

11-1345

Law Offices of Babak Naficy



August 3, 2011

Sent Via Email and Regular Mail

Carmen Trutanich
Los Angeles City Attorney's Office
200 North Main Street, 8th Floor
Los Angeles, California 90012
c.trutanich@lacity.org

Re: Violation of Injunction issued January 5, 2010
The Urban Wildlands Group et al. v. City of Los Angeles

Dear Mr. Trutanich:

Regrettably, again I must bring to your attention actions on the part of the City of Los Angeles that appear to violate the injunction issued in The Urban Wildlands Group et al. v. City of Los Angeles.

Yesterday I obtained a proposal to turn over the operation of a City of Los Angeles Animal Care Center to an organization (Best Friends Animal Society) that both advocates Trap-Neuter-Return (TNR) as the only appropriate management approach for feral cats and has an active TNR program in the area serviced by the shelter. The injunction bars the City from supporting TNR until and unless the appropriate environmental review is completed under the California Environmental Quality Act (CEQA).

As explained in detail below, the Department is now clearly attempting to circumvent the injunction and support TNR by turning City animal control facilities over to a TNR group rather than undertaking a review process that would identify the impacts of switching to a TNR approach on the City's environment, including wildlife and public health.

There is no question that Best Friends is a TNR group. On its website, Best Friends boasts that "We implement innovative TNR and education programs to prevent ferals and strays — community cats — from entering shelters."¹ Best Friends has also indicated support for TNR and opposition to my clients' lawsuit securing environmental review of any TNR program in the City of Los Angeles.²

¹ <http://network.bestfriends.org/initiatives/cats/13896/news.aspx>
² <http://network.bestfriends.org/initiatives/cats/13896/news.aspx>

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In February 2011, Best Friends provided a grant to Stray Cat Alliance, one of the parties that attempted (unsuccessfully) to intervene in The Urban Wildlands Group et al. v. City of Los Angeles that implements TNR in Los Angeles.³

Making the shelter available to Best Friends amounts to the support and subsidy of their TNR program and is therefore a violation of the injunction. I am of course aware that the City's proposal asserts that the proposed services would exclude all TNR activities, but I do not believe this would be possible to achieve in practice. Best Friends is firmly committed to the promotion of TNR and devotes substantial resources to mount a large propaganda effort to effectuate this objective.

Having an operational base in the form of a City animal shelter would greatly assist Best Friends' overall efforts to promote TNR. The City would, moreover, greatly benefit Best Friends Animal Society by implicitly endorsing Best Friends. The Society could cash in on this endorsement by soliciting donations from Los Angeles residents who would come to the Animal Care Center (even though Animal Control services would not be offered).

If Best Friends is going to be acting on behalf of the City by providing services in a City facility, it must also comply with all applicable laws and regulations, including the terms of the injunction. Yet, it is inconceivable and indeed absurd to believe that Best Friends would abandon their entire national TNR/feral freedom program and core belief in the right of feral cats to run free. Best Friends would have to accommodate the injunction by, among other things, not promoting TNR on their website (the City has stopped promoting TNR on its website to comply with the injunction).

Even if Best Friends were inclined to separate its activities as shelter operators from its current and ongoing campaign to promote and practice TNR in Los Angeles and across the country, in practice, it would be impossible to do so. Any visitor to this City facility would be assisted by Best Friends staff who are undoubtedly trained in the alleged virtues of TNR and would presumably provide literature prepared by Best Friends that tout TNR and refer the public to Best Friends' website. This website is full of articles that promote TNR, that criticize those who have concerns about TNR, that criticize the decision in The Urban Wildlands Group et al. v. City of Los Angeles, and argue that TNR is the only acceptable approach to manage feral cats.

Indeed, Best Friends' belief is that feral cats should remain at large wherever they may be, as described by their program "Feral Freedom."⁴ It is simply unreasonable and unrealistic to expect that Best Friends would leave its core beliefs and objectives regarding TNR at the door and run the shelter in a way that does not promote and assist TNR.

³ <http://network.bestfriends.org/golocal/losangeles/16756/news.aspx>

⁴ <http://network.bestfriends.org/initiatives/cats/media/p/190249.aspx>

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The proposed services to be provided by Best Friends include "public education." Assuming, as we must, that Best Friend's education campaign would largely consist of promoting TNR, by entrusting the management of the shelter to Best Friend, City of Los Angeles would be endorsing TNR as the appropriate method to manage feral cats. It is simply not credible to assert that the City can provide a significant gift of public funds (a rent-free facility) to a TNR group and that this does not constitute promotion of TNR.

We are also concerned that outsourcing of some, but not all, of the services ordinarily provided by an Animal Care Center sets a dangerous precedent that will undermine the Animal Control duty of the Department of Animal Services. Best Friends does not appear to be taking on any of the Animal Control functions, such as taking up stray animals, which are the statutory duty of the Department of Animal Services.

The proposal indicates a desire to have other shelters also run by contractors, without a commitment to providing the full range of services. This is particularly troubling because the citizens of Los Angeles voted for Measure F to sell bonds to construct these facilities after being told that they would be used to provide more animal control services. Voters were told in the voter pamphlet that:

The additional space will also provide a more humane environment for impounded animals, reduce injuries and illness, **decrease the number of stray and feral animals on the streets and decrease the likelihood of attacks by stray animals.** [emphasis added].

If the Northeast Animal Care Center is not used to take up stray animals, then it will not be fulfilling the function that was promised to voters as a pretext for voting to fund it. The City may thus be violating the law by making the shelter available for a purpose for which the bond measure was not intended.

The Northeast Animal Care Center contract is not the only issue of concern. It is but the first manifestation of the apparent desire and intention of the new General Manager of Animal Services to aid TNR groups without going through the required environmental review for a TNR program.

For example, General Manager Barnette and Board of Animal Services Commissioner Terri Macellaro have joined the steering committee of an advocacy group called "No More Homeless Pets LA" that is made up of advocates for TNR (see Daily News). Although the phrase "no more homeless pets" suggests a goal that all animals thought of as pets (primarily dogs and cats) would live in homes, one has to understand this phrase in the context of the feral cat advocacy movement.

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Besides Best Friends Feral Freedom program, the other leading national TNR advocacy group has proclaimed "Feral cats have a home — outdoors!"⁵ The organizations on the No More Homeless Pets LA steering committee are ardent TNR supporters: Stray Cat Alliance (which attempted to intervene in our lawsuit), Best Friends, Kitten Rescue, Fix Nation (which is a spin off of Best Friends), and Found Animals. These groups all support TNR as the only method of managing feral cats and, indeed, are attempting to craft a program such that property owners and land managers will be unable to take cats to shelters without them being immediately returned to TNR groups and re-released.

Unfortunately, TNR advocates such as these also oppose common sense measures promoting responsible pet ownership. These groups oppose measures that address the problem at the source, such as cat licensing, and restrictions on roaming (at least enforceable upon complaint). Measures such as these should be incorporated in a comprehensive feral cat management program that would be reviewed under CEQA.

It is inappropriate and is likely a violation of the injunction for the City to be represented on the steering committee of this TNR advocacy group.⁶ It is foreseeable and highly likely that this group will pursue a strategy of implementing TNR in the City of Los Angeles by turning shelter operation over to nonprofit partners. Although the injunction does not specifically mention this method of supporting TNR, this approach is contrary to the findings in our case and to the spirit of the injunction. The injunction essentially prohibits the City from supporting or subsidizing TNR in any form until appropriate environmental review has been completed.

Should the City decide to turn over the operation of the City-owned shelter to this TNR group, we will be forced to seek an injunction against the City as well as a judicial declaration that the City cannot implement TNR through a third party in this manner without first conducting the proper environmental review.

The City's efforts to privatize the new animal shelter in the Mission Hills area are particularly ironic, since our case included an affidavit from a resident in Mission Hills who was unable to control feral cats on her property. The nearest shelter to her home was implementing the City's would-be TNR program under former General Manager Ed Boks by refusing to issue permits to trap feral cats for removal.

⁵ See <http://www.alleycat.org/>

⁶ An invitation to a meeting of this steering committee does not mention TNR by name, but clearly alludes to it and a way to achieve a "no-kill" Los Angeles. The letter states "The goal of a no-kill Los Angeles has been both elusive and controversial, but we believe that the systematic plan that we are developing is very achievable with the commitment of resources that Best Friends is provided, the whole hearted participation of LA Animal Services and the combined talent and focused effort of the rescue community." Given the participants in the group, there is little doubt that this would mean the implementation of TNR for feral cats. This invitation also appears to commit LA Animal Services to the goals pursued by this group, which, despite the name, does not seem dedicated to reducing the number of "homeless pets" but rather, in their words, making "Los Angeles into the safest big city in the country for homeless pets." This is a dramatic shift away from the statutory responsibility of the Department of Animals Services to take up stray animals.

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It does not surprise us that Ms. Barnette is trying to privatize her way around the injunction requiring environmental review before the City implements any TNR program. According to the blog for the group "LA Feeders" (which describes itself as "300 volunteers serving 7000 meals every day to community cats in Southern California!"), Ms. Barnette told the group in January of this year, in the words of an attendee, "TNR and caregiving should be left to the volunteers and not be administered by the City at all (i.e. throw out the proposed [TNR] policy). The only thing the City should do is spay/neuter and referrals to TNR groups." (We note that the injunction bars referrals of feral cats to TNR groups and that the City's own existing policy does not permit City subsidy for spay/neuter of feral cats).

The write-up of this meeting, which was subsequently heavily redacted to omit photos and reference to Ms. Barnette, lays out the approach that Ms. Barnette is pursuing with the Mission Hills privatization to Best Friends. Even if Best Friends were not to be providing "TNR services," the mere fact of it operating a City-owned shelter would leave the general public with the impression that TNR is the City's policy, and provision of the shelter space itself is a gift to a TNR group.

Evidence continues to mount that failure to control feral cats is a serious environmental and public health issue. Late last year the Department of Animal Services conducted a minimally circulated "survey" about a potential TNR program for the City. In response to this survey, Los Angeles County Public Health officials voiced their disapproval of TNR as a method for protecting public health in the management of feral cats, specifically because such "management" is ineffective at reducing feral cat numbers and does not provide for even basic sanitation (See attached).

In contrast to public health officials, Best Friends, in response to the same survey, questioned whether it was appropriate to require that feral cats be vaccinated for communicable diseases. Alarming, California recently had a case of rabies in a young girl, and the most probable source of infection was identified as a feral cat behind the girl's school. Rabid bats have been found in greater than normal abundance in Ventura and Los Angeles counties. A sick rabid bat is easy prey for a feral cat, which can then become infected and have a much greater probability of coming into contact with people because of these ongoing, uncontrolled feeding programs.

County officials also expressed concerns about toxoplasmosis, murine typhus, *Toxocara cati*, and disease associated with wildlife attracted to TNR feeding stations. Best Friends only acknowledged the need to vaccinate for rabies and dismissed all other disease control efforts as unnecessary. It would undermine public health efforts for the City to endorse a group such as Best Friends, which takes such a cavalier and ill-informed attitude toward environmental and public health impacts, by allowing it to operate an Animal Care Center.

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On behalf of my clients, I must insist that the City halt all activities that promote Trap-Neuter-Return, including the transfer of a City facility to a TNR group, until and unless a comprehensive environmental review of this management approach has been prepared and approved.

Sincerely,



Babak Naficy
Attorney for The Urban Wildlands Group,
Endangered Habitats League, Los Angeles Audubon
Society, Palos Verdes/South Bay Audubon Society,
Santa Monica Bay Audubon Society, and
American Bird Conservancy

BN:sb
Enclosure

cc: Miguel Santana, Los Angeles City Administrator
Wendy Greuel, Los Angeles City Controller
Eric Garcetti, Los Angeles City Council President
Councilmember Mitchell Englander
Councilmember Dennis Zine
Councilmember Tony Cárdenas
Councilmember Jan Perry
Councilmember Ed Reyes
Bill Carter, Deputy City Attorney
Ellen Friedmann, Deputy City Attorney
Mary Decker, Deputy City Attorney
Dov Lesel, Deputy City Attorney

Weather: VAN NUYS CA | Now: 21°F | High: 70°F | Low: 60°F | 5-Day Forecast

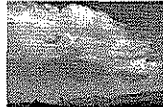
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Local News

- LAPD's off-road patrols chase crime wherever it leads
- No quick fix for L.A. Animal Services
- Muslims prepare for month of fasting
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No quick fix for L.A. Animal Services

By Dana Bertholomew, Staff Writer
Posted: 07/30/2011 10:44:05 PM PDT
Updated: 07/30/2011 10:48:12 PM PDT



Brenda Barnette has been in charge of the the Los Angeles city animal shelters for the past year. She is seen here at the East Valley Animal Shelter in Van Nuys on July 27, 2011. (David Crane/Staff Photographer) (David Crane)

The announcement ripped across the Internet in the days leading up to Brenda Barnette's one-year anniversary as top dog of Los Angeles Animal Services.

The Animal Defense League-Los Angeles, which for seven years had bludgeoned pound officials to "stop the killing" of surplus pets, would lay down its arms.

There'd be no more personal insults against a revolving door of shelter managers. No more picketing outside workers' homes. No more shrill "no-kill" campaign.

"The mayor and the (city) council finally appointed a progressive, humane and no-kill leader to oversee LAAS," Pamelyn Ferdin, co-founder of ADL-LA and one of the most vocal critics of the department, reiterated Friday.

"If Brenda can't make LAAS no-kill, no one can."

It was last August that the sixth general manager in a decade took charge of an agency beleaguered by criticism from elected officials, shelter workers, animal activists and rescue groups.

Her predecessor, Ed Boks, resigned under pressure after pitching a "hooters for neuters" bikini contest and a pit-bull academy for ex-cons.

Barnette, a genteel manager with a Virginia twang and experience in no-kill practices, was hired to restore order and public confidence.

"I learned that I liked to go into situations that have challenges, to see if I could go into communities to resolve those (problems)," Barnette said during a visit last week to the East Valley shelter in Van Nuys.

In Los Angeles, change may come slowly.

In Barnette's last position as head of the Seattle Humane Society, she said the so-called "live-save

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rate" - the number of shelter animals that are adopted rather than euthanized - increased from 77 to 94 percent.

But in her year in Los Angeles, euthanasia at the city's six shelters has gone up, while adoptions have gone down, according to department statistics.

From September 2010 through June, L.A. shelters destroyed 16,425 dogs and cats, a 10.7 percent increase over the same period before her watch. The number of euthanized unweaned kittens rose nearly 22 percent.

At the same time, public adoptions dropped by 6.2 percent.

"The jump in euthanasia and the drop in adoptions was so predictable," said Laura Beth Heisen, a former member of the civilian Animal Services Commission, which oversees the agency.

"When you don't have programs to prevent these problems, the problems happen," she said. "It's the fault of the manager."

For her part, Barnette has taken the long view.

She has embarked on a seven-year-plan toward finding homes for nine of 10 shelter dogs and cats.

She said it will take three years to encourage pet owners to abide by new spay/neuter laws. Two years to expect success. And five to seven years to stabilize pet impounds, euthanize only the most sick or dangerous animals, and adopt out the rest.

"It's nothing to brag about," she said of the poor no-kill performance in the past year. "This is a huge system. It's like a big boat in the water, difficult to turn against the current. It's slow at first."

Nearly 57,000 dogs and cats were impounded in fiscal 2010-11, a five-year high that Barnette attributed to the lingering recession.

To combat it, she launched an animal foster program, along with a nonprofit group to raise money and promote shelter adoptions.

She said she's also worked to harness the creativity of Animal Services staff, revamped the agency's website to promote adoptions, and transported 1,500 animals to shelters in Washington and New York state, where the demand for pets was greater.

She's also working to privatize an unused shelter in Mission Hills, and to make spay/neuter vouchers more available to poor residents. She sees a day when L.A. euthanizes very few of its surplus pets.

"We have love in all-size packages," Barnette said, after cradling Brownie, a year-old terrier mix.

"I want the staff and the community working together - moving toward the day that we're saving the animals that are adoptable and treatable. Keeping our streets safe. I have a seven-year plan. I hope to carry it out.

"I like it here."

While comments about Barnette range from praise to bitterness, the most vocal opponents are worried.

Noting that killings are up and adoptions down, they say the city's mobile adoption program is all but defunct. And they say there's no clear record that shelter dogs were taken out of state.

They accuse Barnette, touted for her collaborative style, of opening her door only to favorites.

And some even charge Barnette, a former dog breeder experienced in running private shelters, of not being able to direct her staff.

"I think Ms. Barnette is over her head," said activist Michael Bell, of Encino, an Animal Services watchdog for 30 years. "I don't think she has the strength or the grit to change this department."

This month, City Controller Wendy Greuel launched an audit of Animal Services amid allegations that shelter workers had stolen 64 dogs and sold them for profit. Workers were also accused of timecard fraud.

Far from being daunted by the review, Barnette said she welcomes an outsider's view of the department.

Laurel Kinder, who said she's rescued up to 50 small dogs a month from the East Valley shelter, said she can't get Barnette to sanction health certificates she needs to transport dogs out of state for adoption.

"She doesn't give me the time of day," said Kinder, who runs the Kinder Rescue and Project Flying Chihuahua of Studio City. "Only nasty letters."

Others paint a different picture of the boss of a nearly \$20million budget and 327 shelter workers - and praised her positive energy, and calm and collaborative approach.

A decade ago, Bobby Dorafshar was so frustrated with the city's pound practices he uprooted his dog rescue to Newhall.

Now, after a long absence from working with an agency he claimed was unfair to animals, he's in love with Brenda Barnette.

"She's wonderful," said Dorafshar, of Woodland Hills, founder of New Leash on Life. "When Ms. Barnette came in, she was soft-spoken. She took her time to get to know everybody and her whole department.

"She rallied everybody to help the animals."

Christi Metropole, of the Los Angeles-based Stray Cat Alliance, praised Barnette for improving shelter care, working on a legislative solution for feral cats, and for helping unify the humane community.



choose your photo...

Your phone not listed?

"She came committed to stopping the killing of healthy and treatable animals," said Metropole, once one of the agency's biggest critics and a member of No More Homeless Pets L.A., a new advocacy coalition that includes Barrette. "She's committed. It's in her heart. There's never been anybody close to her ability.

"She has to move a monolith."

Added Ferdin, perhaps the greatest critic of them all: "If the public steps up to the plate and starts adopting these wonderful cats and dogs, puppies and kittens, we'll get to no-kill. If people start spaying and neutering their companion animals, we'll get to no-kill.

"And under Brenda, we'll get to no-kill if people let her do her job."

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Dear Rescuer,

Included is an invitation to a really important meeting that is taking place at West Hollywood Park Auditorium on Sunday, August 7th at 6:30pm with a pre-meeting reception at 5:30pm.

I'm really excited by the opportunity that we have to do some great things together for the animals and I believe that you will be too, when you have the opportunity to learn more. Please have a look at the invitation and RSVP to my colleague, Shelly Sichta at shellys@bestfriends.org.

Looking forward to seeing you on August 7th.

Best,

Francis Battista
Best Friends Animal Society

No More Homeless Pets LA

Steering Committee – Francis Battista • Ben Lehrer • Lori Weise • Brenda Barnette • Christi Metropole
Rande Levine • Aimee Gilbreath • Mark Dodge • Teri Macellaro • Jen Woodard • Julie Castle



STRAY CAT ALLIANCE
www.StrayCatAlliance.org



Kitten Rescue



Dear Los Angeles Area Rescuer-

We want to invite you to a special gathering of Los Angeles area rescue organizations to learn about the launch of No More Homeless Pets LA, an exciting campaign that is being pulled together by Best Friends Animal Society and a team of local animal organizations along with Brenda Barnette of LA Animal Services. We have a rare opportunity to make Los Angeles into the safest big city in the country for homeless pets and you are key to that success.

No More Homeless Pets LA represents a commitment by Best Friends to lead and sponsor a comprehensive drive to take the City of Los Angeles to the no-kill benchmark of a 90% save rate of all animals entering LAAS shelters. The campaign will launch with funding for targeted spay/neuter drives and rescue group adoption programs, and in subsequent years, with your input and participation, will grow into other areas necessary to bring about a no-kill city. We have come together to give you funding incentives and an infrastructure to help save more animals.

The goal of a no-kill Los Angeles has been both elusive and controversial, but we believe that the systematic plan that we are developing is very achievable with the commitment of resources that Best Friends is providing, the whole hearted participation of LA Animal Services and the combined talent and focused effort of the rescue community. By working together, we will be able to realize our shared dream – an end to the needless killing of LA shelter animals.

We look forward to seeing you on August 7th.

No More Homeless Pets LA Rescue Group Reception and Meeting

Reception: 5:30pm – Snacks and Refreshments
Meeting: 6:30pm to 8:00pm Presentation and Q&A

West Hollywood Park Auditorium
647 N. San Vicente Blvd.
West Hollywood, CA, 90069

Regards,

No More Homeless Pets Steering Committee:

Francis Battista, Lori Weise, Jen Woodard, Aimee Gilbreath, Brenda Barnette, Ben Lehrer, Christi Metropole, Rande Levine, Mark Dodge, Teri Macellaro, Julie Castle

LA Feeders' Blog

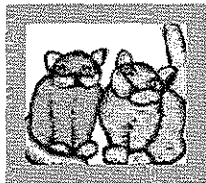
2011



Brenda Barnette at LA Feeders' meeting on Jan 16, 2011

NEWSLETTER #7 FROM JAN 16, 2011 MEETING

1/26/11



LA Feeders Newsletter #7

1/19/11

by Jean Salyer

As expected we had a great turnout at Sunday's meeting. About 45 people attended. We were excited to hear our guest of honor and we were not disappointed. The new head of Los Angeles Animal Services, Brenda Barnette, is sure to usher in a new era in animal welfare. More on that later...

On behalf of all LA Feeders, I'd like to thank our hostess Lisa Orange for generously opening her home to our group. As usual we had a great potluck buffet and raffle prizes of cat food, dog food and treats. Mark Legassie teased us with a beautiful cat-themed comforter hand made by Adela Montalvo.

There was a lot on the agenda at this meeting and I'll try to be brief.

Mark Legassie chaired the meeting and began with a status report on LA Feeders. Currently 225 members are feeding 6600 meal per day. As you know, we are in the process of obtaining 501(c)3 recognition which will allow for an increased range of fundraising activities as well as other benefits to the group and members. As most of you know, a 501(c)3 is a registered charity and as such is allowed certain privileges under IRS regulations.

LA Feeders has selected officers of the corporation as follows:

President: Johanna Arias

Secretary: Lisa Orenge

Treasurer: Mark Legassie

Mark went on to report that in 2010 LA Feeders distributed 40,000 lbs. of cat food to community cat caregivers. More food is on the way! LA Feeders is getting some help from Patty Pierce who has provided additional storage at low cost. Many thanks to Patty for this great assistance.

Mark also focused on the new low cost spay/neuter clinic, The Animal Rescue Center, near downtown Los Angeles. Thanks to a generous donation from the Sperl Family Foundation, a limited number of cats will be altered free of charge to LA Feeders' members and other animal welfare groups. One of our members, Jan Reesman, is a Vet Tech and is volunteering her "free time" (whatever that is!) to help out. Yea Jan! In addition to s/n, the clinic will offer general vet services at a reduced rate. The clinic will not be open to the general public—only to rescuers and rescue groups.

Volunteers are still needed to help out with the TNR booth for the upcoming "Adopt a Valentine" event at the North Central Shelter (3201 Lacy St., LA 90031) on February 12th to promote TNR. Contact Mark if you can help. Details have been posted on LA Feeders Yahoo mail.

LA Feeders needs a logo and a slogan:

As usual Peri came thru with help. She has a graphic artist friend who is going to design a logo for us.

One of the many suggested slogans was: "No More Hungry Cats", submitted by Jan. I like it! Still if you have a suggestion, let LA Feeders know.

Other plans include a large fundraising event in spring 2011 to celebrate our new non-profit status as well as raise desperately needed funds. This fun party is being organized by Johanna Arias—stay tuned for updates.

Mark also introduced an idea that LA Feeders is a good forum in which to exchange services. In this era of financial uncertainty for many of us, we may be able to save some money (and help more cats) by trading goods and services rather than purchasing them. Mark gave some examples such as trading pet sitting services for homeless cat feeding, offering cat food in exchange for other tasks. Wish lists could be posted at the food warehouse or online. Since we started as a co-op, this may be a means to help each other out from time to time.

Now...on to the high point of the evening...our guest speaker. Brenda Barnette was selected to head Los Angeles Animal Services by an unprecedented vote of confidence by the City Council. She was unanimously chosen—the vote was 15-0. She brings to LAAS 19 years of experience in animal welfare organizations, most recently in Seattle where she greatly reduced shelter kills thru creative thinking and innovative programs. She has 100% support from animal welfare groups.

One program initiated in Seattle by Brenda was "From Our Home to Your Home". Since some people are reluctant to adopt shelter pets thinking they are somehow defective, Brenda came up with the idea to place animals in foster homes and then hold adoption fairs in which people could adopt the fostered dogs and cats. It was a huge success. The prospective adopter could learn more about the animal and whether or not it is a good match by interacting with the foster parents and the dog or cat.

This program came about when adoptable, but overlooked pets at the shelter were given a second chance. Shelter staff were asked to identify these animals and place them in foster homes.

From the beginning of her talk, her commitment to animal welfare was obvious, as well as her dedication to working with animal welfare groups and individuals. This

compassionate, no-nonsense woman is fully capable of handling the politically charged issues which face community cats and their caregivers.

By now we are all familiar with the bizarre viewpoints of a few urban wildlife groups who successfully sued to enjoin the City of Los Angeles from promoting TNR. Brenda expressed concern that this action may spread nationwide. I know most of us are baffled by the conflict between TNR people and urban wildlife people. Our goal is to humanely reduce the homeless cat population which will benefit all species.

Numerous government agencies and committees are evaluating several proposals, even under threat of future lawsuits by urban wildlife groups.

Brenda talked about the staffing cuts affecting the City of Los Angeles and the delays that are likely to result. She also stated that there is support in city administration for increasing the number of pets people are allowed to have, but there is ongoing discussion about whether this should be related to size of property and other matters.

In her talks with representatives from various groups and agencies there was consensus on the following points:

The need to save lives

The importance of spay/neuter

The need to end cruelty to animals

Our guest made it clear that she is on the side of the animals and their caregivers and is willing to work with rescue groups for the welfare of animals. Plans include increasing volunteer participation, obtaining grants for spay/neuter, expanding the DAWS program and ultimately putting links to rescue groups on the city's website when issues are resolved with the litigious wildlife groups.

The DAW (Director of Animal Welfare) is a volunteer leader who promotes animal welfare in his/her community. DAWs will begin to receive LAAS press releases and other communications.

Brenda is working closely with charitable foundations and has obtained a 5 million dollar grant from Petsmart and a 1 million dollar grant from the Heigl Foundation. She is also working with Best Friends, who is focusing on helping the animals of Los Angeles.

More animals came into LA shelters last year than the previous year and Brenda believes this is caused in part by lack of spay/neuter funding for neighborhood cats.

Volunteers are needed to assist Brenda's efforts in several areas:

Community outreach

Working helpline to assist people who are having problems with their pets

Humane education

Foster homes

Brenda agrees that we need to promote a positive image of community cats. LA Feeders has moved away from the term "feral" and its sinister connotation. Brenda pointed out that "homeless" also carries a negative implication. Community cats or neighborhood cats are the preferred descriptions.

Below are comments previously posted by Mark. I'm including them, since they represent some of the most important aspects of our meeting:

1) Feeding neighborhood cats is NOT against the law, nor can you be held as the "owner" for strays you are feeding [for additional details see www.LAfeeders.org and click on "Helpful Info"]

2) TNR and caregiving should be left to the volunteers and not be administered by the City at all (i.e. throw out the proposed policy). The only thing the City should do is spay/neuter and referrals to TNR groups.

3) Many improvements are being implemented at LAAS, including a new Adult Cat Foster Care Program and top-to-bottom redesign of their website!

4) A majority of city council members support the increase in pet limits from 3 to 5 -- the ordinance is currently in the City Council's Planning Cmte for 60-90 days to handle kennel definition changes, etc.

In her talk Brenda stressed that we are at a turning point in animal welfare. With the hard work and dedication of Brenda, LA Feeders, and many many others, we can make 2011 a better year for animals!



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January 13, 2011

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Dear Sir or Madam,

This communication is in response to your request for comments concerning the City of Los Angeles proposal to adopt a Trap, Neuter, and Return (TNR) program in an effort to reduce the number of feral cats within the city. Free-roaming cats, whether identified as feral, semi-feral, or owned, can be the source of environmental implications affecting species conservation, the physical environment, and both animal and human health.

The TNR Program proposed by the City of Los Angeles, as defined in the Department of Animal Services, Policies and Procedures, clearly defines the safe-keeping and humane treatment of feral cats, but does not include effective safeguards and protection for residents of properties near proposed colonies, or the general public who visit public areas within the recognized travel range of free-roaming cats. The intent of this response is to identify the public health and veterinary implications, as well as the nuisance factors, of free-roaming cat management practices as defined in the proposed TNR Program.

The Los Angeles County Department of Public Health has the responsibility to protect health, prevent disease, and promote the health and well-being for all persons in Los Angeles County. It is for this reason we must express our concerns regarding the sanitation issues and potential for disease transmission presented by having unlimited numbers of free-roaming cats in residential neighborhoods, commercial sectors, or adjacent to, or on, school campuses, parks, beaches, or other public lands and rights-of-way.

Our public health concerns involve the following issues:

- **The lack of sanitation associated with feral cat colonies**

The proposed TNR Program neither addresses the problem of fecal accumulation where the feral cat colony resides, nor on neighboring properties and residences within the roaming range of the colony. This lack of fecal sanitation could have a potentially negative affect on approximately 15 standard-sized residential properties within the immediate vicinity of the colony's feeding location.

Toxoplasma gondii is an intestinal protozoan parasite whose only definitive hosts are members of the cat family. Cats shed environmentally resistant oocysts in their feces for approximately 10 to 14 days after they become infected. These oocysts become infectious in 1 to 5 days after the cat defecates, and may remain infectious up to 18 months in moist soil and sand.

Toxocara cati is a nematode parasite of cats that resides in their small intestine. Infected cats may pass eggs in their feces. The eggs embryonate, become infectious after several weeks, and may survive in the environment for years.

Both *T. gondii* and *Tx. cati* can be spread to people, especially children, through accidental soil ingestion. This may occur if someone eats or touches their mouth inadvertently after their hands come into contact with contaminated soil during work or play. Studies have shown that soil in public parks and private backyards where cats regularly defecate can be contaminated with one or both organisms.

- **Widespread flea infestations in areas where the colony members congregate**

Flea infestations increase the risk of flea-borne typhus in residents. Flea-borne typhus is transmitted to humans by flea bites or skin abrasions that become contaminated with feces from cat fleas (*Ctenocephalitis felis*) containing the disease agent *Rickettsia felis*. In 2010, 39 reported cases originated in Los Angeles County, nine within the City of Los Angeles. Although flea-borne typhus is reportable in California, many cases elude detection and diagnosis. Physicians are likely to test only severely ill individuals who require hospitalization, and tests may remain negative during the first week of illness. It has been estimated that for every reported case, three or more cases are either misdiagnosed or do not require hospitalization.

The primary hosts for the cat flea are opossums, dogs, and cats. The most successful means of preventing contact with potentially infected cat fleas is to avoid exposure to fleas, and effectively treat pets with topical or oral flea control products. Although opossums cannot be treated with either of these products, flea exposure from opossums can be reduced by successfully discouraging opossums from frequenting human- and pet-inhabited areas. Strategies for doing this include feeding pets during the day and removing uneaten food at night, keeping tight-fitting lids on trash cans, removing fallen fruit, and eliminating heavy vegetation or other harborage areas.

Unfortunately, flea infestations that result from feral or semi-feral cats are rarely, if ever, successfully managed. To eliminate fleas effectively, it is vital to routinely address both the infested animal and their environment. Although topical flea control medications will kill fleas within hours of application, they cannot be administered to feral cats due to the inability to safely handle the animals. Feed-through products available for cats that disrupt the reproductive cycle of

fleas (but do not kill the adult fleas) are effective, but it is not possible to administer the required oral dose (135 mg) every 30 days as required to each cat during typical mass-feeding operations. Although yard treatments of pesticides can be immediately effective, flea-infested cats that return to the area will continually introduce new infestations.

Our Department regularly receives complaints from frustrated residents who are unable to eliminate fleas in their yards due to the repeated presence of free-roaming cats from neighboring properties. Residents who are unable to successfully control fleas on their properties are severely compromised by this nuisance and are at increased risk of contracting flea-borne typhus.

- Cat food placed in the environment unattended, particularly under conditions of mass-feeding, attracts opossums, raccoons, skunks, and other potentially nuisance wildlife

Feral cat care-givers commonly resort to mass-feeding operations that include depositing and maintaining large amounts of dried cat food in the immediate area where the colony resides. This practice encourages the presence of urban wildlife such as rats, opossums, raccoons, and skunks, bringing them into close contact with humans and their pets. Populations of these species are consequently increased by direct food subsidies, thus escalating the risk of exposure to fleas and other parasites that could directly affect the health of humans and their pets. The presence of feral and semi-feral cats is also an attractant for coyotes, which view them as prey. Furthermore, even if TNR managers intend to keep food away from wildlife, in observations made by our Department, such mitigation efforts are ineffective in practice.

Raccoon roundworm (*Baylisascaris procyonis*) is a ubiquitous infection of raccoons that is increasingly being recognized as a cause of severe human and animal disease. Since 1993, four documented cases of human *Baylisascaris* encephalitis have occurred in California; two in the northern portion of the state, and the two remaining cases occurred in Los Angeles and Santa Barbara counties.

When raccoon densities are high, substantial deposits of feces accumulate in areas of habitual defecation known as "latrines". These sites become long-term sources of infection for humans and other animals. Humans become infected accidentally by coming into contact with active or abandoned latrine sites and inadvertently ingesting eggs containing *B. procyonis* larvae. Young children are especially at risk for infection because of their propensity to handle objects and put them in the mouth. Pets can also become infected by exposure to raccoon feces or contaminated soil. In a study conducted in Orange County in 2000, a total of 800 distinct raccoon latrine sites were sampled for the presence of *B. procyonis*. All samples collected contained *B. procyonis* eggs; the average egg count per gram of fecal material was $30,256 \pm 867$ se.

Raccoons and skunks are established reservoirs for the fatal disease rabies in the United States. Encouraging the presence of these two wild animals in neighborhoods and public areas presents the risk of exposure to humans and their pets. Over 2300 rabid raccoons, and over 1600 rabid skunks, were detected nationwide in 2009. In the same year, 44 rabid skunks were detected in California; 12 were found as far south as Santa Barbara. Although no rabid skunks have been identified in Los Angeles County since 1979, the risk of reintroduction of the virus to local populations remains constant.

In response to the risk of exposure to the rabies virus, case investigations of people who are bitten by raccoons or skunks in Los Angeles County are routinely processed for rabies post-exposure prophylaxis. Pet cats or dogs that are bitten by raccoons or skunks must be held in quarantine

unless the biting wild animal is euthanized and subsequently tests negative for rabies. In most instances this does not happen and the pet is quarantined. By state law, pets that are up-to-date on their vaccination at the time of the bite are quarantined for 30 days. Pets not current on their rabies vaccinations at the time of the bite must be either euthanized or quarantined for 180 days.

Raccoons and skunks are also reservoirs for leptospirosis, which can cause serious kidney and liver infections in dogs and humans. Since 2005, there have been 21 cases of canine leptospirosis reported in Los Angeles County. Eight of the dogs died as a result. In one fatal case, a rat infestation was the suspected source of the infection. In another, a raccoon routinely contaminated the dog's water bowl in the weeks before the dog's illness and death.

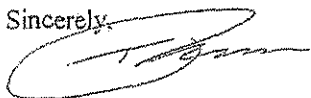
- **TNR programs appear to be driven by a desire to reduce euthanasia in shelters rather than to reduce feral cat numbers**

TNR should not be considered as a viable, long-term alternative to overcrowded shelters. The Department finds it surprising that many avenues available to reduce populations of feral cats are not proposed by the City of Los Angeles. Approaches that must be considered include cat licensing, low-cost spay/neuter services for owned cats, and/or a prohibition on cats running at large. Measures such as these would help to promote responsible pet ownership as well as potentially assist in reducing feral cat numbers.

The American Association of Wildlife Veterinarians, the National Association of State Public Health Veterinarians, and the United States military have published position statements that emphasize the inability of TNR programs to reduce feral cat populations and address public health issues. The Los Angeles County Department of Public Health is especially concerned that this current proposal not only ignores the presence of feral cat colonies throughout the city, but exempts them from specific code enforcement. In the absence of regulation, this action appears to encourage the establishment of more feral cat colonies in residential neighborhoods, retail centers, on school, college, and hospital campuses, parks, beaches and highly sensitive sites such as natural wildlife areas.

We therefore join with other notable organizations in our recommendation that the City of Los Angeles consider the public health implications of adopting a program that not only permits, but encourages, unlimited numbers of feral cats throughout the city.

Sincerely,



Terrance Powell, Director
Bureau of Specialized Surveillance and Enforcement

- c. Angelo Bellomo, Director Los Angeles County Department of Environmental Health
Carmen Trutanich, City Attorney
Antonio Villaraigosa, Mayor
Gerry F. Miller, Chief Legislative Analyst
Miguel A. Santana, City Administrative Officer
Eric Garcetti, President, Los Angeles City Council
Greig Smith, Councilmember



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ANIMAL SOCIETY

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January 14, 2011

City of Los Angeles, Department of Animal Service
c/o EnviCraft
P.O. Box 39568
Los Angeles, CA 90039

RE: Los Angeles' Proposed Trap-Neuter-Return Program

On behalf of Best Friends Animal Society, a non-profit organization which offers numerous outreach programs benefitting animals and the community in the Los Angeles area, we appreciate this opportunity to comment on the proposed trap-neuter-return (TNR) program. As directed, please see the comments below to the five specific areas of interest:

1) What are your concerns with a TNR program for feral cats in the City of Los Angeles? Concerns include the following:

- Whether vaccinating for “communicable diseases” is a legitimate requirement;
- The mandatory vaccinations of certain diseases without knowing the entire list of vaccinations required; (This concern is similar to the “communicable disease” vaccination requirement, but listed again because of the difference in the wording throughout the TNR policy program documentation provided.)
- Whether feral cat caretakers will be properly exempted from the definition of “owner” without first seeing the language;
- What happens to the feral cat colony if a property owner who allows feeding decides to sell the property/move and the new owner does not allow for feeding cats on the premises
- What ramifications, if any, will result from modifying the prohibition against feeding of non-domesticated mammalian predators and how these modifications will conform to the predator and wildlife definitions of the California Department of Fish and Game (Sec. 53.06.5);
- What are the ramifications, if any, of the term “undomesticated” in the feral cat definition;
- What is meant by the term “general notice method” with regard to the notification provided TNR Support Organizations when a feral cat is impounded;

- How long will an ear-tipped feral cat that has been impounded or brought to animal control be held before being euthanized;
- According to the Department of Animal Services, Policies and Procedures, Homeless Cats will be photographed when brought in for sterilization, but how will the cats that have already been sterilized and present at any location be properly identified if they cannot be photographed;
- The level of detail and frequency of reporting is overly burdensome on TNR-Support Organizations;
- The cat trapping notification requirement is overly burdensome and completely unenforceable;
- Whether New Hope TNR-Support Organization registration information will be made publicly accessible;
- The definition of "feral cat";
- The Requirement that all New Hope TNR-Support Organizations be tax-exempt;
- Lack of clarification surrounding the term "disease-free".

2) Are there any of the above TNR program elements that you would change, and if so, why?

- *Whether vaccinating for "communicable diseases" is a legitimate requirement; In order to determine the feasibility of this requirement, the "communicable diseases" of concern would need to be listed in their entirety. The level of burden placed on the TNR-Support Organizations could then be determined by cost versus likelihood of exposure to public health, etc. It will also be necessary to consider the cost and burden placed on TNR-Support Organizations to systematically round up and vaccinate all of the cats that are already part of a sterilized colony. This requirement may prove cost-prohibitive and negatively impact the number of animals that can be sterilized.*

Rabies should be the only vaccination required for all new cats participating in the TNR program. Many of the animals already existing in colonies may have built up a natural immunity to illnesses and are already sterilized. Consequently, potential exposure to other animals is greatly minimized.

- *Requirement that cats be provided vaccinations against certain diseases – which ones; Again, to determine the feasibility of this requirement, TNR-Support Organizations would need to know which vaccinations are required. The burden placed on TNR-Support Organizations to vaccinate all of the cats that are already part of a sterilized colony is a huge concern.*
- *What happens to the feral cat colony if a property owner who allows feeding decides to sell the property/move and new owner does not allow for feeding cats*

on the premises; Some type of protective measure needs to be included for established colonies if/when the property is transferred.

An exception for relocating colonies in these situations should be provided.

- *What is meant by the term "general notice method" with regard to notification of impounded cats being provided to TNR Support Organizations; Given the characteristics of some feral cats and their avoidance of humans, safety measures must be in place to insure TNR-Support Organizations are provided sufficient notice of missing cats. In circumstances dealing with especially timid animals, the TNR-Support Organization may not even realize a colony cat is missing.*

Prior to euthanizing an ear-tipped, feral cat, all methods for contacting TNR-Support Organizations should be exhausted. Animals impounded should be checked for microchips and photographed. The photograph can be placed on an electronic bulletin board and also e-mailed to all TNR-Support Organizations. If no one has claimed the animal, TNR-Support Organizations within the immediate area of where the animal was found/trapped, should be contacted by telephone within a reasonable time to determine if any of the groups might be missing the cat in question.

- *How long will an ear-tipped feral cat that has been impounded or brought to animal control be held before being euthanized; This concern merges with the one listed immediately above regarding adequate notification to the TNR-Support Organizations of any impounded cat.*

All methods for contacting TNR-Support organizations in the area where the cat was retrieved/trapped must be exhausted before the animal is destroyed. An ear-tip should be considered "traceable identification" and at a minimum, the cat should be held for four days if necessary.

- *According to the Department of Animal Services, Policies and Procedures, Homeless Cats will be photographed when brought in for sterilization, but how will those cats already sterilized and present at any location be properly identified if they cannot be photographed? Photographing cats already sterilized and present at any given location might prove problematic, especially when dealing with extremely timid animals. One's inability to photograph a shy cat should not be deemed noncompliance.*

A thorough, written description of all animals present at any location may suffice. The written description should include sex, size, weight (if known), approximate age, color, and breed of the animal. Any distinguishing marks, scars, etc., should also be noted.

- *The level of detail and frequency of reporting is overly burdensome on TNR-Support Organizations; Placing frequent, detailed demands on TNR Support Organizations actively participating in this program are overly burdensome given the amount of work being conducted with no compensation. Simplifying this process will not only assist the TNR-Support Organizations, but the communities that are benefitting from this invaluable service.*

Following the initial reporting by TNR-Support Organizations, an annual reporting requirement should be adopted and the form revised to include the following information only:

- The year
- Organization name
- Name, telephone and e-mail address (if applicable) of person compiling the report
- Vicinity of colony location
- Estimated number of cats in the colony

- *The cat trapping notification requirement is overly burdensome and completely unenforceable; There is no legitimate reason for this trapping notification requirement considering to-date, there have been no complaints of owned cats being trapped and sterilized by TNR-Support Organizations. This requirement is also overly burdensome and unenforceable given animal control lacks the money, manpower, or desire to physically go to all the trapping sites and check with the neighbors to ascertain notice has been properly given.*

Eliminate this neighbor notification requirement entirely when trapping is being conducted by TNR-Support Organizations.

- *The proposed definition of feral cat; The definition includes that the free-roaming cat "has not been diagnosed with a communicable disease." Wouldn't this then mean that an unsocialized, free-roaming cat that is diagnosed with a communicable disease is not feral?*

Revise the proposed definition to read something similar to: "Feral cat is a free-roaming cat that is without owner identification of any kind whose usual temperament is extreme fear and resistance to contact with people and (i) is born in the wild or is the offspring of an unsocialized cat, or (ii) is a formerly owned cat that has been abandoned and is no longer socialized."

- *The Requirement that all New Hope TNR-Support Organizations be tax-exempt; This requirement may prove counter-productive and limit the assistance available to Los Angeles Animal Services while significantly increasing administrative/compliance costs. Another concern is that groups or individuals must have experience doing TNR; however, the question that*

arises is how they can gain this experience without doing TNR illegally. An exception must be provided to allow TNR proponents to gain the needed experience to qualify for the program. Relying on the New Hope TNR-Support Organizations to attach themselves to anyone wishing to provide these invaluable community services may be unrealistic.

- 3) What other approaches to reducing the population of feral cats would you recommend for the City of Los Angeles and why?

Attempts should be made to adopt or place in foster homes those animals that are extremely young or social.

- 4) Please state any specific environmental impact concerns, including sensitive areas within the City or existing conditions, that you or your organization may have based on the above elements of the proposed TNR Program.

N/A

- 5) Do you have any other comments about the proposed TNR Program?

- In regard to the following listed concern above: *Whether New Hope TNR-Support Organization registration information will be made publicly accessible*, we recommend the following:

All of the information provided in accordance with the TNR-Support Organization registration requirements shall not be a public record, and any information given in such quarterly and/or annual reports which would reveal the exact locations of existing colonies would be made exempt from public disclosure. Additionally, information obtained by the City of Los Angeles, other governmental agencies, or other sources that are used to verify information received in the registration and reporting is exempt from public disclosure.

- Costs surrounding this program should be kept at a minimum so that more funding can be allocated to the sterilization of free-roaming cats to further reduce the population. Requirements that increase administrative costs (including penalizing non-compliant TNR-Support Organizations for minor infractions) should also be reviewed closely and omitted whenever possible so that the funding could be better directed to spaying and neutering more animals.

Again, thank you for this opportunity to submit comments regarding the City of Los Angeles' proposed Trap, Neuter, and Return (TNR) Program. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

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