute per speaker).

   B. Removal of Dog Breed Labels from Kennels and Adoption Forms. (Public comment limited to one minute per speaker).

   C. Oral Staff Report on Kapparot Response. (Public comment limited to one minute per speaker).

7. BOARD REPORTS

   None.

8. ADJOURNMENT

Next Regular Meeting is scheduled for 9:00 A.M., September 26, 2017, at City Hall 200 North Spring Street, Room 1060, Los Angeles, California 90012. (Enter on Main Street).

AGENDAS - The Board of Animal Services Commissioners (Board) meets regularly every second (2nd) and fourth (4th) Tuesday of each month at 9:00 A.M. Regular Meetings are held at City Hall, 200 North Spring Street, Room 1060, in Los Angeles, CA 90012. Evening Meetings are held in various locations throughout the City, from 7:00 to approximately 9:30 P.M. The agendas for Board meetings contain a brief general description of those items to be considered at the meetings. Board Agendas are available at the Department of Animal Services (Department), Administrative Division, 221 North Figueroa Street, 6th Floor, Suite 600, Los Angeles, CA 90012. Board Agendas may also be viewed on the 2nd floor Public Bulletin Board in City Hall East, 200 North Main Street, Los Angeles, CA 90012. Internet users may also access copies of present and prior agenda items, copies of the Board Calendar, MP-3 audio files of meetings as well as electronic copies of approved minutes on the Department’s World Wide Web Home Page site at [http://www.laanimalservices.com/CommissionAgendas.htm](http://www.laanimalservices.com/CommissionAgendas.htm)

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Three (3) members of the Board constitute a quorum for the transaction of business. Some items on the Agenda may be approved without any discussion.

The Board Secretary will announce the items to be considered by the Board. The Board will hear the presentation on the topic and gather additional information from Department Staff. Once presentations have finished, the Board President will ask if any Board Member or member of the public wishes to speak on one or more of these items. Each speaker called before the Commission will have one (1) minute to express their comments and concerns on matters placed on the agenda. (For certain agenda items, speakers will have two (2) minutes.)

**PUBLIC INPUT AT BOARD MEETINGS – Public Participation on Agenda Items.** Members of the public will have an opportunity to address the Board on agenda items after the item is called and before the Board takes action on the item, unless the opportunity for public participation on the item was previously provided to all interested members of the public at a public meeting of a Committee of the Board and the item has not substantially changed since the Committee heard the item. When speaking to an agenda item other than during Public Comment (see Public Comment below), the speaker shall limit his or her comments to the specific item under consideration (California Government Code, Section 54954.3).

**Public Comment.** The Board will provide an opportunity for public comment at every regular meeting of the Board. Members of the public may address the Board on any items within the subject matter jurisdiction of the Board as part of Public Comment.

**Speaker Cards.** Members of the public wishing to speak are to fill out one speaker card for each agenda item on which they wish to speak and present it to the Board secretary before the item is called.

**Time Limit for Speakers.** Speakers addressing the Board will be limited to one (1) minute of speaking time for each agenda item except during general public comment period which is limited to two (2) minutes per speaker. (For certain agenda items, speakers will have two (2) minutes each.) The Chairperson, with the approval of a majority of the Board, may for good cause extend any speaker’s time by increments of up to one (1) minute.

**Brown Act.** These rules shall be interpreted in a manner that is consistent with the Ralph M. Brown Act, California Government Code Section § 54950 et seq.

**STANDARDS OF CONDUCT.** Speakers are expected to behave in an orderly manner and to refrain from personal attacks or use of profanity or language that may incite violence.

All persons present at Board meetings are expected to behave in an orderly manner and to refrain from disrupting the meeting, interfering with the rights of others to address the Board and/or interfering with the conduct of business by the Board.

In the event that any speaker does not comply with the foregoing requirements, or if a speaker does not address the specific item under consideration, the speaker may be ruled out of order, their speaking time forfeited and the Chairperson may call upon the next speaker.

The Board, by majority vote, may order the removal from the meeting of any speaker or audience member continuing to behave in a disruptive manner after being warned by the Chairperson regarding their behavior. Section 403 of the California Penal Code states as follows: “Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.”

**VOTING AND DISPOSITION OF ITEMS** – Most items require a majority vote of the entire membership of the Board.

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(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.
I. ADMINISTRATIVE APPEALS (Item taken out of order, held after item 7. C)

1. Possible Dangerous Animal Case: DA 172055 EV
Respondents: Kari Whitman
East Valley Animal Care and Control: Lieutenant Karen Knipscheer-Cox
Complaining Witness: Mrinalina Sharma, Dalila Ascencio and Mirsita Avelarde

The Respondent Kari Whitman was not present and was represented by legal counsel Anne McKenzie. Commissioner Garcia provided guidance on conduct of appeal hearing; must limit argument to why the process was unfair or how the evidence does not support the General Manager’s decision. Ms. McKenzie argued that the foster guardians were responsible for the dog rather than Kari Whitman because they signed an agreement; stated that the fosters mishandled the dog; claimed that the Department did not inform counsel to bring evidence to the administrative hearing; and stated that Ace of Hearts wants to rehabilitate and retrain the dog, Aspen. Ms. McKenzie provided copies of the foster agreements to the Board. Complaining Witness Mirsita Avelarde was present and recounted the details of the attack, including injuries sustained. Ms. McKenzie was called back and answered questions regarding her role in Ace of Hearts.

Commissioner Wolfson stated for the record that the General Manager determined that the dog is a dangerous animal. Commissioner Garcia remarked that Ms. McKenzie’s arguments focused on placing responsibility for the dog on the fosters, however, the focus of the case is if the dog is a dangerous animal. Ms. McKenzie stated that her client is concerned that a determination of dangerous animal will cause Ace of Hearts to close its shelter because the Department prohibits the “owner” from owning any dogs for a period of three years; repeated argument that the fosters should be considered the “owner.” DCA Lesel noted that the rescue group can take back ownership of the dog from the foster. There was discussion regarding what constitutes ownership
and a comparison of foster programs. **Commissioner Wolfson** inquired if it is possible to take the dog out of circulation and hold Ace of Hearts harmless so it can continue its work in the City. **DCA Lesel** explained the options, including that the Board may make a strong recommendation to the General Manager to favorably look at reinstating the license opportunities for the respondent or Ace of Hearts, however, the decision is at the discretion of the General Manager. Discussion returned to options available within the Municipal Code and Charter. **Commissioner Dicker** commented that Ace of Hearts handled the matter poorly and set the dog up to fail, however, he feels that it is in everyone’s best interest to mitigate the impact on Ace of Hearts. Ms. McKenzie replied that there seemed to be unfortunate circumstances in this case and it led the group to reevaluate and change its policies regarding the selection and training of fosters. **DCA Lesel** stated that Ace of Hearts has been around for a long time and should have been better prepared; advised that if the dog is deemed dangerous and the license is revoked, the group can request a discussion with the General Manager to present its process for ensuring that appropriate fosters are matched with appropriate dogs, and to ensure that mistakes are not repeated. Discussion returned to what authority to restore licensing privileges falls within the purview of the Board and the General Manager.

**Commissioner Wolfson** made a motion to uphold the decision of the General Manager with the strong recommendation that Ace of Hearts be restored to good standing as quickly as possible. Ms. McKenzie asked the Board to consider license revocation without euthanizing the dog and added that Ace of Hearts is willing to sign an affidavit stating that they’ll have their most experienced foster transport the dog to a training facility for rehabilitation. **Commissioner Wolfson** commended Ace of Hearts for their willingness to save the dog at their own expense. **Commissioner Finsten** seconded and the motion was approved by a vote of 3-0. **Commissioner Dicker** changed his nay to abstention.

**Phyllis Daugherty:** Stated that the Board’s discussion on this case was inappropriate and out of line.

2. **Possible Dangerous Animal Case: BD 162385 HAR**

**Respondents:** Vivien Hao

**Harbor Animal Care and Control:** Lieutenant Jesse Carrillo

**Complaining Witness:** Patricia Moncada

The Respondent Vivien Hao was present and stated that the evidence did not support the Hearing Officer’s decision; recounted steps she took to correct her dogs’ barking; made counter allegations against Complaining Witness. Ms. Hao appealed two items on the terms and conditions: item 1, the requirement for the dogs to always be supervised by an adult, and item 7, the requirement the dogs be walked daily; she claimed that she already walks her dogs regularly. Complaining Witness Patricia Moncada was present and testified on the constant barking by respondent’s dogs; stated that she’s a dog owner herself and knows that dogs bark sometimes but that Respondent’s dogs bark all the time for no reason. Ms. Moncada stated that she works from home and has been negatively affected by the constant barking; doesn’t believe the respondent’s claims that
steps were taken to correct the dog’s excessive barking. Ms. Moncada answered questions from the Board. **Commissioner Wolfson** stated that item 7 is a moot point if respondent already walks the dogs, and questioned the effectiveness of item 1 due to testimony that the dogs bark excessively regardless of Respondent being home or not; counseled Ms. Hao and Ms. Moncada to find a solution together. Ms. Moncada stated that the issue has persisted since 2013. There was discussion on what recourse is available to Ms. Moncada if the excessive barking continues and the likely outcome if another hearing is held. **DCA Lesel** provided a review of the process. **Commissioner Dicker** commented that shock collars should not be used. Ms. Moncada addressed the Board and expressed her frustration that there appears to be no recourse to relieve her from the excessive barking. **Commissioner Garcia** assured Ms. Moncada that there is a process in place to resolve such issues, it just takes time. Ms. Hao retuned for rebuttal; testified that she is a responsible dog owner and that her dogs do not bark excessively; stated that this is a neighbor dispute. **Commissioner Wolfson** recommended that the parties seek mediation, and stated that the Hearing Officer’s decision is supported by the evidence.

**Commissioner Wolfson** moved to uphold the decision of the General Manager. There was discussion on banning the use of shock collars. **Commissioner Finsten** seconded and the motion was approved by a unanimous vote of 4-0.

II. REGULAR COMMISSION MEETING

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

**Diana Mendoza:** Identified herself as a member of PETA; recounted incident of a fatally injured dog found in a dumpster in South L.A., problems with the South L.A. shelter’s faulty phones systems, and lack of response to calls of animals in need. Ms. Mendoza announced that PETA is offering a reward for information and is canvassing the neighborhood; stated that the dog was microchipped and was adopted from the South L.A. shelter two years earlier. **Daniel Guss:** Identified himself as a member of the STAND Foundation; agreed with issues brought up by Ms. Mendoza; brought up another example of animal cruelty from years prior; commented on Phyllis Daugherty’s new article on City Watch regarding the issue of removing breed labels from kennel cards. **Phyllis Daugherty:** Identified herself as a member of the Animal Issues Movement; thanked Ms. Mendoza; criticized the Board on apparent lack of interest in animal cruelty activity; spoke about her work with Pit Bulls and the need for breed labels; spoke about ACT recovering from a gunshot wound and the need for professional counseling for affected shelter staff.

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

Public Comment:
None.

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3. COMMISSION BUSINESS

A. Approval of the Minutes for Meeting of August 8, 2017.

Commissioner Wolfson made a motion to approve the minutes of August 8, 2017. Commissioner Dicker seconded and the motion passed by a unanimous vote of 3-0.

Public Comment: None.

4. ORAL REPORT OF THE GENERAL MANAGER (Item taken out of order, held after item 1. 2)

GM Barnette discussed the following:

- On August 19, Clear the Shelters event resulted in 420 adoptions from LAAS shelters.

Public Comment: None.

5. COMMISSIONERS’ ORAL REPORTS AND FUTURE AGENDA ITEMS (Item taken out of order, held after item 3. A)

Commissioner Wolfson asked the Department to report on call response times in order to establish a benchmark and make improvements; requested that the Department standardize care of bunnies in shelters; commented that some shelters are doing better than others.

Commissioner Dicker shared concerns regarding response times and agrees that topic needs to be agendized for discussion; asked DCA Lesel for status of subsidizing adoption fees. DCA Lesel stated that the City Attorney completed their response and the topic can be added to the agenda of the next meeting; it is already with the GM Barnette. Commissioner Dicker asked DCA Lesel for an update on the Shelter at Home Proposal. DCA Lesel stated that the City Attorney’s office is still working on it and might have more information in two weeks. Commissioner Dicker suggested a future discussion regarding development of a registry of animal abusers; cited similar programs have been implemented by other cities and one state; aware it may need City Council’s input.

Commissioner Garcia passed.

Public Comment: None.

6. Discussion Items (Item taken out of order, held after item 4)

A. Removal of Dog Breed Labels from Kennels and Adoption Forms.

GM Barnette opened the discussion by stating that other cities and shelters around the country already practice this and it leads to people getting to know...
dogs without getting hung up on breed labels; possible breed will still be maintained in database for statistical purposes; errors are frequently made in breed identification; a breed guide can be designed and displayed for the public's information; encouraged additional public discussion before drafting a board report or proposal.

**Commissioner Dicker** agreed with everything stated by GM Barnette and stated that studies have shown removing breed labels encourages people to get to know the dogs rather than looking for a specific breed; visual identification of mix-breed dogs is impossible; removing breed labels is not misleading the public; having breed labels does mislead the public because dogs are identified incorrectly. **Commissioner Dicker** stated that peer reviewed studies debunk any connection between breed and bite, aggression, or danger; CDC stopped tracking dog bites by breed because they found no correlation and it prejudices the data; removing breed labels is proven to increase shelter adoptions and decrease returns; opined that this is a win-win situation for the dogs, the public, and the shelters. **Commissioner Wolfson** commented that there are pluses and minuses to all approaches; DNA testing of dogs shows that we guess wrong all the time; is disturbed by the prospect of misleading the public; wants to do what is fair for the public and the dogs; public trust is important. **Commissioner Finsten** asked GM Barnette about shelter staff’s capacity to provide the public with information on a dog’s breed and behavior. **GM Barnette** responded that staff needs more training on breed recognition; recounted experience developing a program in another shelter; suggested development of informational charts and handouts on possible breeds. **Commissioner Wolfson** asked for clarification on what the kennel label would say. **GM Barnette** suggested replacing breed with size: small, medium, or large; have supplemental breed material posted on the wall; and educate the staff and volunteers to focus on the dog’s personality. **Commissioner Wolfson** asked for GM Barnette’s thoughts on public perception. **GM Barnette** believes that breed labeling can be deceptive. **Commissioner Dicker** spoke about Animal Farm Foundation’s publication that raised these same issues; stated that the three most “bitey” dog breeds are Chihuahuas, Dachshunds, and Jack Russell Terriers; spoke about behavior variations within breeds, first generation and second generation mixed-breed dogs cannot be correctly identified; stated that ascribing a behavioral profile to groups of dogs is unmerited; shares Commissioner Wolfson’s concern about public perception; believes it is unfair to the public to continue to label dogs. **Commissioner Finsten** asked how fast the training for the staff would happen. **GM Barnette** suggested that this topic be discussed more broadly at a potentially larger Board meeting to obtain more public input, and estimated that it could take 8 – 12 weeks to roll out a program to educate the staff and volunteers at all the shelters. **Commissioner Finsten** asked if a pilot program could be considered. **GM Barnette** stated that it could be done, although there might be some IT issues. **Commissioner Dicker** stated that predicting behavior on breed labels is ludicrous. **Commissioner Wolfson** asked if removing the breed labels means that the dogs would be harder to find on Petfinder. **GM Barnette** believes that Petfinder is breed-specific so that may be the case. **Commissioner Wolfson** asked if LAAS is on Petfinder. **GM Barnette** replied that we were at one time and is not certain of the current status. **Commissioner Wolfson** stated that he wants LAAS to be on Petfinder and, if necessary, that we use breed labels for the purpose of being on Petfinder.

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Public Comment:

Maryana DeLosSantos: Identified herself as a member of Best Friends Los Angeles, and spoke in favor of removing breed labels; recounted experience implementing mixed-breed identifiers and removing breed labels; potential adopters are directed to find a dog based on personality and unique characteristics; still in first 30 days of implementation and has not seen an impact on adoptions or returns; stated that lack of consistency in shelters indicates that visual identification of all dogs is unreliable.

Phyllis Daugherty: Requested that Commissioner Dicker provide a list of the studies cited, and spoke out against removing breed labels; stated that it is deceitful and City will incur liability.

7. Board Reports

A. Acceptance of a $200K Grant Awarded by the American Society for the Prevention of Cruelty to Animals (ASPCA).

AGM Dana Brown presented a brief overview of the report, including that the grant is for the purpose of underwriting adoption fees of cats four months and older for the public and for New Hope partners; differs from a previous ASPCA grant which included adoptions for adult cats, Pit Bull mixes, and Chihuahua mixes; will increase the live save rate and offset the influx from this kitten season; if Board approves, the grant will be presented to the Mayor and City Council for approval and funds will be deposited in the Animal Welfare Trust Fund (AWTF). Commissioner Finsten inquired if the Department used all of the funds of the previous grant. AGM Brown confirmed that funds from the grant received in 2015 were depleted in this year; it was double the amount of this grant, it covered more animals, and had provisions as to who qualified. Commissioner Finsten asked if the previous grant was not restricted only to cats and if it is a competitive grant. GM Barnette confirmed that the previous grant was not just for cats, and stated that the ASPCA gives grants where they see areas of need. Commissioner Finsten asked how long this grant will last. GM Barnette replied that the ASPCA wants LAAS to expend the funds by the end of this year. Commissioner Finsten asked if an extension can be requested. GM Barnette confirmed that an extension may be requested, and an extension was approved in the case of the previous ASPCA grant. AGM Brown added that the grant ends on February 4, 2018. Commissioner Garcia asked if the Department is sending out a press release, and noted that the report contains a sample. GM Barnette confirmed that it is in development. Commissioner Garcia remarked that promoting this is important to reach No Kill status. Commissioner Dicker inquired if the grant is only for the adoption fees or if activities surrounding adoptions are included. GM Barnette confirmed that the grant is only to underwrite adoption fees.

Public Comment:

Phyllis Daugherty: Commented that Department will not be able to accept anything that is designated for specific breeds as it is eliminating use of breeds.

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Commissioner Wolfson made a motion to approve the Acceptance a $200K Grant Awarded by the American Society for the Prevention of Cruelty to Animals (ASPCA). Commissioner Finsten seconded and the motion was approved by a unanimous vote of 4-0.

B. Bequest from Leda G. Geller Trust.

AGM Brown presented the report, including that the bequest is for $68,000 with an additional amount of up to $10,000 in residual funds to be distributed in 2018; explained the process for accepting gifts of over $25,000; if approved by the Board, the grant will be presented to the Mayor and City Council for approval; funds will be deposited in the Animal Welfare Trust Fund (AWTF) and used within the parameters of the AWTF. AGM Brown expressed the Department’s gratitude for this generous gift, and stated that there was insufficient time to research who the Gellers are and why they chose to award this benefit to the Department.

Public Comment: None.

Commissioner Wolfson made a motion to approve the acceptance of the Bequest from Leda G. Geller Trust. Commissioner Finsten seconded and the motion was approved by a unanimous vote of 4-0.

Commissioner Finsten asked GM Barnette if public education on planned giving is available. GM Barnette replied that the Department is working with the City Attorney’s office to get a gift acceptance policy in place.

C. Request for Proposal to Operate West Valley Shelter Spay/Neuter Clinic. (Item taken out of order, held after item 5)

Senior Management Analyst (SMA) John Forland presented a brief overview of the report, including that the West Valley shelter was funded through Prop F and was designed to include a spay/neuter clinic; the shelter opened in 2005 but the spay/neuter clinic was not available until earlier this year as it was in use by the shelter’s veterinary staff pending completion their own area within the shelter. SMA Forland summarized the terms of the RFP, including that the initial term of the agreement is for three years, with a renewal option of up to three years; the search is for a private veterinarian to operate the clinic; cited workload at the spay/neuter clinics attached to the other shelters as examples of the volume of surgeries we can expect.

Commissioner Wolfson made a motion to approve the Request for Proposal to Operate West Valley Shelter Spay/Neuter Clinic. Commissioner Dicker seconded and the motion was approved by a unanimous vote of 3-0.

8. ADJOURNMENT

Meeting ended at 11:04 a.m.