February 25, 2005

The Public Safety Committee
200 North Spring Street, Room 395
Los Angeles, California 90012

Attention: Adena Tessler, Legislative Deputy

RE: WAIVER/DEFERMENT OF ADOPTION FEES FOR ORGANIZATIONS THAT ARE PART OF THE PARTICIPANT SHELTER PROGRAM, AMENDING LOS ANGELES MUNICIPAL CODE SECTION 53.11 (o) and (p), AND MODIFYING SECTIONS 53.12, 53.15.3 and 53.15.5 (CF 00-1206)

Dear Council Members:

The Department of Animal Services (Department) respectfully submits the Board of Animal Services Commissioners’ (Commission) recommendation to amend the Los Angeles Municipal Code (LAMC), Section 53.11 (o) and (p), and modify Sections 53.12, 53.15.3 and 53.15.5.

RECOMMENDATION:

On February 14, 2005 the Board of Animal Services Commissioners (Commission) approved the Department of Animal Services recommendations for amending the Los Angeles Municipal Code (L.A.M.C.) Section 53.11 (o) and (p), which will in turn modifies Sections 53.12, 53.15.3 and 53.15.5 of the Los Angeles Municipal Code to allow the General Manager to waive or refund fees in conjunction with the Participant Shelter Program and adopt the recommendation of the Department of Animal Services (Department) to:

1) Allow county and other municipal animal control agencies to acquire animals from the City of Los Angeles; and

2) Provide opportunities for humane societies, other county and municipal animal control agencies, Society for the Prevention of Cruelty to Animals (SPCA) and rescue organizations participating in the Participant Shelter Program and entering into an agreement with the Department, to adopt available shelter animals from

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City shelters by allowing the General Manager to waive, defer or refund adoption fees; and

3) Request that the City Council amend the language in L.A.M.C Section 53.11 (o) and (p) to include language that modifies L.A.M.C Section 53.15 regarding electronic animal identification device (microchip) fees so that it allows the General Manager to waive or refund animal microchip fees to participant organizations; and

4) Request the City Council to direct the City Attorney to transmit a draft ordinance amending L.A.M.C. Section 53.11 (o) and (p) for consideration and adoption by the City Council.

Summary:

Reducing shelter overpopulation, increasing opportunities for animal adoptions through partnerships across local jurisdiction lines, and decreasing the number of animals euthanized in City shelters are areas of high priority for the Department. In order to promote the welfare of animals, expand opportunities for animal adoptions, and create an environment where no adoptable animal is euthanized, the Department has been working on the Participant Shelter Program (Program). The Program will facilitate the suitable placement of animals from City shelters to another municipal or county animal control agency, Society for the Prevention of Cruelty to Animals (SPCA), humane society or rescue organization that meet the eligibility requirements of the Participant Shelter Program and enter into an agreement with the Department.

County and other municipal animal control agencies, the Society for the Prevention of Cruelty to Animals and humane societies are required by law to sterilize and license animals, and the rescue organizations that will partner with the Department must participate in early age sterilization and the humane treatment of animals, all will have to enter into agreements with the Department to ensure that animals that are taken under the Program are at a minimum, sterilized, microchipped and licensed.

The proposed ordinance amending Los Angeles Municipal Code Section 53.11 Subsections (o) and (p), will continue to allow the General Manager to waive adoption fees three times a year for members of the general public and in addition, waive various animal adoption fees anytime for those entities that participate in the Department’s Participant Shelter Program. A Participant Shelter Program, upon which this proposal is based, is already underway in San Diego County. Jurisdictions where eligible prospective participants have already expressed interest to the Department include: the Cities of Glendale, Seal Beach, Burbank, Irvine and Pasadena.

The proposed amendment to L.A.M.C. Section 53.11 will also modify L.A.M.C. Section 53.15.5, which deals with the placement of a microchip type identification device in a dog or cat. Since 1998, the Department has been authorized to implant the microchip devices. L.A.M.C. Section 53.15.5 enables the Department to implant an electronic animal identification device in all dogs and cats adopted from the shelters at a cost of $15. Private owners of dogs and cats may bring their animals to a shelter and have the electronic animal identification device (microchip) implanted at a nominal cost of $25.
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The proposed revision will allow the General Manager to waive fees for the implantation of
electronic animal identification devices for SPCA’s, humane societies, and to municipal or
county animal control agencies. The General Manager will also be able to refund these fees to
rescue organizations that have a microchip program approved by the Department and provide
the Department with the necessary microchip information and proof that the microchip was
implanted.

The Department believes that moving forward with the Participant Shelter Program will head
the Department in the direction of “No Kill” and will save animals’ lives.

Every dog or cat adopted from a City of Los Angeles shelter frees up space for another dog or
cat to remain at our shelter facilities for a longer period of time. With the implementation of the
Participant Shelter Program, the Department anticipates that our shelters will be able to hold
animals for a longer period of time as animal overpopulation subsides in our shelters. It is
imperative that the City of Los Angeles seeks to implement innovative and humane solutions to
problems involving animal adoptions, shelter overpopulation and animal euthanasia. The
Department requests Council support in adopting the proposed changes to the L.A.M.C. to
establish the Participant Shelter Program and help facilitate the Department’s efforts toward
solving these problems and moving towards the City’s Life Oriented Policy.

The City Attorney has prepared a draft ordinance for consideration, attached as Attachment 1.

Fiscal Impact:

Other than perhaps an occasional cost of transporting an animal to a shelter operated by a
participant in the Program, the Department anticipates that there will be no additional costs to the
City for implementing the proposed changes. However, because no fees will be charged to
agencies involved in the proposed Participant Shelter Program, the Department anticipates that
there may be some decline in generated revenues.

Please feel free to contact me at (213) 473-8253 with any questions or concerns.

Respectfully,

GUERDON H. STUCKEY
General Manager
GS:RA:MTC

Attachment

cc: Adrienne Bass, Legislative Assistant
ORDINANCE NO. __________

An ordinance amending Los Angeles Municipal Code Section 53.11 Subsections (o) and (p), in order to allow the Department of Animal Services ("Department") to transfer a shelter animal to another municipal or county animal control agency, and in addition, to allow the General Manager of the Department to waive various animal adoption fees anytime it releases a shelter animal to another municipal or county animal control agency, Society for the Prevention of Cruelty to Animals (SPCA), humane society or rescue organization that meet the eligibility requirements of the Participant Shelter Program and enter into an agreement with the Department; and

WHEREAS, the General Manager currently has the authority to waive all or any portion of the fees prescribed in Los Angeles Municipal Code Sections 53.12 and 53.15.3 on a maximum of three separate days in any calendar year in order to encourage and promote pet adoptions by the public, or at any time the animal is released to a humane organization for further adoption pursuant to this section; and

WHEREAS, the proposed changes will allow the General Manager to release animals to another municipal or county animal control agency located outside of the City of Los Angeles; and

WHEREAS, the proposed changes give the General Manager greater flexibility to defer or waive all or any portion of the fees prescribed in Los Angeles Municipal Code Sections 53.12 and 53.15.3 upon the release of a shelter animal to another municipal or county animal control agency, Society for the Prevention of Cruelty to Animals (SPCA), humane society or rescue organization that meet the eligibility requirements of the Participant Shelter Program and enter into an agreement with the Department; and

WHEREAS, the General Manager also wishes to have the ability to waive the electronic animal identification device (microchip) fees required by Los Angeles Municipal Code Section 53.15.5 when the Department releases a shelter animal to another municipal or county animal control agency, Society for the Prevention of Cruelty to Animals (SPCA) or humane society; and the ability to refund the electronic animal identification device (microchip) fees when the Department releases a shelter animal to a rescue organization that meet the eligibility requirements of the Participant Shelter Program and implant an acceptable microchip and provide the necessary information to the Department; and

WHEREAS, these changes will increase the opportunities for shelter animals to be adopted.

NOW THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS follows:

Section 1. Subsection (o) of Section 53.11 of the Los Angeles Municipal Code is amended to read:
(o) Notwithstanding any other provision of this article, the General Manager shall have the power to waive all or any portion of the fees prescribed in Sections 53.12 and 53.15.3 of this article on as many as three separate days in any calendar year in order to encourage and promote pet adoptions, or more frequently upon the release of any animal by the Department to another municipal or county animal control agency, Society for the Prevention of Cruelty to Animals (SPCA), humane organization, or to a rescue organization, that meet the eligibility requirements of the Participant Shelter Program and enter into an agreement with the Department, for further adoption pursuant to this section. In addition, the General Manager shall also have the power to waive all or any portion of the electronic animal identification device (microchip) fees prescribed in Section 53.15.5 of this article upon the release of any animal by the Department to another municipal or county animal control agency, Society for the Prevention of Cruelty to Animals (SPCA) or humane organization and to refund all or any portion of the fees to a rescue organization, upon their entering into an agreement with the Department.

Sec. 2. Subsection (p) of Section 53.11 of the Los Angeles Municipal Code is amended to read:

(p) The General Manager may waive all or any portion of the fees charged upon the release of any animal which has been held by the Department for the legal holding period, to a Society for the Prevention of Cruelty to Animals (SPCA), humane organization, another municipal or county animal control agency, or to a rescue organization that meet the eligibility requirements of the Participant Shelter Program and enter into an agreement with the Department. The designation of an animal as releasable shall be in accordance with the Department’s policies concerning the sale of such animals. A fee waiver will be made only upon the condition that any animal so released may not be sold by the Society for the Prevention of Cruelty to Animals (SPCA), humane organization, the municipal or county animal control agency, or the rescue organization.

Humane organizations or societies for the prevention of cruelty to animals are organizations which are California nonprofit corporations which perform humane services and are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110. For the purposes of this section, rescue organizations are defined as California non-profit corporations that are exempt from taxation under Internal Revenue Code section 501(c) (3), participate in early age spay/neuter of animals, comply with all State and local laws regarding the humane care and treatment of animals, and in addition, whose mission is wholly or in part the rescue and placement of companion animals including but not limited to dogs, cats, rabbits, gerbils, hamsters, birds, equine animals or reptiles, and/or the trapping, neutering and returning of feral cats.
Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of ____________________________.

FRANK T. MARTINEZ, City Clerk

By __________________________

Deputy

Approved

By __________________________

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By

Dov S. Lesel

Assistant City Attorney

Date

File No. 00-1206