



MINUTES
BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

Monday, August 25, 2008
6: 00 PM
Northeast Animal Care Center
15321 Brand Boulevard
Mission Hills, California 91345

Commissioners: Glenn Brown, President
Kathleen Riordan, Vice-President
Tariq Khero
Irene Ponce
Archie J. Quincey, Jr.

ADMINISTRATIVE APPEAL HEARING

Meeting called to order at 6:05 PM. Present were Commissioners Brown, Quincey, and Ponce.

1. Appeal of the General Manager's Decision in Barking Dangerous Dog Case No. DA 08336 WL

Appellant: Ms. Kathleen Roach
Complaining Witness: Ms. Jane Wolf
District Manager, West LA Animal Care Center, Louis Dedeoux, Captain
Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst II

The General Manager's Term and Conditions were modified to remove the requirement about the self-closing door in the appellant's home. The motion passed with a vote of 3-0.

Determination: General Manager's Decision Upheld with Modification of Terms and Conditions.

COMMISSION MEETING

Commission President Brown called the Commission meeting to order at 6:20 PM. Commissioner Riordan joined the meeting at 6:25 PM. Commissioner Khero joined the meeting at 6:32 PM.

1. ORAL REPORT OF THE GENERAL MANAGER

- The Department received a commitment from the Mayor's Office that there will be no layoffs as anticipated and discussed in our last Commission meeting. There are a lot of details that need to be worked out but the 27 positions targeted for layoff are safe! The Mayor's Office is directing Personnel to cease the layoff placement process.
- We have updated our website and created a new page dedicated to information about the spay/neuter law and how to comply. We have the new application forms on-line for permits for unaltered dogs and cats, and will be continuing to refine our forms and adding information rapidly over the next weeks.
- The Department has been able to attract a volunteer Marketing Committee to assist the Department with developing ads and public services announcements (PSAs). The entire Hispanic Caucus of the LA City Council and several celebrities have produced PSAs for the Department.

- A House is not a Home without a Pet program was launched on August 25, 2008. Keller Williams will be featuring a full page ad in the Caravan MLS magazine published this week.
- The Pet Store Requirement Inspection Form and Requirements have been finalized. A letter has been sent to all permitted pet store operators in the City to advise them about the new pet store requirements that will go into effect January 1, 2009. These rules and regulations also are on our website and a copy of the requirements was mailed with the letter. Officers are being trained on the new requirements.
- ACTF seized 44 Chihuahuas from a residence after being called in by LAPD. The 34 adult dogs and 9 puppies are currently being evaluated by medical staff at the Northeast Valley Animal Care Center. Cruelty charges are being considered at this time and there had been no reports of hoarding at this address prior to the seizure.
- The Department has been in discussions with the Disney Studios regarding the upcoming release of their new film, Beverly Hills Chihuahua. The Department wants to mitigate situations like the previously mentioned – hording and puppy mill marketing of Chihuahuas in many of our communities.
- The Department will host the Second Regional Animal Summit. Agencies will share information on topics such as: rescue agencies applying for privileges, sharing information about animals designated as “Do Not Adopt”, and dangerous dogs moving from/to jurisdictions
- The Humane LA Workshops continue. The 1st workshop was about Spay/Neuter, the 2nd workshop was about Rescue Groups, and the next workshop is about Fostering on September 4, 2008 in Studio City. All of the workshops can be viewed on Ch. 35 and are available on the Ch. 35 and LA Animal Services website.

Public Comment

Phyllis Daugherty: Thank you for saving the positions. She commended Mr. Boks for working diligently to save the shelter staff positions and made sure that the staff knew he was working for them. She suggested that the House is Not a Home certificates be available for Spay/Neuter as well as adoptions. She thanked Mr. Boks for his follow-up on the person who was shot in the Crenshaw district that was thought to be a staff member, but worked for a veterinary hospital.

2. COMMISSION BUSINESS

Approval of the Commission Meeting Minutes for July 28, 2008

Commissioner Ponce made a motion for the approval of the July 28, 2008 meeting minutes and it was seconded by Commissioner Quincy. The motion passed 5-0.

B. Oral Report by the Commission on Meetings and Events attended.

Commissioner Ponce attended the 2nd Humane LA Workshop and commended the General Manager on coming to the defense of the Hispanic community. She is working on the 1st Annual Garden Party Fundraising Event to benefit the Department on November 8, 2008.

Commissioner Riordan met with a non-profit called Grief Haven on the hospicing and loss of pets.

Commissioner Brown visited the Harbor Animal Care Center and had a tour and heard some of the concerns of the staff.

Commissioner Khero and Quincy have nothing to report.

All of the Commissioners attended the Budget and Finance Committee meeting on behalf of the Department.

3. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

A. Three-Year Agreement for the Operation of the West Los Angeles Spay/Neuter Clinic; New Request for Proposals for the Operation of the Harbor, East Valley, North Central, West Valley and Northeast Valley Spay/Neuter Clinics (Continued from the Commission Meeting of August 11, 2008.)

General Manager Boks stated that he recused himself from the entire process and is deferring to AGM Barth.

AGM Linda Barth gave an overview of the original board report that was presented at the last Commission meeting which made a long series of recommendations broken out into individual issues to make it easier for the Board to make a decision about each one. The Board had additional questions and decided to hold the item over to this meeting. In the interim, Commissioner Riordan had some additional questions and some other issues came up. These are all addressed in a second document in the form of a memo that addresses some of the key issues that came up and are important to understand.

Some of the key points to consider from both documents are:

We received four proposals, one from Value Vet for the West Los Angeles S/N clinic and three from Clinico for the Harbor, East Valley, and North Central S/N Clinics. The Department found that both bidders were responsive to the RFP as far as the basic background documents and compliance documents, ect. There was an interview process not to score the proposers, since each site only received one proposal, but to take to look at the full proposal and discuss the services that the City expected, to make sure there was a good fit and to verify the financials and background info so that the Department could come to the Board with an award recommendation.

The result was the recommendation that Value Vet be awarded the contract for West LA. The issue with Clinico is that while they have a very noble purpose that the Department is aligned with, which is to maximize spay and neuter services for the public at a low and reasonable cost, the challenge became that the RFP stated that the proposer first s/n the animals being adopted from the Animal Care Center where the clinic is located and then supplement and s/n as many public animals at as reasonable cost as possible. That does not align completely with Clinico which is a non-profit organization which has its own agreements with grantors.

The evaluation panel discussed awarding Clinico the Harbor S/N Clinic. Clinico has proposed to s/n five dogs and 5 cats, no animals in heat, but unlimited male cats, at the shelter each day. This is similar to the number of animals adopted on a daily basis at the Harbor Animal Care Center. However, if Harbor starts to increase the number of adoptions now that they have moved to their new facility, the number of animals adopted will exceed the number of City animals that Clinico is willing to s/n per day.

The Board needs to understand that the facilities that the Department operates as Animal Care Centers do not belong to the Department. They belong to the City and are managed buy the General Services Department (GSD). The Department is allowed to use the facilities. In the past cases of Fix Nation and Dr.

Jones' contract at South LA and when the RFPs came up, the Department was told that we can not unilaterally write a contract for someone to occupy those facilities, because by charter, GSD is the landlord of the City. GSD has to take responsibility for what goes on in the clinics, they have to make sure the City is protected and receives a fair return, etc. The Department was able to get permission from the Municipal Facility Committee to work with GSD to negotiate a "never been done before in the City", hybrid contract to prioritize the personal services of s/n the Department's animals which allowed Animal Services to be in charge of and in control of the contract and how it operated.

Should the Board decide that it is more important to get more s/n in the City than worry about out shelter animals, this will lead to several new contract issues. First, it is no longer a personal services contract which can be described as under the control of Animal Services. At that point it becomes a lease arrangement that changes the dynamic and brings GSD back into the equation. The clinics were built as integral parts of the Animal Care Centers and an inducement for adoption since they are so conveniently located. Therefore, the general public will be under the assumption that if they adopt an animal from a Care Center adjacent to one of the S/N Clinics, that they will be able to pick up their animal from that clinic. However, the Care Centers will still have to send the shelter animals out to other private vet clinics for s/n under this type of agreement.

In addition, at the East Valley and North Central Animal Care Centers, the number of animals adopted far exceeds the commitment that Clinico is able to make. At North Central there also are some space issues that the Department can not come to an agreement about with Clinico.

Should the Board like to consider awarding the Harbor S/N Clinic to Clinico, there are some specific findings that the Board needs to make: (1) that the personal services contract needs in the RFP are satisfied and that the overall urgency for the need both for our animals and for the public's animals at Harbor are such that the Department can still make this award because it is in the best interest of the City and all other provisions of the agreement remain substantially in effect.

The question about Value Vet's pricing is addressed in the memo. The pricing for Clinico, is extremely low at \$35.55. Value Vet charges on the low to moderate market rate for the West LA market, however they will s/n all of the shelter animals adopted from the West LA Animal Care Center and will take LAAS coupons to provide discount s/n to the general public, both without exception.

Commissioner Riordan asked for clarification on what Value Vet will charge to s/n shelter animals. Ms. Barth clarified that they will charge the same as any other contracted vet on the Westside that is currently s/n the West LA Animal Care Center's animals, \$60 -\$68. They will also accept the free or discount coupons from the public. Commissioner Riordan also asked for the price list for Value Vet's other services offered. She is concerned that other vet hospitals in the area will view Value Vet as unfair competition. Ms. Barth clarified that those vet hospitals also could have submitted proposals for the West LA S/N Clinic and did not. Clinico is providing a discount on their s/n services and no percentage back on their other business. Value Vet is providing a sliding scale that run throughout the years of their term, increasing as they recoup their initial investment (both groups are responsible for supplying all of the equipment except for the surgical tables, the lights and the cages.)

Commissioner Brown asked if Clinico would like to make a presentation to the Board.

Mary Martin, Executive Director of Clinico, stated that she was not prepared to make a presentation, but answered questions regarding her proposal from the Board. She stated that the reason Clinico choose the 5 dogs, 5 cats formula was so that they could provide services to the public which are in high demand. They will also offer additional services for special adoption events with advance notice. The problem for them is how they schedule their public surgeries if they do not know how many adoptions the shelter will have the

next day that will require sterilization. They are willing to do more shelter animals if they have the time, but they are unwilling to commit to doing them. Ms. Martin also stated they would also sterilize all animals adopted during special events.

Commissioner Riordan stated that part of the Prop F Bond measure was to reduce pet overpopulation by building neighborhood s/n clinics. She recalled that doing all shelter animals is an expectation of the requirement and not a requirement. She also stated that there is a great need to do the public's animals in the area and that both the shelter and public's prices cater to all income levels as required in the RFP. Since it appears to be a question of shelter animals vs. public animals, Commissioner Riordan asked if Clinico would be open to submitting a bid to operate the S/N Clinic at the Northeast Valley Animal Care Center since they are not adopting animals at that center as this time. She also asked if they would be willing to accept a 1 year contract with a renewable option since an RFP can take more than one year. Ms. Martin said she was agreeable to a one year/three year renewal option.

The City Attorney reminded Commissioner Riordan that this option would require another RFP. Commissioner Riordan said that a portion of the RFP allows changes in the contract for the benefit of the Department//City and wondered if the one year option might apply in this case. She clarified that she understood the possible need to reissue an RFP for Northeast clinic but was curious how the Department around that with FixNation. He clarified that Fix Nation was able to come into North Central right after a RFP that yielded no responses. They came in for a very limited period of time to fill that period between the initial RFP and the second RFP, where it was clear that the Clinic would be vacant during that period of time. Commissioner Riordan stated that since there was no response on the operation of the Northeast clinic, it would seem like the Department could enter into the same type of agreement, even if it is for the purpose of occupying while reissuing an RFP. AGM Barth added that the General Services Department has made it clear that no arrangement like that would be acceptable in the future, but that they did not feel it was appropriate at that stop gap area to evict.

Commissioner Brown asked to hear from a representative from Value Vet.

Ed McCobb, CEO of Value Vet addressed the concerns about their prices. They work with Pet Orphans Fund, who helps to pay for veterinary services for those who can not pay. They feel they can easily meet the expectation of 20 animals as stated in the proposal. Mr. McCobb verified that they will be charging \$64 to s/n the Department's animals without taking a City coupon. He hopes that the money that they are giving back to the City will be greater than if they were giving a discount on the s/n surgeries. Value Vet also offers low cost office visits and their costs in general are in the lower 25th percentile. Value Vet also works closely with rescue organizations and they have rescue organization pricing.

Commissioner Riordan requested a price list for their other services and products. Mr. McCobb stated that that list was part of the proposal documents submitted. Commissioner Riordan expressed concern over Value Vet's high prices for optional services to the public. Since such prices can be disapproved by the Department, she asked if Value Vet would lower the spay/neuter prices to the public. Mr. McCobb answered that he could not compete with his prices across the street at Value Vet's private clinic. Ms. Barth reminded the Commission that Value Vet would be doing all the shelter animals. Commissioner Riordan asked what the average daily adoption is at West Los Angeles. Ms. Barth stated the average would be around five a day. Commissioner Riordan clarified that after the five animals sterilized a day, Value Vet's services will be for the public and it is required that those prices are for persons of all income levels.

Public Comment

Melanie Pazez: Bark Avenue Foundation. Concerned that the City Council passed a S/N ordinance and that the Department would allow S/N clinics to remain closed when there is a provider that is willing to go into the clinics.

Sue Taylor: Actors & Others for Animals. She stated that the Department has to worry about perception. She believes that the public is looking for lower cost s/n and Clinico should be given a chance.

Laura Beth Heisen: She feels that Clinico is a better value than Value Vet.

Phyllis Daugherty: She feels that it is important to get the S/N Clinics running, but we should not give up our outside contract vets.

Mary Catalano: S/N should be as available to as many people as possible. Clinico should be awarded the contract.

Commissioner Brown asked the Board if they had additional questions or comments.

Commissioner Khero asked the Department if there were other reasons besides those already discussed why they thought Clinico was not an appropriate match for the East Valley and North Central Animal Care Centers. AGM Barth responded that at North Central there is an issue of space which has created an impediment. Commissioner Khero questioned how serious the space issue was and AGM Barth clarified that it was very serious because we can not give them the additional space that they need. She stated that the real issue is that the RFP had certain requirements and although the explicit language was in the contract, the contract was attached to the RFP as an integral part of the RFP and it is clearly referenced in the RFP. If Clinico is primarily providing services to the Department's animals, then it is a personal services contract. If Clinico is primarily providing services to the public, it is not a personal services contract, it is just a lease. In order that another person does not come along after the fact and state that if they had known that they could change the number of animals, how they worked, or not bid on a location but have it awarded to them later, what happens is that it cries foul to our entire RFP process and creates questions about the process. She stated that the number of animals at East Valley and North Central exceed what Clinico can do.

She referred to the memo that had been given to the Board that shows that indicates mathematically speaking, the amount of money that the Department gets discounted from the \$68 charge it is now paying to the contract vets compared to the cost to transport animals off site for s/n, does justify having Clinico at Harbor, but that equation changes a lot when you look at East Valley and North Central. Commissioner Riordan asked of the Department received a response from the CAO on the cost benefit analysis per her request. Ms. Barth stated she did not. She reminded the Board that they have to think about what was requested in the RFP and the negotiations that were made with GSD and the approval that we received from the Municipal Facilities Committee. The ideal situation would be to have all of our clinics operating 7 days a week, but we have to conform to the confines of the process. This is just the beginning of the approval process. The City Administrative Office (CAO) will review all the numbers and make sure that they conform to the RFP, the City Attorney's Office has to carefully review that the final contract matches what was in the RFP, then this will have to go to the General Services Commission and Budget and Finance Committees. The more closely aligned the contracts stay to the RFP, the faster the approval process will be.

The Commissioners discussed to whom the contracts should be awarded.

Commissioner Ponce made a motion for the Board to award Value Vet the contract and reject Clinico. Commissioner Brown suggested that each contract be treated as a separate vote. Commissioner Ponce made a motion that the Board award a three year contract to Value Vet and reject Clinico's bid on the East

Valley and North Central Shelter and award Clinico the Harbor Shelter. Commissioner Brown reminded Commissioner Ponce to separate the votes. Commissioner Ponce motioned to: (1) Award a three-year Agreement, with one three-year renewal option, substantially in the form as on file, to Value Vet Inc., to operate the West Los Angeles Spay/Neuter Clinic; (2) Direct Staff to transmit the proposed Agreement concurrently to the Office of the Mayor, and the Office of the City Attorney for approval as to form, and subsequently to the City Council, and authorize the General Manager of the Department of Animal Services to execute the subject Agreement upon receipt of necessary approvals; and (3) Direct staff to enter into a temporary Right of Entry to allow Value Vet to immediately begin providing much-needed sterilizations of adopted animals at the West Los Angeles Spay/Neuter Clinic. Commissioner Khero seconded the motion. The motion passed 4-1.

Commissioner Ponce made a motion to reject the proposal received from Clinico, Inc., to operate the East Valley Spay/Neuter Clinic Commissioner Khero seconded the motion. The motion passed 4-1.

Commissioner Ponce made a motion to reject the proposal received from Clinico, Inc., to operate the North Central Spay/Neuter Clinic. Commissioner Khero seconded the motion. The motion passed 4-1.

Commissioner Ponce made a motion for the Board to allow Clinico to operate the Harbor S/N Clinic for 3 years, with one three-year renewal option and the requirement of quarterly progress reports. Commissioner Khero seconded the motion. Motion passed 5-0.

Commissioner Riordan made a motion to Direct Staff to (1) transmit the proposed Agreement concurrently to the Office of the Mayor, and the Office of the City Attorney for approval as to form, and subsequently to the City Council, and authorize the General Manager of the Department of Animal Services to execute the subject Agreement upon receipt of necessary approvals; and (2) Direct staff to enter into a temporary Right of Entry to allow Clinico to immediately begin providing much-needed sterilizations of adopted animals at the Harbor Spay/Neuter Clinic. The motion was seconded by Commissioner Khero. The motion passed 5-0.

Commissioner Ponce made a motion to Direct Staff to release a Request for Proposals to operate the Department's Spay/Neuter Clinics at the East Valley, West Valley, Northeast Valley, and North Central Animal Care Centers, with modifications described in the body of this Report, and subject to review by the City Attorney as to form.

Commissioner Riordan asked a Commissioner to make a motion for reconsideration of the request to allow Clinico to operate the East Valley S/N Clinic for a period of one year with a renewable option. Commissioner Brown made a motion for reconsideration. Commissioner Khero seconded the motion. The motion passed 4-1.

The Commissioners debated whether Clinico should be awarded the East Valley S/N Clinic.

Commissioner Riordan made a motion to allow Clinico to operate the East Valley S/N Clinic for one year with a three-year renewal option. Commissioner Brown seconded the motion. The motion passed 4-1.

B. Evaluation of Requests for Recognition for Dog and Cat Registries and Associations, First Round June-August 2008.

GM Boks explained that the new spay/neuter ordinance has a provision in which breed organizations must submit a request to be recognized by the Commission in order to receive an exemption from the spay/neuter ordinance. We received four applications and recommend approval for the American Kennel Club, the United Kennel Club, and the International Cat Association, Inc.

Commissioner Riordan questioned how the Department is verifying that the groups enforce their code of ethics. Do we investigate and verify their Code of Ethics? AGM Barth clarified that we have verified that we have received and that the organizations do have a Code of Ethics, but we are limited in verifying how a group enforces their Code of Ethics. If a concern were to arise, the Department could investigate further.

Commissioner Ponce left the meeting at 8:20 pm.

Commissioner Riordan continued to question the approval of the registries. AGM Barth reminded the Commission that the Department is not approving the registries. We are recognizing that they are valid registries for the purposes of getting a certificate that an animal is a show dog. The Department is not permitting the registries to exist or endorsing the registries, it is simply recognizing them as a registry. Commissioner Riordan questioned that if approval of the registries is part of a permit, and in that requirement we are to demand certain business standards exist, wouldn't it follow that the Department should verify that these standards are followed. The City Attorney clarified that the RFQ only requested that the groups demonstrate that they have a Code of Ethics with regards to the humane treatment of animals. Commissioner Riordan was unsure if by demonstrating this, wouldn't that oblige the Department to be more involved in their business practices to ensure the requirements are followed since it is part of a permit.

Public Comment

Sue Taylor: She commended the Department on their idea to have registries and associations apply to the Department which makes the recognition more valuable.

Phyllis Daugherty: She concurs with Sue. She does not think we should auto approve any registry that does not state that they do not prohibit their members from intentionally engaging in intentionally harmful activities.

Commissioner Khero made a motion to adopt and approve the applications for the following dog and cat registries or associations: the American Kennel Club, the United Kennel Club, and the International Cat Association, Inc. and recommend that staff follow-up with the remaining registry applicant, the American Rare Breed Association, to obtain more information about the organization, and to re-advertise the registry recognition process as widely as possible. Commissioner Quincey seconded the motion. Commissioner Brown made a friendly amendment that the groups provide information that they do not allow, endorse, or engage in any activity that is determined to be intentionally harmful or detrimental to the health and/or safety of animals or humans. Commissioner Quincy seconded the friendly amendment. The motion passed 3-1.

4. DISCUSSION ITEMS

A. Budget of Los Angeles Animal Services for Fiscal Year 2008-09

AGM Barth gave an overview of the budget memo provided to the Board.

Commissioner Riordan questioned if the shelter hours could now be restored. GM Boks stated that that is part of the details that will be worked out with the Union and the Mayor's Office. Commissioner Riordan asked if the Department will now be able to open the Northeast Valley Animal Care Center and the General Manager stated it would not be possible at this time as the Department needs an additional \$1M to open the facility.

5. PUBLIC COMMENT PERIOD - (Comments from the public on items of public interest within the Board's subject matter jurisdiction and on items not on the Agenda.)

Phyllis Daugherty: She questioned if an animal that is microchipped is brought to a Care Center, but the animal is clearly not being cared for, does the animal have to be returned to a "bad" owner? Also wanted to encourage the Department to reach out to various ethnic groups around LA, possibly through a volunteer speaker's bureau that includes people that speak their language.

Jane Garcia: Concerned about the number of animals being euthanized because they are labeled sick, old, or due to behavioral problems. She suggested that the Department needs to reassess what is "unadoptable."

Mary Catalano: She would like for the public to be allowed for more than 1 or 2 minutes at the Commission meetings. She suggested that if the shelter hours have to be cut, to make the shelters open later and cut the morning hours. She is concerned that isolation is locked at SLA. She would like to have older animals promoted for adoption.

6. FUTURE AGENDA ITEMS

None-the Commissioners agreed to work off the ongoing list.

Public Comment:

Jane Garcia: She would like a report about what is being achieved towards No-Kill in the past 2 ½ years.

7. ADJOURNMENT:

Commissioner Khero made a motion to adjourn and Commissioner Riordan seconded the motion. The motion passed 4-0.

The meeting ended at 9:00 pm

Next Commission Meeting is scheduled for 10:00 A.M., September 22, 2008, at Los Angeles City Hall, 200 North Spring Street, Room 1060, Los Angeles, California 90012.