

ANIMAL ISSUES MOVEMENT

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May 17, 2016

Mayor Eric Garcetti,
Councilman Paul Krekorian, Chair Budget & Finance Committee
All Members - Los Angeles City Council
200 N. Spring Street
Los Angeles CA 90012

CF #16-0600 – OPPOSITION (L.A. Animal Services Budget) EXPENDITURE OF \$800,000 FOR FERAL CAT/TNR REPORT

Animal Issues Movement is a Los Angeles-based 501(c)3 not-for-profit corporation. We oppose and submit the attached documents in regard to the proposed expenditure of \$800,000 of taxpayers' money for an Environmental Impact Report that will "hopefully" find a justification for allowing millions of (abandoned) feral cats to be released from our City shelters. They will then be reabandoned under a TNR (trap-neuter-release/relocate) program which will also use City taxpayer money to pay for spay/neuter of these unowned cats.

Spay/neuter funding by the City is strictly restricted by ordinance for use by owners of personal companion pets. Spending millions of dollars to alter a small percentage of the feral cats in the streets will NOT impact the feral cat problem because new abandoned cats will be attracted to the food and will continue to reproduce. Not all feral cats can be trapped.

Additionally this TNR plan will attract coyotes and other wildlife into residential communities with the risk of spreading diseases to the feral cats which can then be transmitted (feral cats are major vectors of rabies) and further endanger humans and pets in the area.

There is absolutely no reason to spend \$800,000 for a report on whether tons of cat feces left in the streets and private yards will have a negative impact on the environment. This fecal matter is filled with bacteria and will be absorbed into the ground and be carried to waterways. Additionally, the feral cats will destroy birds and other native wildlife which maintain a balanced environment. Approval of this funding—to be transferred in its entirety to the Department of Public Works, Bureau of Engineering—with no details of how it will be expended—is highly suspect. A complete disclosure is being pursued. A California Public Records Act request (attached) has been sent to this agency to obtain how this cost is being justified and to whom the money will be given and how it will be spent.

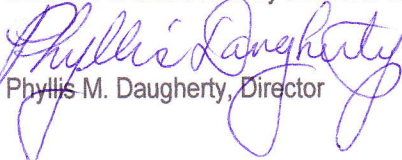
State law requires that stray animals be taken off the streets. This Cat Program has a major goal of NOT ALLOWING residents to bring stray/feral cats to the shelter, nor to remove them from private property, even though the cats may be trespassing and create a health and safety hazard to the community. In addition, the City becomes guilty of abandonment because it is "dumping" adoptable, healthy animals under its authority into the streets or giving them to individuals who have no intention of claiming ownership.

A prior Cat Program received \$52,000 in donations—also given to the Bureau of Engineering—and the outcome was a document so flawed that it has merely been left in limbo. This effort received opposition from a wide array of governmental health/safety and environmental-protection agencies, as well as the feral cat advocates. There is no reason to believe that merely "writing a bigger report" will change the outcome. This money, which could be spent on the tragedy of homeless humans all over this city, will have been squandered and City personnel will have wasted more time while on the City payroll.

Mayor Garcetti, Councilmen Bob Blumenfield and Paul Koretz, and LAAS General Manager Brenda Barnette should be ashamed of themselves for even considering this waste of city resources, when all that is needed to address the injunction which prohibiting City engagement in TNR, is to provide mitigating measures (a non-roaming ordinance for cats to protect birds and wildlife, licensing and microchipping of all owned cats to establish owner accountability) and allowing any cat creating a nuisance or hazard on private property to be taken to the shelter. Ultimately, any EIR that is approved will have to contain those mitigating circumstances.

We elect officials to represent their constituents' interest, and this issue has not been brought to the public for hearing because elected officials know it will bring outrage.

Animal Issues Movement urges Mayor Garcetti to reverse his recommendation of this proposal and to look at solutions already available to address stray and feral cats—such as enforcing laws that make owners responsible.


Phyllis M. Daugherty, Director

ANIMAL ISSUES MOVEMENT

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May 16, 2016

RE: CF 16-0600

Gary Lee Moore, City Engineer
Department Of Public Works
Bureau of Engineering
1149 S. Broadway, Suite 700
Los Angeles, Ca 90015-2213

Dear Mr. Moore:

CALIFORNIA PUBLIC RECORDS ACT REQUEST LOS ANGELES BUREAU OF ENGINEERING/DEPARTMENT OF PUBLIC WORKS RECORDS IN REGARD TO PROPOSED \$800,000 APPROPRIATION (2016-17 BUDGET CF 16-0600) FOR ENVIRONMENTAL/FERAL CAT (TRAP, NEUTER RELEASE) REPORT AND/OR CITYWIDE CAT PROGRAM AS REQUESTED BY LOS ANGELES ANIMAL SERVICES AND MAYOR ERIC GARCETTI

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I formally ask for a copy of the following, which I understand to be held by your agency:

Any and all records, including notes, memoranda, reports, studies, drafts, and communications, including electronic transmissions or messages from or to any e-mail address (public or private) regarding the subject issue, from November 4, 2013, and inclusive of the date of response to this request, which are from, sent to, transmitted or prepared by the Bureau of Engineering or any other employees of the Department of Public Works to/from Los Angeles Animal Services, the City Administrative Office, the Office of Mayor Eric Garcetti, Councilman Paul Koretz or any member of the L.A. City Council, and received from or transmitted to any individual, corporation, consultant, or other governmental agency..

This request also includes all communication with anyone involved in development, preparation or issuing any Memorandum of Understanding or other contractual arrangement, or the discussion, solicitation, development or publication thereof, between the Department of Public Works, Bureau of Engineering or any City of Los Angeles agency, commission or department or any representative, volunteer or employee thereof, and .or any entity, individual, corporation, consultant, or other governmental agency.

This Public Records Act request also includes copies of written communication involving the Bureau of Engineering/Department of Public Works or anyone acting on the agencies' behalf from or to any non-profit or charitable organization, private/public business entity, attorney, volunteer or independent contractor involved in any aspect of communication, lobbying, soliciting funds, preparation of bids, bidding, consulting or applying for employment or contract relative to a Citywide Cat Program or Environmental Review/Report in regard to feral cats (and includes Jim Bickhart or Speedway Policy Associates in advising/representing/employed by any City official).

Additionally, we are seeking copies of any documents described as:

1. Any documents, notes, records on which the determination of the amount \$800,000 for the Environmental Feral Cat (trap neuter release) was determined or based, either internally generated or received from any outside source, bidder, or private business entity or governmental agency. This includes, but is not limited to, the report sent to the City Administrative Office on Feb. 25, 2016, by Robert Kadomatsu, Chief Management Analyst for the BOE, advising that, "...the \$814K estimate was just completed and has not been shared with anyone else yet."
2. Any description of such an EIR, program, cost, proposed vendor, scope or plan(s) to arrange, contract, or otherwise engage any company or any agency of the City or other governmental or nonprofit entity to be involved in arranging and/or performing an Environmental Impact Report (EIR) in regard to cats, Trap-Neuter-Release (TNR) or the injunction issued by the Superior Court resulting from an action filed by the Urban Wildlands Group (UWG); or any records of contact with that group in this regard.

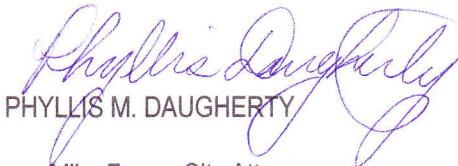
3. Any Request for Proposals (RFP) or similar document for environmental review of the Citywide Cat Program or its successor since November 4, 2013.
4. Any response from any contractor to a request for proposals (RFP) of any kind for the environmental review of the Citywide Cat Program or its successor since November 4, 2013.
5. Any description of the Citywide Cat Program or its successor developed since November 4, 2013.
6. Any correspondence from or too Animal Services and any council office or the mayor's office to the Bureau of Engineering or Department of Public Works regarding environmental review of the Citywide Cat Program or its successor since November 4, 2013.

I ask for a determination on this request within TEN (10) days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you deem that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested. In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at (213) 413-2367. I am sending a copy of this letter to your legal advisor to help encourage a speedy determination.

Thank you for your prompt attention to this matter.



PHYLLIS M. DAUGHERTY

cc: Mike Feuer, City Attorney

Mayor Garcetti OK's \$800,000 for Feral Cat Report While the City's Homeless Struggle

PHYLLIS M. DAUGHERTY

02 MAY 2016



LOS ANGELES

- [PREVIOUS ARTICLE](#) LA Supes Have Once-in-A-Generation Opportunity to Break Inequality Barrier for Parks and Playgrounds

- [NEXT ARTICLE](#) Millennials: The New Urban Pioneers

ANIMAL WATCH—On April 20, Mayor Garcetti released his proposed budget for 2016-2017, which includes over \$800,000 for a report on the estimated 3 million feral cats roaming Los Angeles and whether they have an impact on public health, wildlife and the environment.

Regardless of how much we love animals, the magnitude of this proposed expenditure for an analysis of stray/feral cats is shocking, when a burgeoning number of homeless humans — including women, children, veterans and the elderly — are living in the streets, and property owners are desperate for solutions to resultant conflicts all over the city.

"We fought hard for the \$500,000 we want for an EIR to fight the injunction [prohibiting City-funded Trap-Neuter-Release of feral cats] that is against the city," **L.A. Animal Services GM** Brenda Barnette told the Commission in February during an oral report. "The total will be \$750,000 to \$800,000, with a 20% contingency." She explained that the department has \$300,000 retained from last year (2015-16), and "with the assistance of the Mayor's office, we are trying to keep that."

(Author's Note: If this money could be reallocated for a feral cat report, it could have been used to replace a portion of the deteriorated LA Animal Services trucks in which the ventilation system fails to keep animals cool in the summer, brakes fail, a steering wheel came off in the hands of an officer, and the doors on the animal-holding compartments are fly open during transport.

The manager of the City's Fleet Services told the PAW Committee, at an apparently perfunctory meeting scheduled by Chair Paul Koretz, that they were dangerous and had not been replaced since 2001/2003. However, no further effort has been made to protect the animals and officers.)

The injunction Barnette referenced is the 2009 Superior Court prohibition against an "informal but pervasive" Trap-Neuter-Release program by then-GM Ed Boks, using city tax-funded vouchers (reserved by ordinance for pets of Los Angeles residents) to spay/neuter feral cats and release them all over the city. The order enjoined any such program until **legally required environmental impact reviews** were performed.

Boks also enacted a policy of refusing nuisance stray/feral cats trapped by property owners and brought to the shelter and did not issue traps for that purpose. This meant that residents with allergies or suppressed immune systems or who objected to cats defecating in their flower bed or garden, menacing their pets or killing birds and other small wildlife in their yard had no legal option to remove them.

The plaintiffs' attorney Babak Nacify, who represented The Urban Wildlands Group, Endangered Habitats League, Los Angeles Audubon Society, Palos Verdes/South Bay Audubon Society, Santa Monica Bay Audubon Society, and the American Bird Conservancy, stated:

"Our goal was to see that the City follows the California Environmental Quality Act by thoroughly assessing the program's impacts on the environment and considering alternatives and mitigation measures before making specific programmatic decisions.

"Feral cats have a range of impacts to wildlife, human health, and water quality in our cities. The impacts of institutionalizing the maintenance of feral cat colonies through TNR should be discussed in an open, public process before any such program is implemented."

An LAAS donor-funded \$52,000 Mitigated Negative Declaration by the Bureau of Engineering in 2013 met with overwhelming opposition and negative comments by experts from numerous relevant agencies, as well as criticism by feral cat activists, and has not been revisited but could be revised. Why is this not being considered?

The considerations required by the injunction does not rise to the level or expense of a full Environmental Impact Report (EIR), so the immediate jump to that monetary commitment by the Mayor -- the ultimate guardian of the city's resources -- is bewildering and alarming.

Barnette told the Commission in February that the CAO's Budget Committee "was not fond of this idea." However, a CPRA response later obtained from the CAO indicates that may not have been the case.

In fact, a January 27, 2016, email from John Forland of LA Animal Services, to Felicia Orozco, cc'd to Edward Roes, Chief Administrative Analyst, stated:

"The Department requests authority to expedite transfer of \$300,000 from the Unappropriated Balance ...to the Bureau of Engineering (BOE)...Engineering Special Services Account."

"The purpose of this transfer is to immediately initiate preparation of the Environmental Impact Report (EIR) for the Trap Neuter Return (TNR) program, Mr. Forland explains. "Work cannot begin... until these funds are in the BOE account. (Note: BOE estimates the total cost of the EIR will be approximately \$800,000.)"

"The EIR is required by the court to lift it's [sic] injunction preventing the Department from providing any services for feral cats, such as spay/neuter surgeries. This poses a severe penalty because the continuing injunction prevents the Department from saving animals whose lives are now in danger."

On January 28, Felicia Orozco responded, "That is great news. I can work on including this transfer in the Mid-Year FSR..."

Two hours later, GM Brenda Barnette weighed in, cc'ing Ryan Carpio of the Mayor's Office on an e-mail, stating:

"Hello, Felicia, The \$300,000 we be able [sic] to get the outside consultant engaged for the EIR and to cover some staff time for BOE. The total estimate is approximately \$800,000 with a 20% contingency. I have asked for the additional \$500,000 in the budget for next year. Bottom line is that we cannot begin work without the \$300,000 so we need it now."

On Feb. 25, Robert Kadomatsu, Chief Management Analyst for the BOE, asked Orozco not to share an attachment to his email. He stated, "...the EIR process is going to be extensive as well as expensive. The \$814K estimate was just completed and has not been shared with anyone else yet."

Apparently approval by the Mayor was a no-brainer, but the anticipated automatic Committee vote that accompanies all Paul Koretz animal-related proposals, was stymied by Budget and Finance Chairman Paul Krekorian at the hearing on March 28. Krekorian stated that this was the first time he had heard about a half-million dollars being spent on a report about spaying and neutering cats. (This discussion is available for public viewing on the www.lacity.org website and definitely worth watching.)

Koretz quickly advised him that it is actually \$800,000 and that holding the Unappropriated \$300,000 was spearheaded by Councilman Bob Blumenfield. Coincidentally, Jim Bickhart, former aide to Mayor Villaraigosa, dba Speedway Policy Associates, and was under contract for "personal services" to Blumenfield at that time.

Kudos to Paul Krekorian, who withstood pressure from Paul Koretz and instructed Barnette to bring back a report that explains the need for this expenditure!

He also asked for evidence that this type of program has been successful in other major cities.

"Success" in counting stray cats in a large city is an oxymoron; however, here is what NY Governor Andrew Cuomo wrote in October 2015 when he vetoed a Bill to create a statewide TNR policy:

*VETO MESSAGE - No. 203
TO THE ASSEMBLY:*

I am returning herewith, without my approval, the following bill: Assembly Bill Number 2778, entitled:

"AN ACT to amend the agriculture and markets law, in relation to community based initiatives for the purpose of trapping, neutering, vaccinating and returning feral cats to the area from which they were trapped" NOT APPROVED

This bill would allow for the diversion of up to twenty percent of the State's Animal Population Control Program Fund (APCPF) to be used for community-based initiatives to trap, spay, neuter, vaccinate, and return feral cats to the area where they were found. Such programs are referred to as Trap Neuter and Release (TNR) programs.

Although the goal of this bill is laudable, it is problematic for several reasons. First, I cannot support diverting APCPF funds from existing programs that have already proven effective for humanely controlling feral cat populations.

Second, a central tenant of TNR programs is the release of feral cats into the wild. However, that conflicts directly with Agriculture and Markets Law section 374(5), which makes the release of such animals a misdemeanor offense, and would create uncertainty as to the legality of releasing trapped animals.

Third, the prevailing science suggests that TNR programs are not guaranteed to reduce feral cat populations, and, even if they do, may take many more years to do so than existing programs.

Finally, the return of feral cats to the wild must be balanced against the impacts these cats can have on wildlife, including on threatened and endangered species, habitats, and food sources for native predators. I am therefore constrained to veto this bill.

The bill is disapproved. (signed) ANDREW M. CUOMO

TNR in Los Angeles

TNR is legal in the City of Los Angeles. It was not affected by the injunction if done with private funding. Cats are trapped-neutered and returned/relocated daily (and nightly) in LA under grants and subsidies by many large organizations (e.g., Best Friends and ASPCA) and pet-supply charities (such as PetSmart.) Truckloads of food are distributed to feral cat "feeders" regularly by leading pet-food companies.

The injunction merely stopped the use of City taxpayers' money (a limited resource reserved for owned animals by ordinance) for surgeries on stray/feral cats, or any involvement by the city in advertising or promoting TNR, because of the lack of review of the deleterious affect cat waste can have on waterways and the decimation of birds and other wildlife populations by roaming cats.

Based on [recent studies](#) in California, about 1.2 million tons of cat poop is deposited into the environment each year.

Also, when feral cats are placed in colonies and an artificial food source is provided, they tend to live longer and other (unaltered) cats are attracted to the location, where they reproduce and may avoid being trapped. Rodents, raccoons, skunks and coyotes are also drawn to the food source.

Experts have described mitigating measures; such as an enforced "non-roaming" ordinance for owned cats in LA (meaning that they would be kept in the house or the owner's yard or leashed when off the property), along with licensing and mandatory microchipping to assure owner identification/responsibility, all of which have been rejected by Brenda Barnette and Paul Koretz.

The cause of the feral cat population is the failure of City government to hold cat owners responsible for cats as they do for dogs and creating an attitude of "disposability." There are few (if any) major spay/neuter campaigns that regularly target cat owners, even though they are included in the City's spay/neuter ordinance.

The continual praise of trapping, altering and then releasing or relocating these cats (TNR) assures they live terrified lives under greasy cars and buildings or in unprotected areas where they are victimized by aggressive dogs and hateful humans or hit by cars. They often become injured and diseased and cannot be retrapped. This should not be considered "humane."

Our goal should be vigorously addressing cat sterilization BEFORE they become feral and not allowing the public and irresponsible cat owners to believe TNR is an acceptable option.

Sadly, feral cats are one of the most exploited and unprotected of all animals. They are not indigenous, meaning they were imported to this country; and therefore their affect on the environment and predation on wildlife is not natural, but destructive.

Not wanting feral cats on your property and risking the spread of disease to pets or humans does not signal a dislike of cats. Cats act as vectors for many contagious and zoonotic [transmissible to humans] diseases; such as Toxoplasmosis, which infects the brain and other organs.

The site, "[5 Most Dangerous Cat Diseases](#)" provides an excellent guide to the most common and often fatal diseases found in feral cats, including Feline Leukemia, FIV, Feline panleukopenia (distemper), renal failure and rabies. It also reminds us of the suffering of feral cats infested with fleas and other parasites.

"TNR programs across the country have made big claims but have no provable success in large cities with transient populations," states Dr. W. Marvin Mackie, founder of Animal Birth Control Clinics, who pioneered 'QuickSpay' (early-age surgical techniques):

"Experts claim that 70% of the feral population must be sterilized to stop an increase in the number that are sustained and replenished in the streets...without an effort to impose owner responsibility BEFORE the cat becomes feral, obviously the source will be greater than the remedy."

The City's proposal will establish a "cat program" by ordinance that usurps the right of property owners to remove them and take them to shelters. Brenda Barnette told the **Commission** on Feb. 25, 2015, *"The terms of this injunction _require_ us to give trapping permits for cats and to accept those cats into the shelter. So that's one of the other good reasons to try to get past and to try to get on to a day when we're not under this injunction."*

Are there common factors in the feral-cat exploitation and homeless human challenges in Los Angeles? Both are being used as an excuse to weaken private-property rights and both groups are dependent by the distribution of subsistence.

However, at the other end of this spectrum in both instances, these victims provide the opportunity for unending fundraising -- whether or not they actually reap the benefits, and the outcome of expenditures in either case cannot be accurately traced.

(Animal activist Phyllis M. Daugherty writes for CityWatch and is a contributing writer to opposingviews.com. She lives in Los Angeles.)

<http://www.citywatchla.com/index.php/the-la-beat/11034-mayor-garcetti-ok-s-800-000-for-feral-cat-report-while-the-city-s-homeless-struggle>