



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 18-0098  
APR 10 2018

**REPORT RE:**

**DRAFT ORDINANCE ADDING SUBDIVISION (1) AND (2) TO SUBSECTION (b) AND  
AMENDING SUBSECTION (c) OF SECTION 5.200 OF ARTICLE 5 OF CHAPTER 12  
OF DIVISION 5 OF THE LOS ANGELES ADMINISTRATIVE CODE TO ALLOW THE  
DEPARTMENT OF ANIMAL SERVICES TO FUND NEW PROGRAMS FORM THE  
ANIMAL WELFARE TRUST FUND**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 17-1141

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Section 5.200 of the Los Angeles Administrative Code (LAAC) to allow the Department of Animal Services to fund new programs using the Animal Welfare Trust Fund (Fund), as long as the City Council pre-approves those programs.

Background and Summary of Ordinance Provisions

The Fund was established in 1986 (CF No. 86-1648) to receive donations and bequests from the public, in order to "augment established programs and activities of the Department of Animal Services, other than those involving pet sterilization." The ordinance creating the Fund limited the use of the monies in the Fund to the acquisition, construction and maintenance of land and capital improvements and the purchase of

equipment, services or furnishings in support of such programs and activities, subject to any special terms or conditions attached to individual gifts, contributions or bequests.

On September 26, 2017, the Board of Animal Services Commissioners approved a request to expand the use of the Fund to allow expenditures for new programs (except those involving pet sterilization), including, but not limited to, the payment of adoption, microchip and/or redemption fees in connection with specified adoption events or for programs for low income persons.

The Personnel and Animal Welfare Committee (PAW) of the City Council approved the expansion of the Fund but added two recommendations: 1) any new program must first receive pre-approval of the City Council; and 2) use of the Fund to establish or augment new programs must be applicable only to funds received prospectively after the effective date of the amending ordinance. The full City Council approved the recommendations of PAW.

The draft ordinance reflects the City Council action by providing for City Council pre-approval by resolution of any new uses of the Fund. The ordinance also specifies that the use of funds for new programs applies only to funds received after May 1, 2018, or the operative date of the ordinance, whichever is later. In addition, the ordinance confirms that the use of funds must continue to comply with any special terms and conditions attached to the donation or bequest.

#### Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Animal Services with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Assistant City Attorney Dov S. Lesel at (213) 978-8154. He or another member of this Office will be present when you consider this matter to answer questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON  
Chief Assistant City Attorney

DM:DSL:ac  
Transmittal

**ORDINANCE NO. \_\_\_\_\_**

An ordinance adding Subdivisions (1) and (2) to Subsection (b) and amending Subsection (c) of Section 5.200 of Article 5 of Chapter 12 of Division 5 of the Los Angeles Administrative Code to allow the Department of Animal Services to fund new programs from the Animal Welfare Trust Fund.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Subdivisions (1) and (2) are added to Subsection (b) of Section 5.200 of Article 5, Chapter 12 of the Los Angeles Administrative Code to read as follows:

(1) **New Programs.** The Fund may also be used to establish or augment new programs established by the Department, other than those involving pet sterilization, including, but not limited to, the full or partial payment of adoption, microchip and/ or redemption fees in connection with specified adoption events or programs for low income persons.

(2) **New Programs - approval.** Use of the Fund to establish or augment new programs require prior City Council approval by resolution; may only be funded through gifts, contributions or bequests to the Fund received after May 1, 2018, or after the effective date of this subdivision, whichever is later; and must comply with any special terms or conditions attached to individual gifts, contributions or bequests to the City.

Sec. 2. Subsection (c) of Section 5.200 of Article 5, Chapter 12 of the Los Angeles Administrative Code is amended to read as follows:

(c) Monetary gifts, contributions or bequests to the City, to the Department of Animal Services, to a division or operation thereof or to the General Manager thereof for the acquisition, construction and maintenance of land and capital improvements, to establish or augment new programs approved by the City Council, or for the purchase of equipment, services or furnishings in support of the programs and activities of the Department of Animal Services, other than those involving pet sterilization, which exceed in value the sum of \$25,000, shall be submitted to the City Council for acceptance or rejection. Such monetary gifts, contributions or bequests, the value of which is \$25,000 or less, may be accepted or rejected for the City by the General Manager of the Department of Animal Services.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
DOV S. LESEL  
Assistant City Attorney

Date 4/9/18

File No. \_\_\_\_\_

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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

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Ordinance Passed \_\_\_\_\_

Approved \_\_\_\_\_