

ANIMAL ISSUES MOVEMENT

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January 20, 2015

Councilmember Paul Koretz, Chair
Councilmember Felipe Fuentes
Councilmember Mitch O'Farrell
City Council Public Safety Committee
200 North Spring Street
Los Angeles CA 90012

All Members, Los Angeles City Council
200 North Spring Street
Los Angeles CA 90012

Honorable Members:

CF 13-1513 OPPOSE: CAT-LIMIT INCREASE PROPOSAL (CLOWDER REGISTRATION) DATED JANUARY 14, 2015, BY GM BRENDA BARNETTE. - COMMITTEE MEETING JANUARY 20, 2015

Animal Issues Movement hereby submits its opposition to the above proposal by Los Angeles Animal Services General Manager Brenda Barnette, which will result in legalizing hoarding of cats in the City and the potential for unlimited indoor/outdoor cats, usurping the rights of neighbors to stop or interfere with animal trespass on private property, and decrease fostering of homeless cats.

Many conscientious cat owners in Los Angeles own/maintain more than three (3) indoor cats and, although this is above the legal limit, unless there is a violation of the quality of life for adjacent properties or indications of inadequate care of the animals, LAAS does not enforce the limit. However, limit laws are essential to provide the tools animal-control officers need to demand the right to assure that animals are not being neglected or otherwise mistreated inside a residence. The proposal by Ms. Barnette would remove those protections for both animals and neighbors and allow a class system benefiting those who can afford a "private clowder."

This proposal is an attempt to circumvent responsibilities by this department and to enable the inability to identify outside cats, because when cats are roaming, there is no way to tell to whom they belong or whether they are strays/feral. It also removes the ability to control disease, parasites and neglect/abandonment of owned animals. This proposal provides the potential for coyotes and other predators to be invited into residential communities and become a danger to other pets.

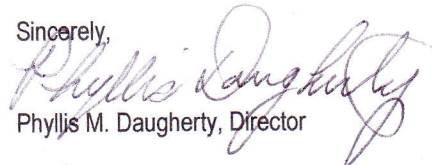
The attached article, "L.A. Animal Services Will Inspect Cat-Owners' Homes Under Cat-Limit Proposal by Brenda Barnette," outlines further objections. This would also create inequities and a class system as to the ability to pay enables purchasing the right to have more cats, rather than the conditions under which the animals are maintained. One (or more) Permit Officers will not be able to begin to investigate the increased situations where multiple (dozens, hundreds) of cats are maintained in a population of 4 million people and 469 square miles. It removes/decreases civil rights of neighbors to take action against nuisance situations because the blessing of an "inspection" at an earlier date.

This is a bad idea from all aspects and particularly in it is an attempt to abdicate responsibility for addressing the source of the cat overpopulation problem—irresponsibility of owners. Cats are treated by the City as disposable animals that may be left in the streets and cat owners are not held accountable for the laws already in place to spay/neuter felines. The City needs to use its efforts to enforce the existing laws to protect cats—not just allow them to be legally hoarded and remove/decrease the ability to enforce anti-cruelty provisions. Additionally, the City must increase the number of animal control officers before considering any new laws. Currently Ms. Barnette has admitted that most days there is only one officer available per district throughout the entire city.

The Personnel and Animal Welfare Committee should direct its efforts toward fixing the problems that are rampant in regard to animal protection/welfare in this city by providing personnel—not attempt to hide them by permitting residential extension of the animal shelters in improper zoning. It should not usurp the obligations of the Planning/Building and Safety code enforcement departments by reassigning their responsibilities for health and safety.

The "clowder registration" proposal is a bad idea for everyone, especially for the cats. It will also decrease the ability of legitimate rescuers to temporarily place healthy animals in foster homes until they can be legally adopted.

We urge you to vote "NO" on this issue.

Sincerely,

Phyllis M. Daugherty, Director

Attach.

L.A. Animal Services Will Inspect Cat-Owners' Homes Under Cat-Limit Proposal By Brenda Barnette



By Phyllis M Daugherty, Mon, January 19, 2015

In an embarrassingly unresearched, poorly written and ambiguous report from L.A. Animal Services to the City's Personnel and Animal Welfare Committee for its Tuesday, January 20, meeting, General Manager Brenda Barnette initially recommends increasing the city's cat limit from three to five per resident, which brought joy to the hearts of rescuers and cat lovers.

However, the report then recommends charging \$55 per year to those who want this extra-cat privilege and requires them to agree to an annual home inspection by the Animal Services Permit Officer.

Barnette states that, "If a person owns one to three cats, the cats may be indoor...or outdoor. All outdoor cats must be altered." But she doesn't explain how that is suddenly going to be enforceable, given the fact that outdoor male cats do not usually cooperate in a hands-on check of whether their manhood is still intact. and it is almost impossible to discern sterility of a female cat without a veterinary exam.

Additional cats (over the current 3-cat limit), Barnette says, shall be maintained solely indoors and a private clowder registration—with an annual permit and inspection— shall be required when ownership exceeds three cats. (A footnote explains that a "clowder" is a group of cats.)

The City has a required spay/neuter ordinance but LAAS has failed to enforce it effectively for cats. There has been no penalty imposed on owners for allowing cats to roam outdoors and procreate nor for abandoning them.

After failing to develop methods to enforce the spay/neuter law or impose penalties during her five-year tenure, Barnette instead recommends enacting another ordinance that fails to address the source of cat overpopulation—irresponsible cat owners—but allows the potential for hoarding large numbers of cats, legitimized by a City permit.

Does Barnette really believe that there will suddenly be a way to determine if only three out of five or more altered cats are being allowed outdoors? If cats are roaming in multiples, how does she anticipate identifying to which "clowder" similar grey tabby cats belong? And, who has time to do this? LAAS already has an all-time low complement of officers and cannot investigate serious humane investigations as expeditiously as required. At \$55 per registration, allegedly for cost recovery, an officer cannot spend much time inspecting a "clowder."

REGISTERING A 'CLOWDER' AND BEING INSPECTED ANNUALLY

Here's the fee schedule for the annual Registration of a Private Clowder, which the report now defines as "an individual house, apartment, condominium, or other living quarters, along with its associated lot or premises." 4-9 cats \$55; 10-15 cats \$85; 16-unlimited cats...\$150.

Note that there are no zoning or other restrictions—no distance requirements from the nearest residence, if you want to keep unlimited cats. Barnette explains that “The Animal Services Permits Officer will determine that such animals may be kept or maintained without endangering the safety and comfort of the cats or the residents of the immediate vicinity...”

But the Permits Officer is not a code-enforcement expert. On what basis will he/she make that decision, and how much will that decision be influenced by the applicant’s relationship (or lack thereof) to Barnette?

‘CLOWDERS’ ELIMINATE CAT LIMITS IN LOS ANGELES CITY

In an article entitled, Pet cat limit to be considered for elimination in Los Angeles, what appears to be the real goal of this program is described by *Westside Today*, “[R]emoving the three-cat limit in Los Angeles would “allow residents to temporarily foster cats in their homes when the shelters run out of space.”

And, here’s where the real story begins to unfold. Maybe this tedious program actually has nothing to do with allowing responsible cat owners to have two more pets and increasing City revenue.

On Page 3, Barnette writes, “Fees may be waived for applicants requesting an exemption because any cats in excess of the number specified in the pet limit provision are temporary fosters waiting to be placed in a home of his/her own.”

So, if you wish to have a few more personal pets, you must pay. If you agree to be an extension of the animal shelter in a residential district and potentially take unlimited cats, your fees are waived. But, in either case you must agree to an annual inspection.

Under “Fiscal Impact” Barnette states that recommendations in her report will provide additional General Funds through permit fees to *help* cover the expense of annual inspections.

If the real purpose is to “foster cats,” (which could mean feral cats—one of the highest populations in L.A. shelters) then a large number of fees may be waived. That means the taxpayers will foot the rest of the bill for Barnette’s diversion to avoid having to euthanize them and admit that on-going “No Kill” claims are not true.

Law-abiding taxpayers are already paying off \$154 million in bonds for purportedly state-of-the-art shelters that promised to resolve overcrowding and also to pay Barnette’s \$228,000+ yearly salary. At what point do the irresponsible owners who cause the stray/feral cat glut begin to pay their share in fees for licensing their cats and fines for ignoring the laws? ,

WHAT RESEARCH SUPPORTS UNLIMITED CATS IN L.A.

Another clue that this plan is disingenuous is that Barnette completely omits even consideration of the prudent Los Angeles County Code (Sec. 10.20.038), which serves an area very similar to the city of Los Angeles in demographics and economics. The County Code allows up to five (5) licensed, altered and indoor cats to be kept at any residence. Keeping animals in excess of this number requires an animal-facility license.

She also ignores that cities surrounding Los Angeles have either the same long-standing three-cat limit, or lower.

Instead, in a self-serving effort to reduce her shelter impound numbers, Barnette jumps to San Diego and Santa Monica and attempts to convince legislators they are comparable. Looking at the population and income levels of those areas, as reported by the U.S. Census, shows why civil actions by neighbors and strict code enforcement regarding noise and nuisance are more likely to keep problems at a minimum and reduce the need for limits.

SAN DIEGO

Total population: 3,095,313 living in 4,207 square miles. [San Diego City population 1,307,402 in 325.19 square mile.]

Density: 680 persons per square miles.

San Diego County has a per capita income of \$44,131, about 50 percent more than that of California and the United States, the report states.

LOS ANGELES (City)

Total population of 3,884,307 living in 469 square miles.

Density: 8,282 individuals and 2,812 households per square mile.

Per capita income in 2013 was \$27,829, with 22% of the population below the federal poverty line.

SANTA MONICA

Total population in 2012 of 91,812 (100% urban).

Density: 11,114 people per square mile

In 2013, per capita income \$57,390 and estimated median income of \$73,649.

Both San Diego and Santa Monica use code enforcement and public nuisance/roaming prohibitions to assure that animals are not trespassing on private or public property and that noise, odor and waste are not a problem.

IS 'CLOWDER' REGISTRATION REALLY A PIECEMEAL PATH TO TNR?

The City of Los Angeles Department of Animal Services is subject to a permanent injunction resulting from a lawsuit by a coalition of wildlife conservation groups regarding the City's proposed Trap-Neuter-Return (TNR) program for unowned cats.

Because the City was implementing that program without having done the legally required environmental studies, the court enjoined it from making changes to ordinances to allow trap/neuter/return (TNR) of feral cats using City money.

In 2013, when the report now being submitted by Barnette was due back to Paul Koretz' Personnel and Animal Welfare Committee, Koretz, Barnette and Jim Bickhart, then-Deputy to Antonio Villaraigosa, were hoping to receive news from the City's Engineering Department that a Draft Mitigated Negative Declaration would be issued to comply with the California Environmental Quality Act (CEQA), as required by the judge's ruling, and cat feeders were elated. That program stalled due to opposition from experts and government agencies. Ever since then, Barnette has been publicly announcing that a break-through is coming.

So perhaps the "Registered Clowder" program is poorly planned and appears to be deceptive to those it purports to help because it really isn't about allowing private citizens to enjoy more pets or to give rescuers a possible legal way to keep more homeless animals until adoption.

This proposal by Barnette destroys private property rights by removing trespass defense for those who do not wish to have outdoor cats on their property or to live in proximity to an unlimited (or large) number of cats. Excellent examples of prohibiting animal trespass are available.

It is not the obligation of the general public to allow destruction of their neighborhoods and quality of life nor to donate the rights to their properties for the benefit of stray animals, no matter how great the need.

It is time for Brenda Barnette and Paul Koretz to take responsibility for the positions they hold and start solving the animal problems in Los Angeles at the source, not manipulating laws and the trust of animal lovers to cover the truth of "No Kill" failure.

<http://www.opposingviews.com/i/society/animal-rights/la-animal-services-will-inspect-cat-owners-homes-under-cat-limit-proposal-br>Sources: [LACity.org](#), [Westside Today](#), [Life Daily](#), [US Census Bureau](#) / Photo Credit: Provided

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