



Adam Lid <adam.lid@lacity.org>

Please add this to the file for TODAY'S PAW Committee item 13-1513

1 message

CatNose1@aol.com <CatNose1@aol.com>

Tue, Feb 17, 2015 at 3:02 AM

To: adam.lid@lacity.org

Dear Mr. Lid,

Please ensure that the below is included with the file for today's PAW Committee item 13-1513.

Thank you,
Laura Beth

From: CatNose1@aol.com

To: paul.koretz@lacity.org, councilmember.koretz@lacity.org, Joan.Pelico@lacity.org,
Felipe.Fuentes@lacity.org, councilmember.fuentes@lacity.org, asad.baig@lacity.org,
Mitch.OFarrell@lacity.org, councilmember.ofarrell@lacity.org, Christine.Peters@lacity.org,
Richard.Llewelyn@lacity.org, David.Hersch@lacity.org

Sent: 2/17/2015 2:53:52 A.M. Pacific Standard Time

Subj: Fwd: Please add this to the file for TODAY'S PAW Committee item 13-1513

Dear PAW Committee members and others,

Brenda Barnette's most recently revised cat limit increase proposal (just presented last Thursday, two business days before the vote) again ignores reality.

Although I strongly support the *concept* of a cat limit increase, I **very strongly OPPOSE this proposal**. As with Barnette's prior iterations, this proposal is **dangerously counter-productive**.

My comments before the prior PAW Committee meeting are attached below, including a recommendation that does not suffer from the serious failures of the proposal on which you are to vote.

The current proposal will lead to MORE cat overpopulation not less, problems and increased time and resource expenditures due to failure to meaningfully address the Urban Wildlands Court Order, outrageous infeasibility of the plan itself, and drain scarce financial and personnel resources.

Given the unworkable plan and serious problems it creates, whether or not you want a cat limit increase, the only correct vote on this proposal is "NO!" The reasons follow:

1. Serious spay/neuter problems causing MORE cat overpopulation:

Barnette must think you are so ignorant that you will ignore the reality that the spay/neuter ordinance *will not* prevent all the added cats under the same roof from reproducing. She cites the ordinance and

says "all owned cats" are "required to be altered." Barnette's statement is not truthful!

a. The city's spay/neuter ordinance does not require "all" owned cats to be altered. Rather, it has exemptions, and the exemptions swallow the rule. Notably, by simply purchasing a permit, the owner evades spay/neuter. LAMC 53.15.2(b)(2)F.

b. Even without the overbroad exemption, Brenda Barnette is well known for failing to enforce the city's spay/neuter ordinance. Thus, the spay/neuter ordinance, or any spay/neuter restriction that may become part of the proposal, will be of no help in preventing the proposal from causing MORE cat overpopulation – not less.

c. The proposal MUST NOT BE APPROVED without adding a very specific statement that EVERY cat in a household with more than three cats MUST be spayed or neutered and the ONLY possible exemption is pursuant to LAMC section 53.15.2(b)(2)E (certification from a licensed California veterinarian that the animal is medically unfit for spay/neuter). Without this, the proposal will INCREASE cat overpopulation and euthanasia – not reduce them.

d. Spay/neuter is generally very expensive. The General Manager has reduced funding for spay/neuter for low income residents. If a person has "20+" cats (as the proposal allows, up to an infinite number of cats), then well meaning people could easily find themselves in a situation of having more cats than the person can afford to spay/neuter. Then what?? The proposal plus the General Manager's reduction in spay/neuter funding for low income persons leaves these people with no choice but to leave their animals unsterilized – and reproducing, adding more to the overpopulation.

e. Many people unable to afford spay/neuter cannot qualify for free spay/neuter vans due to the very low income requirements. The city's spay/neuter coupons are notoriously unavailable. Even when available, a person cannot get as many coupons as the proposal allows them to own. This only makes the problem worse for people with more cats than the person can afford to spay/neuter.

2. Failure to address the Urban Wildlands Court injunctions will cause unnecessary delays, unnecessary risk, and unnecessary resource expenditures:

In a blatant failed attempt to hide behind smoke and mirrors from the Urban Wildlands complaints about this proposal, the General Manager's newly revised proposal says simply to request that the city attorney "include any required CEQA analysis to be performed." The proposal is then COMPLETELY SILENT as to what that CEQA analysis might involve, how long or how much money it may require, and what added litigation hazards are created by the current proposal that so inadequately addresses the Court injunctions.

a. Considering that LAAS has been under injunctive orders from the Urban Wildlands lawsuit, and unable to figure out any appropriate CEQA solution for OVER FIVE YEARS, it is outrageous that Brenda Barnette gives such short shrift to this key issue. And that she totally abdicates her job and shoves the entire burden onto the city attorney, without providing the slightest ideas. Clearly she is unable, given her abject failure with regard to the overall court orders. Barnette seems to think that placing the acronym "CEQA" into the proposal constitutes a solution. Needless to say, it does NOT – her using the acronym without offering the slightest suggestion is more like an insult to the plaintiffs and to the Court.

b. What are the parameters of the "CEQA analysis"? Who will conduct it? At what expense? What are the chances of CEQA success (considering the horrendous LAAS track record and obvious flaws with the current proposal)? What are the expectations for how much delay and expense the resulting litigation will cause? Barnette provides zero information. If the proposal does not pass CEQA muster, what will be the court's penalty to the city if (or more likely, when) the court finds the city in contempt of its existing orders? (Why would the head of a Los Angeles feral cat group and BFF of the General Manager be publicly pushing the cat limit increase??)

c. Given Barnette's glaring inability to move out of the starting gate on the Urban Wildlands court injunctions even after five years, and her failure to offer the slightest pertinent CEQA recommendation for the cat limit increase, there is little hope that this proposal will be any more than a waste of everyone's time and/or a burden to the city from resulting litigation and court penalties. The proposal allows an unlimited number of cats in households and three of those cats can go outside, with no way to know which three are outside, and no identified personnel to monitor violations. As such, this

proposal is more than likely to drag the city into yet another court battle, producing delays in implementation of any cat limit increase. Simply because the General Manager pushes smoke and mirrors but not solutions. Again.

d. As such, **this entire proposal should be dropped until** there is a reasonable approach to implementing the proposal given the CEQA and court order consequences of the plan to allow more cats per household with some allowed outside and no viable means of spay/neuter or numbers enforcement – vis-a-vis the Urban Wildlands Court injunctions. (Or delay it until a sensible proposal is presented – one with sufficient personnel identified, spay neuter honestly required and honestly enforced, requiring every household with more than three cats to keep every cat indoors only, etc. Just such a proposal is in my email below.)

3. The proposal's "requirements" are unenforceable.

Barnette's proposal depends on personnel to conduct the proposed inspections, yet there are zero available personnel for those inspections.

a. Brenda Barnette is also well known for abysmally lax and ineffective enforcement of most animal laws in the city of Los Angeles. There is no reason to believe this ordinance will get any more attention from her than the others. (In fact, there is less reason, since she takes "no kill credit" for sending animals anywhere.)

b. The revised proposal relies on LAAS' 2 permit Officers. Yet LAAS administers a variety of permits, not just the proposed permit. Is Barnette saying these 2 permit officers have no other assignments and are underworked such that they have spare time to fill? That cannot be the case, since she wanted to close the shelters at night due to lack of Officer staffing. Then where does the available personnel come from? Plus the proposal needs not just permit inspection Officers, but also personnel for permit administration, appeal hearings, additional instances of hoarding and sanitation complaints, etc. (plus the resulting Urban Wildlands litigation personnel resource expenditures).

4. "Three cats can go outside, the others cannot." -- Laughable.

The notion of three cats out of an unlimited number of cats being allowed outside and the other cats being required to remain inside is simply foolhardy.

How precisely will LAAS know which three cats are outside? Or when they are switched for three others – causing more total cat time outdoors?

5. Unfounded premise.

The proposal's premise is without any foundation. It presupposes that, with a cat limit increase, people will adopt more cats from LAAS.

a. There is not one shred of evidence, bit of research or study showing that people do not adopt more cats from LAAS because they are observing the city's cat limit.

b. There is no evidence, research or study showing that rescuers will rescue more animals in return for the requirement of submitting to non-complaint based inspections. Best Friends coalition members (who Best Friends pays to take LAAS animals) are not even likely to rescue more due to a cat limit increase, because they already rescue in order to be paid by Best Friends. Meanwhile, other rescuers are likely to go elsewhere to rescue cats in order to avoid intrusion by Brenda Barnette's administration.

There is surely no evidence that, for all the resource drain, delays, litigation ahead with this proposal, there will be even one more cat saved from LAAS as a result of this proposal.

6. Fiscal impact statement is makes no sense and lacks any evidence.

a. Barnette wants you to believe that the inspection fees will pay for the program. Impossible. The proposal requires inspections even if the cats are fosters. Yet if cats are fosters, the fees can be waived. The most recently revised proposal says the General Manager "may" waive the permit fees if "any" cats are fosters. So it is even more financially negative than as originally proposed – conducting

the same inspections with less income.

b. Even if the fees are not waived – they are insufficient to cover the administrative and on-site inspection costs, plus the hearing costs, of this poorly conceived program. After fee waivers, how much will actually be collected to offset all those expenditures? No information is provided.

7. Warehousing cats is NOT an acceptable solution to killing.

The revised proposal says cats "will not be restricted to cages without daily opportunity for exercise and socialization." This looks frighteningly like Barnette, in an effort to get cats out of the shelter because she does not implement effective cat adoption programs, is going to allow warehousing cats in crates. Yet Brenda Barnette's proposal appears to permit exactly that – warehousing cats in crates.

I am very sad to recommend a no vote, since I favor the concept of a cat limit increase. But I do not favor a reckless proposal such as this which will create more cat overpopulation, drain needed financial and personnel resources, and embroil the city in even more litigation.

See below for a recommendation to do the cat increase responsibly.

Sincerely,
Laura Beth Heisen, M.B.A., J.D.

Chair, City of Los Angeles Spay/Neuter Advisory Committee, appointed by City Council President Herb Wesson
Commissioner of the Board of L.A. Animal Services, 2002-2003
Founding Director and Officer, Allies for Animals, Inc.
Founding Director and Officer, Conejo Off-Leash Areas Friends, Inc.
Founding Director and Officer, Animal Match Rescue Team, Inc.

**PRIOR EMAIL – INCLUDING BETTER
CAT LIMIT INCREASE SUGGESTION**

From: CatNose1@aol.com

To: paul.koretz@lacity.org, councilmember.koretz@lacity.org, David.Hersch@lacity.org,
Joan.Pelico@lacity.org, Felipe.Fuentes@lacity.org, councilmember.fuentes@lacity.org,
asad.baig@lacity.org, Mitch.OFarrell@lacity.org, councilmember.ofarrell@lacity.org,
Christine.Peters@lacity.org, Richard.Llewelyn@lacity.org

Sent: 1/20/2015 12:08:19 A.M. Pacific Standard Time

Subj: URGENT: Vote NO on Tuesday's Cat Limit Increase - Bad Unintended Consequences!

Dear PAW Committee Members,

The proposed cat limit will create PROBLEMS and will NOT reduce euthanasia. I write this even though I have long advocated for a cat limit increase -- but this particular proposal is **horribly counter-productive**.

Under the guise of wanting to reduce cat euthanasia, this proposal WILL INCREASE cat homelessness, cat hoarding and cat euthanasia -- while draining the LAAS budget and LAAS personnel. **Please VOTE NO.**

- **SEE THE BETTER SOLUTION BELOW.**

With the current proposal, here are the problems you will be creating if you approve:

1. Proposal will REDUCE rescues from shelters, INCREASING euthanasia.

- a. Fee and inspection based permits will drive rescuers away from LAAS.
- b. Over 20% of cats leave LAAS alive with New Hope Partners. New Hope Partners do not want fees, permits or inspections. LAAS certainly has no monopoly on the supply of homeless cats -- they are on streets, with owners who want to dump them, and at nearby County shelters which do not require fees, permits or inspections. Rescuers can simply go to those places to rescue cats, instead of rescuing from LAAS.
- c. With reduced rescues from LAAS, euthanasia will increase.

2. Proposal will INCREASE unwanted litters -- causing even more euthanasia:

- a. The spay/neuter requirement in the report is illusory at best. The Report fails to clarify that, other than the medical exception, NO spay/neuter ordinance exemptions will apply. Thus, people will rely on the other spay/neuter ordinance exemptions.
- b. No enforcement plan or resources for spay/neuter violations: Brenda Barnette's spay/neuter enforcement (and spay/neuter education) record is abysmal. By allowing up to 20 cats per household, even more spay/neuter enforcement will be needed, yet we will be relying on the same abysmal spay/neuter enforcement.
- c. Allowing up to 20 cats under one roof with no reliable spay/neuter enforcement WILL cause an increase in cat births, more unwanted cats being dumped, and increased cat euthanasia at the shelters.

3. Proposal will HURT LAAS' budget and HURT LAAS staffing.

- a. The permit fees range from \$55 (4-9 cats) to \$150 ("16 to 20+ cats"). Yet the proposal requires annual inspections (obviously meaning on-site inspections including driving to and from the location, scheduling and conducting inspections of the premises outside and inside as well as checking the cats and records for spay/neuter), administrative work by the permits officer, handling forms and money, sending denial letters, and even

conducting hearings and appeals. The permit fee is inadequate to cover this, for a net loss to LAAS' budget.

b. LAAS is understaffed. This proposal with the required annual inspections, permitting process, handling money, checking records, hearings and appeals will drain LAAS' staffing.

c. The Report fails to explain where the necessary personnel will come from, and what work will not be done because personnel will have to be diverted (or hired) to handle the inspections, permitting and hearings.

4. Proposal will ENCOURAGE HOARDING.

a. By increasing the cat limit to 20 cats per household, even with the permit technically required, many are likely to see only the numeric increase; they will ignore or not see the permit requirement, and they will simply collect more cats, also ignoring the spay/neuter requirement which is already not enforced.

b. Result? Hoarding is encouraged and increases. With no added tool to prevent it.

SUMMARY:

This ill-conceived proposal has so many very serious unintended consequences that it must be rejected. The result will be fewer rescues from LAAS, increased unwanted litters, increased euthanasia, a drain on the LAAS budget, a drain on LAAS personnel, and an invitation to hoarding without any added tool to prevent it. **Please vote NO.**

A BETTER SOLUTION? EASY!! Here it is:

Increase the cat limit to whatever number you want to choose. More than 3 cats are allowed ONLY if ALL of these conditions are met:

1. ALL cats are sterilized. (Not just cats # 4 and above). NO exception applies except certified medical.
2. ALL cats are kept indoors only. (Not just cats # 4 and above.)
3. Compliance with ALL existing animal care laws.

Simple: No permits. No fees. No annual inspections.

Better than the proposal: No allowing the first three to remain unsterilized -- less overpopulation and resulting euthanasia than under the proposal. No allowing the first three cats to go outdoors -- fewer neighbor complaints than under the proposal. Rescuers and the public do not stop adopting from LAAS because they oppose fee and inspection based permits -- more adoptions and less euthanasia than under the proposal. No drain on the LAAS budget. No drain on LAAS personnel.

What about conditions? Do complaint based inspections, exactly as already should be happening. We already have laws on the books and enforcement mechanisms to address conditions. Plus, because personnel will not be drained to do inspections and administer permits, there will be more staffing available for more complaint-based enforcement.

Sincerely,
Laura Beth Heisen