

TRANSMITTAL

To:
THE COUNCIL

Date: SEP 19 2012

From:
THE MAYOR

TRANSMITTED FOR YOUR CONSIDERATION. PLEASE SEE ATTACHED.

A handwritten signature in blue ink, appearing to read "Antonio R. Villaraigosa", with the word "for" written below it.

ANTONIO R. VILLARAIGOSA
Mayor

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OFFICE OF THE MAYOR
2012 SEP 17 PM 2:14
CITY OF LOS ANGELES

September 12, 2012

Honorable Antonio R. Villaraigosa
Mayor, City of Los Angeles
Room 303, City Hall
200 North Spring Street
Los Angeles, California 90012

Subject: **RECOMMENDATION TO USE \$52,000 FROM THE ANIMAL WELFARE TRUST FUND TO PAY FOR THE ENVIRONMENTAL CLEARANCE RELATED TO THE "CAT PROGRAM"**

Dear Mayor Villaraigosa:

At its meeting of August 14, 2012, the Board of Animal Services Commissioners voted to authorize the use of \$52,000 from the Animal Welfare Trust Fund to pay for the preparation of California Environmental Quality Act (CEQA) documentation in support of a "Cat Program." If an environmental clearance is obtained, this would allow the Department to resume the trap, neuter and release of feral cats.

Specifically, the Board recommends to the Mayor and City Council to:

1. APPROVE the request from the General Manager to authorize the use of \$52,000 from the Animal Welfare Trust Fund to pay for the preparation, circulation, and finalization of CEQA documentation in support of a proposed "cat program."
2. AUTHORIZE the Department of Animal Services to prepare a GAEID (previously known as an IDO) to Fund 682, Department 50 (Bureau of Engineering).

SUMMARY

On June 27, 2005, the Board of Animal Services Commissioners approved a resolution adopting Trap-Neuter-Release, or "TNR." This is a technique involving

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the maintenance of sterilized feral cat colonies in outdoor areas that has gained support in various locales nationally and internationally. The Board directed Animal Services to take such steps necessary to implement the TNR policy, including the initiation of several Municipal Code amendments. On June 12, 2006, the Board instructed the Department to conduct a California Environmental Quality Act review of any substantive proposal prior to moving forward with final approval.

In 2007, after environmental and bird enthusiast groups objected to the implementation of any aspects of TNR without a CEQA clearance, the Department ended the espousal of the TNR policy. Nonetheless, a lawsuit was filed over this issue on June 26, 2008. The court subsequently agreed with the plaintiffs that the City had been conducting a TNR program without an environmental clearance.

With the issuance of a modified court injunction in March 2009, subsidy of feral cat sterilization and the support of any TNR and TNR-related activities on the part of the City were prohibited, including any previously initiated TNR-facilitating activities or adopted Codes.

Only after there is environmental clearance can the Department proceed with a "Cat Program." This Program would involve Citywide coordination of actions and activities that will accomplish increased spay/neuter of cats, generally reduce the euthanasia of cats in City, accommodate the maintenance and improved management of cats in outdoor locations in a manner that minimizes their impacts on environmentally sensitive habitats, support members of the public with an interest in addressing nuisance issues relating to cats, and facilitate public and community education on cat-related issues.

The Department is requesting that \$52,000 from the Animal Welfare Trust Fund be authorized to conduct the environmental clearance. Restricted donations have been received and pledged into the Animal Welfare Trust Fund to fully cover this amount.

CEQA AND THE CAT PROGRAM APPROVAL PROCESS

The CEQA process involves notifying the public, interested parties and agencies of the City's intention to create an environmental document describing the potential environment impacts of implementation of the Cat Program, taking public and agency comments on the potential environmental impacts of the proposed program, and determining the significance of potential environmental impacts. This environmental document then must accompany any proposed

discretionary actions regarding the Cat Program through the City's approval process.

The Department has already taken steps to address environmental clearance related to TNR. Working with the Bureau of Engineering, Animal Services contracted with Envi-Craft, an environmental consulting firm, to advise it on how best to proceed with a CEQA clearance process. A survey of stakeholders was conducted, preliminary environmental analysis undertaken, and a report delivered in November 2011. The Department now proposes to prepare an environmental document pursuant to CEQA. The Bureau of Engineering has agreed to provide the document and estimates that \$52,000 will be required for labor and fees.

To proceed with a CEQA study, a project description encompassing the proposed project to be studied for the environmental clearance document is needed. Working in conjunction with the City Attorney, the Mayor's Office, the Office of Councilmember Paul Koretz, Bureau of Engineering, and outside experts on issues relating to cats, trap-neuter-release and related topics, the Department has prepared a draft project description. This draft is subject to change as the CEQA and approval processes go forward, but it is fully indicative of the Department's intention to meet the court's requirements for conducting the Cat Program in a manner that addresses environmental concerns and promotes the welfare of cats in general.

Only after publishing an environmental document and considering public comments will the Department return to the Board and City Council with a specific Cat Program.

ANIMAL WELFARE TRUST FUND

The Department solicited donations to fund the creation of this environmental documentation in support of a proposed Cat Program. These donations will fully fund this activity. The City Attorney has advised the Department that this is acceptable provided that Animal Services, working in conjunction with the Bureau of Engineering, retains its normal and necessary administrative and oversight role in the preparation of the documentation. This is best done by having the contributions go to Animal Services' Animal Welfare Trust Fund. The Department would then use these funds to pay for environmental clearance-related expenses.

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FISCAL IMPACT

The use of the Animal Welfare Trust Fund has no impact on the Department's General Fund budget. Funding for the environmental clearance is coming from outside organizations and the \$52,000 in donations is dedicated for this purpose only.

Sincerely,



BRENDA F. BARNETTE
General Manager

BFB:JC

cc: John Chavez
Ross Pool
File