

MINUTES
City of Los Angeles
BOARD OF ANIMAL REGULATION

October 21, 1999, 5:00 p.m.

The Board of Animal Regulation Commissioners convened in session on Monday, October 21, 1999 at the Davidson Conference Center, University of Southern California, University Park, Los Angeles, CA.

Call to Order/Roll

The meeting was called to order at 5:15 p.m.

Commission Members Present: Vice President/Acting President Al Avila, Commissioners Florence Jackson and Kathleen Riordan, constituting a quorum. Commissioner Linda Harris Forster was delayed in arriving.

Staff Members Present: General Manager Dan C. Knapp, Margaret Sullivan, Jackie David, Linda Gordon, Captain Robert Peña, Renée Quimby, and Carmella Ortiz.

Welcome and Introduction

Councilman Mark Ridley-Thomas welcomed the attendees to the hearing and thanked the Commissioners for being here today in his District and for enduring this lengthy and intense series of hearings on the subject of the proposed ordinance. He acknowledged the work of General Manager Dan C. Knapp and his staff for their efforts in coordinating this meeting, and thanked the participants who took the time from their schedules to attend the meeting and testify before the Board on such a critical issue concerning community health and safety and the humane treatment of animals. The Councilman called the situation a crisis, which in his mind and that of others is a crisis related to pet overpopulation. A little over six months ago he had addressed this issue at a Department of Animal Regulation Board meeting held at the Eighth District Constituent Service Center, speaking of the estimated 44,000 dogs roaming the streets of the City each year, threatening the health and safety of adults and children alike. He cited the fact that due to overcrowded conditions, over 74% of animals impounded are euthanized. This continues to be an unacceptable situation, but since that time a number of significant steps have been taken.

The City has substantially increased the Department of Animal Regulation's budget, and in his view there is still more to be done in that regard. The increased budget will mean better services, greater enforcement of existing laws, more public education about responsible pet ownership. And on the policy front, the problem is being approached from several different angles. First, the City Council approved the motion Councilman Ridley-Thomas introduced to support state legislation that increases penalties for illegally training dogs to fight and attack. Governor David signed that legislation on August 30, 1999. Second, possible City regulations are being explored to curb the rampant rate at which dogs and cats reproduce. Thinking about these goals, today's hearing is focused on a discussion related to a proposed spay/neuter ordinance which is one part of a comprehensive strategy to solve the pet overpopulation problem. Other steps are under way

or in the works; for example, providing the Department of Animal Services with adequate resources, setting policy that supports and complements efforts by the Department to control the pet population, and beyond that, setting policy that ensures public health and safety. Finally, seeking solutions that garner the widest possible public support, including support from those who actively work for the well being of animals.

The City must increase public education about pet ownership, it must ensure the accessibility to and affordability of services related to pet responsibility is in place, and it must work toward increasing and assuring the humane treatment of animals. The challenge is difficult, but by no means an insurmountable one. An important part of problem solving is gathering information and analyzing that information, and in the policy-making process, public comment is key to gathering that information. The Councilman again commended and thanked everyone present for choosing to participate in this process. It is well-known the Eighth District has what is called the most mature neighborhood council network in the City, called the Empowerment Congress, and its objective is to maximize and share information, and make informed decisions. Councilman Ridley-Thomas and the Empowerment Congress see participation in tonight's meeting as part of that effort, and consider that example is noteworthy and commendable. The Councilman thanked everyone for this opportunity.

Approval of Minutes

As Minutes were still in preparation, approval was continued to the next meeting.

Old Business

None

New Business

Report on the Special Enforcement Unit (SEU)

Captain Robert Pena reported on the activities of the Special Enforcement Unit from September 1998 through September 1999, with emphasis on activities in the Eighth District. Here, in the past year, the SEU caught nearly 300 stray dogs, issued over 30 citations, and over 30 warnings, and conducted 370 leash law violations. In the past two days there has been a special effort around the USC area of the Eighth District, and 20 loose dogs were impounded and 1 citation was issued. The SEU will continue to patrol this area as often as possible, and continue to issue oral warnings and citations in compliance with the Department's zero tolerance policy regarding leash law violations.

Mr. Avila asked what the SEU's experience has been regarding the kinds of dogs collected in this area. Captain Pena indicated the majority of dogs picked up in this area are of mixed breed, German shepherd, pit bull and rottweiler mixes. Many are sick, some have distemper and mange and other diseases.

Mary Di Blasi asked how many of the dogs picked up in this area are euthanized off the truck without being put up for adoption. Captain Pena indicated he did not have those figures at hand, but could research the question. Commissioners had no further questions on this report.

Public Hearing on Pet Overpopulation Ordinance

Mr. Avila reminded those present that they needed to submit a speaker's card in order to address the Board, and that they would have one minute to speak. 69 persons addressed the Board concerning the proposed ordinance. A complete transcription of the individual testimonies will be a permanent part of the record of this meeting.

General Manager's Report

Mr. Knapp indicated he had not prepared items for report because of the anticipated length of the meeting. He indicated he would like to respond in general to comments made in the course of the hearing. He stated that the proposed ordinance is not intended to target breeders, but to target the problem. He has met many responsible breeders during the course of these hearings, and quoted someone who told him they did not think anyone irresponsible would bother to show up for these meetings. The hearings involve responsible people speaking to an irresponsible problem. The goal, irrespective of television sound bites selected from interviews Mr. Knapp has given, is not to "hunt breeders", but to solve the problem and stop the killing.

Comments by Board Members

There were no comments by Board members, and Mr. Avila adjourned the regular meeting and went directly into the Special Meeting.

SPECIAL MEETING REGARDING GRAND JURY REPORT

Roll Call

Commissioners present: Vice President/Acting President Al Avila, Commissioners Linda Harris Forster, Florence Jackson and Kathleen Riordan, constituting a quorum.

Staff members present: General Manager Dan C. Knapp, Margaret Sullivan, Captain Robert Pena, Jackie David, Linda Gordon, Renee Quimby, and Carmella Ortiz.

County Grand Jury Limited Management Audit Review

Mr. Knapp reviewed for the Commissioner that last March/April the Los Angeles County Grand Jury performed a limited management audit of the Department of Animal Regulation. The audit was welcomed, and the Department worked very closely with the auditor. In June, the Grand Jury filed their final report and submitted it to the Department. Mr. Knapp directed the Commissioners' attention to the suggested required Response to the final report findings and recommendations of the Los Angeles County Limited Grand Jury, presented to the Commissioners this evening for their review, with staff recommending their review and their action this evening. There is a timeline in effect for submission of this reply to the presiding judge, the Foreman of the Los Angeles County Grand Jury, the County Clerk and the City Clerk

by Monday. Mr. Avila commented that his perusal indicated the Department is in general agreement with the Grand Jury's recommendations, and that the Department is agreeing to look further into all the items listed with more time and preparation detail in the next couple months. Mr. Knapp clarified that the Board is required to respond in discussion to the items noted by the end of the year, and the dates and months are scheduled as noted. Mr. Avila indicated there would be probably be four more meetings before the end of the year, and although there is one large item under continued discussion, there are still a number of other items that must be dealt with before January first, including this report. As there are several major categories to the Grand Jury report, he suggested deliberating on one category from the report at each of the subsequent meetings through the end of the year, rather than trying to go through the entire report on one sitting. Mr. Knapp indicated staff recommended adoption of the reply tonight, because it must go to the Grand Jury as soon as possible, but that one amendment is proposed to this document. On Page 2, Item 2: "after receiving authorization for the budget modification from the Mayor and the City Council, reorganize the Department as presented in this finding"; what staff is proposing is to take the answer that is under Item 2 Point 1, and move it to be the answer of Item 2, and then the answer for 2 Point 1 would be the sentence "The Department agrees with the budget as presented by the Mayor." That is the only amendment recommended to the document at this time.

Mr. Avila noted that some of the items have been addressed through the City Council budget process for the current fiscal year, and therefore some have already been addressed, and these will be brought to the Commissioners' attention in detail as deliberations begin on each specific item. Mr. Avila asked if there were any other items that were at major variance with what is on the document under review. Mr. Knapp indicated there were only two items where the Department either partially disagrees and/or notes that it agrees with intent of the recommendation, and these will be discussed further. On all remaining items the Department agrees, and as Mr. Avila had noted, has implemented or is in process of implementing them. In addition, Mr. Knapp noted some of these items required discussion or exploration as their primary point; more so than the actual implementation of the findings, the Grand Jury's intent was that they be explored, discussed and looked at.

Mr. Knapp also wanted to note the presence at tonight's meeting of Deputy City Attorney Val Dinu, and to thank him for his assistance in this matter. Mr. Avila asked what action staff desired of the Commission this evening. Mr. Knapp stated staff had a suggestion before the recommendation that the Board has considered and adopted this report from the General Manager as amended, responding to the Grand Jury's recommendations contained in their particular report and orders the General Manager to transmit this report, and staff has a draft order for their consideration. Mr. Avila asked Mr. Dinu if he had reviewed this document. Mr. Dinu indicated he had done so, and that he had been reviewing it as it was prepared. He had several relatively minor technical changes to offer. On Page 1, paragraph 2, "the last response in November", Mr. Dinu would add "1999", for obvious reasons. On Page 2, Paragraph 2.2, the Penal Code requires the Commissioners to deliberate on this issue even though they agree with it, because stating that right now there are no plans for further studies could be interpreted as saying the Commission is not going to discuss this issue, when actually the Board is going to discuss everything in the report before the end of the year. So it would be a good idea to add a sentence indicating that the Board will be discussing this matter. The Commission does not have to conduct or order a study. Mr. Knapp suggested that dropping the sentence in question would clarify the section, and Mr. Dinu agreed. On Page 3, Paragraph 3, in the quote from the Grand

Jury report "a broader range of skills....." in the last full sentence, the first word on the left should be "ranger". On Page 4, the response to Paragraph 3.3, "the Department agrees with these recommendations and will discuss..." should read "the Commission will discuss it in its December meeting..." as opposed to "the Department will discuss it". Finally, on the last page, Paragraph 4, the quote "included i" should be "included in". Mr. Dinu apologized for such close scrutiny of the document, but explained it was a public document going to the presiding judge and the County Clerk, where it will also be closely inspected. Mr. Dinu expressed the document with amendments is in compliance with requirements of the Penal Code.

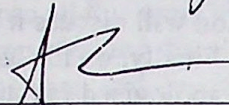
Mr. Avila thanked Mr. Dinu for his help, and particularly for the timeliness of his assistance, in ensuring that this and other matters were handled expertly and expeditiously. Commissioner Riordan asked for clarification of what the import of the Grand Jury report will be, in light of the fact that many of its recommendations have been apparent to the Department for some time. Will the report guarantee that the City will provide the services and staff requested, or does it only verify the Department's perceptions of its needs? Mr. Dinu indicated that although he could not speak for the City Council, the response is required by the Penal Code, as any entity that is investigated by the Grand Jury and is the subject of a final report must submit a response according to instructions in Penal Code section 933.05. The fact that the Board responds does not necessarily mean that the Department will get everything it needs. Quite a bit of the response is an agreement to discuss the recommendations further, and the Mayor's office will be doing the same thing. Mr. Dinu indicated the Mayor's Office response is also a public document and will be available for perusal by this Commission, although it will probably mirror this document to a great extent. The response is a philosophical commitment, rather than a commitment of funds at this point, but definitely a commitment to further analyze this matter and discuss it. Mr. Knapp emphasized that the Department staff, although already overextended, will continue to proceed in good faith to analyze this document, but that he needed to inform the Commission it may be necessary to put aside current projects in order to achieve the analysis within the resources available to the Department at this time. Commissioner Riordan explained that it was her concern that the staff is already overworked, and that this analysis will have an impact upon the Department's work. Mr. Dinu indicated that the Commission and the Mayor are the actual responsible parties responding to this report, and that staff is support personnel in this matter.

Mr. Avila announced he would entertain a motion to approve the recommendations as amended by staff and the Deputy City Attorney. Commissioner Riordan moved, and Commissioner Jackson seconded the motion. Without further discussion, the motion passed unanimously (4 ayes).

As there were no speaker cards submitted for public comment on this item, Mr. Avila closed the public comments section, and declared the meeting adjourned at 8:30. p.m.

February 7, 2000

ATTEST



PRESIDENT

Carmella [Signature]

COMMISSION SECRETARY