

Animal Issues Movement
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December 5, 2017

Personnel and Animal Welfare Committee
Councilmember Paul Koretz, Chair
Councilmember Mitchell Englander
Councilmember Curren D. Price, Jr.

Herb Wesson, President
All Members of Los Angeles City Council

Honorable Councilmembers:

RE: OPPOSITION: CF [17-1237](#) - Kennel / Delete Definition / Amendment -- Violation of Brown Act: Inaccurate description of Intent/Effect

Animal Issues Movement hereby submits additional opposition to CF 17-1237, Kennel / Delete Definition / Amendment, based upon the fact that it appears to be a deliberate attempt to deceive the public as to the consequences of this action; and the wording of the agenda item and the information contained in the motion violate the Brown Act. Prior opposition dated November 8, 2017, is hereby included by reference.

This motion must be immediately withdrawn or denied so that it does not have to be settled in court (as BS14723, in which Judge Joan O'Donnell issued a Writ of Mandate.)

The intent of this motion is to REMOVE ALL ANIMAL LIMITS from businesses and private ownership through its coupling with parallel Planning Case: CPC=2017-4075, ENV-2017-4076-EAF." Because of the changes in Sec. 53.00, which are part of the "Pet Shop Code Amendment," there will be NO animal limits in the City of Los Angeles, if the motion in CF 17-1237 is passed.

That information is being withheld from the public by the title of CF 17-1237 and an inaccurate description of its intent and effect. It is not an "amendment" of a definition. And LAMC Code Sec. 12.03 (mistakenly identified as 12.16) is not a "redundancy." It is a separate authority of Planning/Zoning/Code Enforcement, which cannot be performed by LA Animal Services under Sec. 53.00, because that department does not have the authority to make assessments of such issues as impact of noise, odor and water/sewage disposal nor the expertise to determine violations of environmental laws.

The motion does not disclose the broad perspective in which this action is being taken and calls deletion of Sec. 12.03 a "redundancy." That is not true. This is a necessary and separate provision of the LAMC under the Planning Dept. The Brown Act states, "The people of this State do not yield their sovereignty to the agencies which serve them. . . do not give their public servants the right to decide what is good for the people to know and what is not good for them to know." It requires that the descriptions and effects listed on agenda and in reports is clear and understandable to the public.

OPPOSITION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING:

This item is improperly and deceptively described on the agenda. There is no "confusion" nor "redundancy" in Section 12.03. It clearly addresses the number of animals which may be kept on one piece of property or in a home/business without a kennel permit.

The fact that a similar description of "kennels" appears in Section 53.00 for L.A. Animal Services, or anywhere else in the LA Municipal Code, is not merely an "unintended repetition," but, rather, indicates where the various authorities for enforcement of differing aspects exist in city law.

Sec. 12.03 allows the Planning and Zoning/Code Enforcement Dept. to enforce this limit for the purposes of protecting the environment, public health and safety, preventing public and/or private nuisance and insuring the "quiet enjoyment" of property, which is contained under CA State law.

Sec. 53.00 allows L.A. Animal Services to enforce this animal limit for the purpose of insuring the health, safety and control of conditions and conduct of animals, whether or not it impacts others in the community. This includes barking dogs or other nuisance animal noises or behavior, "hoarding"/animal neglect/abuse, or other laws protecting animals, and the ability to remove animals in exigent circumstances, including the need for veterinary care or immediate danger of harm. The number of animals at a location can be a direct contributing factor.

The authorization under two (or more) sections of the LAMC merely assures that there is a cooperation and shared authority (from different perspectives) to protect public health and safety and the welfare of animals.

SUMMARY

Animal Services does not have the expertise, qualified personnel, nor authority to enforce zoning/building code sections or local, state or federal environmental laws.

Likewise, L.A. Planning (Zoning/Code Enforcement) does not have the authority to cite for animal cruelty (which often is the result of too many animals), barking dogs, ill animals, lack of care, abuse/neglect, improper confinement (tethering/caging), etc.

It is vital to Los Angeles residents and animals that the Planning and Zoning/Code Enforcement agency retains the authority to assure that any businesses or structures which are being planned at a location are not automatically (by-right) allowed unlimited animals. By removing this authority from LAMC Sec. 12.03, Planning /Zoning/Code Enforcement would be precluded from placing any restrictions on the number of animals maintained on a lot, premises or building in the city, other than a few zones.

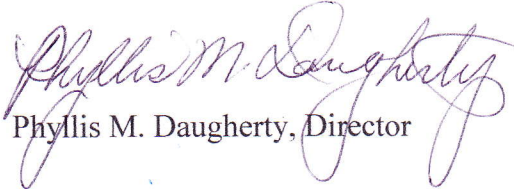
The law establishing that keeping four or more adults animals (and unlimited dogs/cats under four months of age) must obtain a kennel permit through Planning /Zoning / Code Enforcement under Sec. 12.03 is not a "redundancy." It is a necessity for the safety of animals, humans, the environment and the general health and welfare of all communities in Los Angeles.

This motion/proposal must also be immediately withdrawn or "denied" because it is a blatant attempt to repeat the same deceptive pattern which resulted in the ZAI which was challenged and a Writ of Mandate issued by Judge Joan O'Donnell, who opined that the deceitful methods of bypassing public scrutiny resulted in the City "exceeding its authority."

This appears to be another attempt to "backdoor" a potentially detrimental change without widespread notice and to avoid public scrutiny and a CEQA study to assess the impact and threat of waste water and sewage disposal, and noise, odor and other threats to public health and safety.

This is again (as in the issuance of a ZAI) being done during the holiday season, when the residents of the City are absorbed in religious observances and family activities. These factors combined, result in a rational tendency to wonder if this is purposely orchestrated.

This must be withdrawn or denied by the Personnel and Animal Welfare Committee and/or by the City Council of Los Angeles.

A handwritten signature in purple ink, reading "Phyllis M. Daugherty". The signature is fluid and cursive, with the first name being the most prominent.

Phyllis M. Daugherty, Director