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ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK

Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
General Information - (213) 978-1133
Fax: (213) 978-1040

KONRAD CARTER
Acting Chief, Council and Public Services
Division

www.cityclerk.lacity.org

October 16, 2009

To All Interested Parties:

City Attorney (w/ blue slip)

The City Council adopted the action(s), as attached, under Council file

No. 09-1887, at its meeting held October 14, 2009.

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TO THE COUNCIL OF THE
CITY OF LOS ANGELES

File No. 09-1887

Your PUBLIC SAFETY COMMITTEE

reports as follows:

PUBLIC SAFETY COMMITTEE REPORT relative to procedures for the handling of dangerous animals by the Department of Animal Services, and authorizing the Board of Animal Services Commissioners to modify Department General Manager orders to euthanize dogs.

Recommendation for Council action:

REQUEST that the City Attorney prepare an ordinance to amend Los Angeles Municipal Code (LAMC) Section 53.34.4, "Dangerous Animal - Procedures," to provide the Board of Animal Services Commissioners with the discretion to modify Department of Animal Services General Manager orders to euthanize dogs for good cause upon completion of the appeal process; to address related liability concerns related to this amendment; and, to make Department Case No. 05331 NC (regarding "Stu") subject to this amendment on a retroactive basis.

Fiscal Impact Statement: None submitted by the Department of Animal Services. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement Submitted: None

(Council may recess to closed session, pursuant to Government Code Section 54956.9(b), to confer with the City Attorney on the above matter.)

SUMMARY

In a report to the Mayor dated July 15, 2009 (attached to the Council file), the Department of Animal Services reports that the Board of Animal Services Commissioners approved a proposal to amend the LAMC to authorize the Board to modify Department General Manager orders to euthanize dogs. The Department reports that pursuant to the LAMC, when a dog is declared dangerous by the General Manager as result of an administrative hearing process, the dog must be euthanized. Decisions by the General Manager can be appealed by a dog owner and those cases are then heard by the Board. The General Manager is required to euthanize the dog within two days of the expiration of an appeal deadline, or within five days of the issuance of a denial of an appeal by the Board. The LAMC does not, however, provide a specific timeframe for implementation of an order of euthanasia. It has been the practice of the Department, in consultation with the Office of the City Attorney, to defer euthanasia if the owner of a dog subject to such an order files for a Writ of Mandate with the Superior Court.

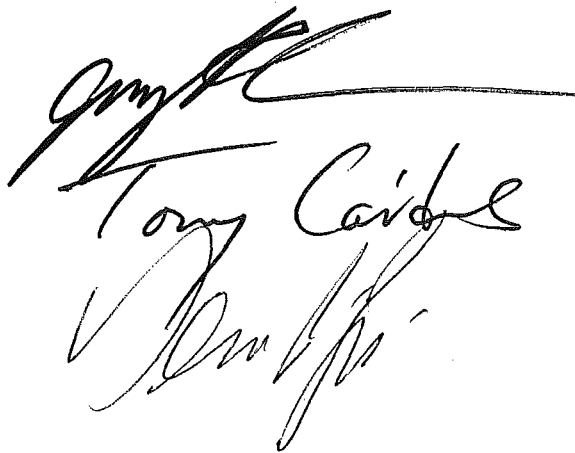
The Department goes on to report that in some instances, the outcome of these cases comes into question because of belated revelations or availability of legitimate evidence that is technically inadmissible under the procedures mandated for these quasi-judicial proceedings. The case involving the dog Stu is one such instance. The Board has determined that the dangerous animal procedures should be amended to permit limited flexibility for the Board to revisit a case and modify an order provided good cause (such as compelling new evidence, conclusive determination of procedural or factual errors, etc.) can be sufficiently documented

and an appropriate finding made within a reasonable time period following the conclusion of the hearing and/or appeal process. The Board also believes that the "Stu" case should be covered by this proposed new procedure. The Mayor transmitted the Department's report to Council for consideration.

At its meeting held October 5, 2009, the Public Safety Committee discussed this matter with representatives of the Department of Animal Services and the City Attorney. During the public comment period, the owner of the dog Stu stated that the Department of Animal Services staff misrepresented the facts of his case. The speaker stated that Stu was confined to his property and was injured at the time he bit the speaker's assistant. The speaker went on to state that dog handling experts believe that Stu should not be declared a dangerous animal. Following a closed session discussion of this matter, the Public Safety Committee returned to open session and recommended that Council request that the City Attorney prepare an ordinance as recommended by the Board of Animal Services Commissioners, and that the City Attorney address liability concerns for the City concerning this proposal.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

The image shows three handwritten signatures in black ink. The top signature is the most prominent and appears to be 'Tony Cardenas'. Below it are two other signatures, one of which is partially obscured by the one above it.

<u>MEMBER</u>	<u>VOTE</u>
SMITH:	YES
CARDENAS:	YES
PERRY:	ABSENT
REYES:	ABSENT
ZINE:	YES

JAW
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ADOPTED

OCT 14 2009

LOS ANGELES CITY COUNCIL