



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Tuesday, October 23, 2012
10:00 A.M.

**Los Angeles City Hall
200 North Spring Street
Room 1060
Los Angeles, California 90012**

LISA McCURDY
President

KATHLEEN RIORDAN
Vice-President

JIM JENSVOLD
TARIQ A. KHERO
ALANA YAÑEZ

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COMMISSION MEETING

1. 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.)

Public Comments: The Brown Act prohibits the Board and staff from responding to the speakers' comments. Some of the matters raised in public comment may appear on a future agenda.

2. COMMISSION BUSINESS

- A. Approval of the Minutes for the Meetings of September 11, and October 9, 2012.

3. DISCUSSION ITEMS

- A. None

4. BOARD REPORTS

- A: RFP to Process Administrative Citations and Provide Support Services

That the Board approved the Request for Proposal (RFP). This RFP will establish a contract with the successful proposer to provide this administrative citation support service. To be considered for contract award, interested parties must submit a complete proposal as indicated in this RFP. The Department intends to award a three-year exclusive contract to the best qualified proposer, renewable at the City's sole discretion for up to three (3) additional years, for a period of up to six years, but also reserves the right to negotiate terms with the successful bidder(s) prior to execution of the contract as may be necessary to comply with all City requirements.

- B. Processing Fee For Equine Licensing

That the Board authorize the General Manager to charge a \$3 processing fee for every equine license so Animal Services can recover its administrative costs; that upon approval of the \$3 charge, direct the Office of the City Attorney to prepare and transmit the draft ordinance amending Section 53.15.1 of the Los Angeles Municipal Code.

- C. Use of Exotic and Wild Animals, and/or Elephants, in Performances by Traveling Shows Within the City of Los Angeles

That the Board Recommend to the Mayor and City Council that: The City consider various regulatory options relative to regulating the use of wild and exotic animals in traveling shows and exhibitions within the city limits: the City consider adopting an ordinance prohibiting the use of elephants in traveling shows and exhibitions; the City consider adopting an ordinance prohibiting the use of exotic and wild animals in traveling shows and exhibitions (including circuses); the City consider adopting an ordinance prohibiting in any public performance-related context the use of bullhooks (aka guides or ankuses), baseball bats, axe handles, pitchforks and other implements and tools designed to inflict pain for the purpose of training

and controlling the behavior of elephants. (Per the Board's action of April 24, 2012.); The City consider adopting an ordinance prohibiting the use of elephants in traveling shows and exhibitions (including circuses) and, in any public performance-related context, the use of bullhooks/guides, baseball bats, axe handles, pitchforks and other implements and tools designed to inflict pain for the purpose of training and controlling the behavior of elephants; the City consider adopting an ordinance prohibiting the presence within the city limits of Los Angeles of any exotic and wild animals owned by and/or featured in traveling shows and exhibitions (including circuses); the City consider adopting an ordinance prohibiting the presence within the city limits of Los Angeles of any elephants owned by and/or featured in traveling shows and exhibitions (including circuses); the City take no action with regard to any of these options.

D. Creation of a Board Policy for a Cooling Off Period Between the Owner Surrender of an Animal and the Adoption of a New Pet

That the Board of Animal Services directs the Department to institute a ten (10) day cooling off period between the owner surrender of an animal and the adoption of a new pet.

E. Revised Report: Amendments To Section 53.00 (Definitions) Of Los Angeles Municipal Code Regarding The Definitions Of "Kennel" And "Pet Shop," Respectively.

That the Board request the Mayor and City Council to approve in a timely manner minor amendments (see section 2 below) to the definitions of "kennel" and "pet shop" in Section 53.00 (Definitions) of the Los Angeles Municipal Code (LAMC) to create consistency between the issuance of pet shop permits by LA Animal Services (LAAS/Department) and the issuance of building permits by the Department of Building and Safety (B&S) for pet shops opening in the city.

5. ORAL REPORT OF THE GENERAL MANAGER

6. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M., November 13, 2012, at Los Angeles City Hall, Room 1060, 200 North Spring Street, Los Angeles, California 90012

AGENDAS - The Board of Animal Services Commissioners (Board) meets regularly every second (2nd) and fourth (4th) Tuesday of each month at 10:00 A.M. Regular Meetings are held at City Hall, 200 North Spring Street, Room 1060, in Los Angeles, CA 90012. The agendas for Board meetings contain a brief general description of those items to be considered at the meetings. Board Agendas are available at the Department of Animal Services (Department), Administrative Division, 221 North Figueroa Street, 5th Floor, Los Angeles, CA 90012. Board Agendas may also be

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viewed on the 2nd floor Public Bulletin Board in City Hall East, 200 North Main Street, Los Angeles, CA 90012. Internet users may also access copies of present and prior agenda items, copies of the Board Calendar, MP-3 audio files of meetings as well as electronic copies of approved minutes on the Department's World Wide Web Home Page site at <http://www.laanimalservices.com/CommissionAgendas.htm>

Three (3) members of the Board constitute a quorum for the transaction of business. Some items on the Agenda may be approved without any discussion.

The Board Secretary will announce the items to be considered by the Board. The Board will hear the presentation on the topic and gather additional information from Department Staff. Once presentations have finished, the Board President will ask if any Board Member or member of the public wishes to speak on one or more of these items. Each speaker called before the Commission will have one (1) minute to express their comments and concerns on matters placed on the agenda.

PUBLIC INPUT AT BOARD MEETINGS – Public Participation on Agenda Items.

Members of the public will have an opportunity to address the Board on agenda items after the item is called and before the Board takes action on the item, unless the opportunity for public participation on the item was previously provided to all interested members of the public at a public meeting of a Committee of the Board and the item has not substantially changed since the Committee heard the item. When speaking to an agenda item other than during Public Comment (see Public Comment below), the speaker shall limit his or her comments to the specific item under consideration (California Government Code, Section 54954.3).

Public Comment. The Board will provide an opportunity for public comment at every regular meeting of the Board. Members of the public may address the Board on any items within the subject matter jurisdiction of the Board as part of Public Comment.

Speaker Cards. Members of the public wishing to speak are to fill out one speaker card for each agenda item on which they wish to speak and present it to the Board secretary before the item is called.

Time Limit for Speakers. Speakers addressing the Board will be limited to one (1) minute of speaking time for each agenda item except in public comment which is limited to three (3) minutes. The Chairperson, with the approval of a majority of the Board, may for good cause extend any speaker's time by increments of up to one (1) minute. Total speaker time on any agenda item will be limited to ten (10) minutes per item and fifteen (15) minutes for Public Comment, unless extended as above.

Brown Act. These rules shall be interpreted in a manner that is consistent with the Ralph M. Brown Act, California Government Code Section § 54950 et seq.

STANDARDS OF CONDUCT. Speakers are expected to behave in an orderly manner and to refrain from personal attacks or use of profanity or language that may incite violence.

All persons present at Board meetings are expected to behave in an orderly manner and to refrain from disrupting the meeting, interfering with the rights of others to address the Board and/or interfering with the conduct of business by the Board.

In the event that any speaker does not comply with the foregoing requirements, or if a speaker does not address the specific item under consideration, the speaker may be ruled out of order, their speaking time forfeited and the Chairperson may call upon the next speaker.

The Board, by majority vote, may order the removal from the meeting of any speaker or audience member continuing to behave in a disruptive manner after being warned by the Chairperson regarding their behavior. Section 403 of the California Penal Code states as follows: "Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor".

VOTING AND DISPOSITION OF ITEMS – Most items require a majority vote of the entire membership of the Board (3 members). When debate on an item is completed, the Board President will instruct the Secretary to "call the roll". Every member present must vote for or against each item; abstentions are not permitted unless there is a Conflict of Interest for which the Board member is obliged to abstain from voting. The Secretary will announce the votes on each item. Any member of the Board may move to "reconsider" any vote on any item on the agenda, except to adjourn, suspend the Rules, or where an intervening event has deprived the Board of jurisdiction, providing that said member originally voted on the prevailing side of the item. The motion to "reconsider" shall only be in order once during the meeting, and once during the next regular meeting. The member requesting reconsideration shall identify for all members present the Agenda number and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of three members of the Board.

When the Board has failed by sufficient votes to approve or reject an item, and has not lost jurisdiction over the matter, or has not caused it to be continued beyond the next regular meeting, the issue is again placed on the next agenda for the following meeting for the purpose of allowing the Board to again vote on the matter.

**BOARD OF
ANIMAL SERVICES
COMMISSIONERS**

LISA McCURDY
PRESIDENT

KATHLEEN RIORDAN
VICE PRESIDENT

JIM JENSVOLD

TARIQ A. KHERO

ALANA YANEZ

City of Los Angeles
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
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BRENDA F. BARNETTE
General Manager

JOHN CHAVEZ
Assistant General Manager

Report to the Board of Animal Services Commissioners
Brenda Barnette, General Manager

COMMISSION MEETING DATE: October 23, 2012 **PREPARED BY:** Ross Pool

REPORT DATE: October 16, 2012 **TITLE:** Management Analyst

SUBJECT: **Creation of a Board Policy for a Cooling Off Period Between the
Owner Surrender of an Animal and the Adoption of a New Pet**

BOARD ACTION RECOMMENDED:

That the Board of Animal Services directs the Department to institute a ten (10) day cooling off period between the owner surrender of an animal and the adoption of a new pet.

Background

The Board has become concerned over the potential of animal owners to turn in animals due to age and/or size and immediately adopt another pet. In order to provide a cooling off period between the owner surrender and the adoption process, the Board has directed the Department to create a procedure for a cooling off period of ten (10) days between the two actions. A search of the Los Angeles Municipal and Administrative Codes, along with a review of state law has found no codes that would preclude the Department from instituting such a cooling off period.

The cooling off period is being instituted to enable individuals who surrender their pets to review their decision to turn in an animal. The ten (10) day hiatus will allow a potential pet owner time to ascertain the size, breed, sex and age of any new animal they wish to adopt.

Policy

It shall be the policy of the Board of Animal Commissioners that a cooling off period of no less than ten (10) days pass between the owner surrender of an animal for age, size,

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Subject: Cooling Off Period Between the Owner Surrender and Adoption

gender or condition and the adoption of a new pet. The Department is to immediately implement the cooling off policy.

Fiscal Impact:

The Department has the potential to lose a small amount of adoption fees as a cooling off period may discourage a potential pet owner from returning to complete the process.

Approved:

Brenda Barnette, General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____

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BRENDA F. BARNETTE
General Manager
JOHN CHAVEZ
Assistant General Manager

Report to the Board of Animal Services Commissioners
Brenda F. Barnette, General Manager

COMMISSION MEETING DATE: October 23, 2012 **PREPARED BY:** Brenda Barnette

REPORT DATE: October 18, 2012 **TITLE:** General Manager

SUBJECT: Use of Exotic and Wild Animals, and/or Elephants, in Performances by
Traveling Shows Within the City of Los Angeles

BOARD ACTION RECOMMENDED:

That the Board Recommend to the Mayor and City Council that:

The City consider various regulatory options relative to regulating the use of wild and exotic animals in traveling shows and exhibitions within the city limits:

Option 1. The City consider adopting an ordinance prohibiting the use of elephants in traveling shows and exhibitions.

Option 2. The City consider adopting an ordinance prohibiting the use of exotic and wild animals in traveling shows and exhibitions (including circuses).

Option 3. The City consider adopting an ordinance prohibiting in any public performance-related context the use of bullhooks (aka guides or ankuses), baseball bats, axe handles, pitchforks and other implements and tools designed to inflict pain for the purpose of training and controlling the behavior of elephants. (Per the Board's action of April 24, 2012.)

Option 4. The City consider adopting an ordinance prohibiting the use of elephants in traveling shows and exhibitions (including circuses) and, in any public performance-related context, the use of bullhooks/guides, baseball bats, axe handles, pitchforks and other implements and tools designed to inflict pain for the purpose of training and controlling the behavior of elephants.

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Option 5. The City consider adopting an ordinance prohibiting the presence within the city limits of Los Angeles of any exotic and wild animals owned by and/or featured in traveling shows and exhibitions (including circuses).

Option 6. The City consider adopting an ordinance prohibiting the presence within the city limits of Los Angeles of any elephants owned by and/or featured in traveling shows and exhibitions (including circuses).

Option 7. The City take no action with regard to any of these options.

(Additionally, should the City adopt an ordinance based on one of the above options, it should provide that, there be a two-year phase-in of implementation from the effective date and, in cases where violations of any such prohibition take place in the context of any performance including that has received a permit from the Department of Animal Services (LAAS), the violation should lead to immediate revocation of the permit to operate within the city limits and should prevent the exhibitor from obtaining another permit for a period of five (5) years.)

Supplemental Recommendation:

That the Department be instructed to bring a report to the Board within 120 days regarding the performing animal permit process in Los Angeles, including “lessons learned” from the permitting process since the last revisions to the process undertaken in 2008 and recommendations, if any, for modifications.

I. A BRIEF SUMMARY OF THE OPTIONS:

Option 1. *The City consider adopting an ordinance prohibiting the use of elephants in traveling shows and exhibitions.*

Comment: Banning the use of elephants in traveling shows has important symbolic value but, on its face, appears to be a relatively weak regulation. A traveling show – such as a large circus – for which performing elephants make up a small percentage of the length of the show would have the option of accepting the prohibition in Los Angeles while continuing to use elephants anywhere else they were allowed. The elephants would still be trained, transported and handled as usual but would be kept out of the performances here. This wouldn’t appear to be an effective or particularly desirable outcome unless and until a larger number of jurisdictions followed suit with this or some other similar regulation.

Option 2. *The City consider adopting an ordinance prohibiting the use of exotic and wild animals in traveling shows and exhibitions (including circuses).*

Comment: A full ban on performances by all wild and exotic animals also would have considerable symbolic value and perhaps more real impact on a traveling show’s ability

to function successfully in Los Angeles. However, the July 2012 performance of the Ringling Bros. and Barnum & Bailey (Ringling) circus in Los Angeles featured no more than 15 minutes of animal performances, which suggests that the impact would be limited depending on the circus's decisions regarding show structure. A traveling show that decided to adhere to the City's regulation and still perform here would still have its animals along for the ride, with all that might imply.

Option 3. The City consider adopting an ordinance prohibiting in any public performance-related context the use of bullhooks (aka guides or ankuses), baseball bats, axe handles, pitchforks and other implements and tools designed to inflict pain for the purpose of training and controlling the behavior of elephants. (Per the Board's action of April 24, 2012.)

Comment: This proposal, already recommended by the Board could be expected to have considerable potential to disrupt the ability of traveling shows to employ elephants. The response of circus owners, staff and supporters in writing and during hearings held by the City Council's Personnel and Animal Welfare Committee suggests that they consider the use of bullhooks/guides fundamental to involving elephants in performances and believe - somewhat contentiously in the minds of others – that they can be thusly utilized without doing harm to the elephants.

Option 4. The City consider adopting an ordinance prohibiting the use of elephants in traveling shows and exhibitions (including circuses) and, in any public performance-related context, the use of bullhooks/guides, baseball bats, axe handles, pitchforks and other implements and tools designed to inflict pain for the purpose of training and controlling the behavior of elephants.

Comment: A combination of options 1 and 3 – banning both elephant performances and the use of bullhooks/guides by traveling shows – appears to have considerable potential for impacting the way elephants are used in this context but may also serve to cause those shows to avoid visiting Los Angeles if they insist on retaining elephants as a part of their programs. More than a simple ban on the use of elephants, this tandem approach provides two separate but related disincentives.

Option 5. The City consider adopting an ordinance prohibiting the presence within the city limits of Los Angeles of any exotic and wild animals owned by and/or featured in traveling shows and exhibitions (including circuses).

Comment: Perhaps the strongest approach to discouraging exotic and wild animal performances in Los Angeles is to prohibit traveling shows from bringing those animals within the city limits at all. While carrying with it all the aforementioned impacts, such a prohibition would appear to have the most potential to either inconvenience the traveling show in a serious manner or to discourage it from coming to the city altogether. At the same time, a large circus such as Ringling could choose to leave its wild and exotic animals quartered in cramped rail cars while the rest of the operation sets up and performs as usual. This would not appear to be an optimal outcome. As with many of

these options, this option becomes more effective as more jurisdictions follow suit until circuses decide to drop exotic and wild animals from their programs altogether.

Option 6. *The City consider adopting an ordinance prohibiting the presence within the city limits of Los Angeles of any elephants owned by and/or featured in traveling shows and exhibitions (including circuses).*

Comment: Similar to option 5, prohibiting traveling shows from bringing elephants within the city limits could have a powerful impact on those shows and could well lead to some of them choosing not to perform in Los Angeles.

Option 7. *The City take no action with regard to any of the above options.*

Comment: On its face this would seem to be an endorsement of the status quo. However, as the Department refines its permitting guidelines and inspection procedures (see the Supplemental Recommendation above) the status quo stands to change even more than it has even in the last couple of years. Beginning in 2008, the Department and Board began the process of strengthening the permit guidelines. In 2011, at the urging of the Mayor, the Department intensified its inspection procedures for large traveling shows. With Section 53.50 of the Los Angeles Municipal Code (LAMC) requiring the Department to do due diligence in determining the appropriateness of issuing performance permits and giving it broader discretion in doing so than it generally has exercised in the past, it appears likely that the landscape relative to permits for traveling shows could evolve substantially in the coming months and years.

II. BACKGROUND:

A. Relevant terminology definitions (from Webster's New World Dictionary)

Domestic: ...3. Tame: said of animals.

Domesticated: 1. Tamed, trained, housebroken.

Exotic: 1. Foreign. 2. Strangely beautiful, enticing, etc.

Wild: 1. Living or growing in its original, natural state...3. Not civilized; savage. 4. Not easily controlled. 5. Lacking social or moral restraint; dissolute...

B. History

On October 2, 2012, the City Council Personnel and Animal Welfare (PAW) Committee instructed (pertaining to existing Council File 12-0186) LA Animal Services (LAAS) to generate a report on the possibility of banning the use of elephants in traveling exhibitions and shows (including circuses) and also on banning the use of wild and exotic animals in those circumstances. Current City law is silent on this topic though, as

noted earlier, LAMC Section 53.50 prescribes certain rigorous investigation and oversight requirements relative to the issuance of performance and other animal-related permits that could theoretically lead to the withholding of such permits without additional legislation.

The committee's direction was for the Department to explore the issues relating to the concept that elephants or, alternatively, wild and exotic animals, should not be used in a performing animal act if the animal is part of a traveling exhibition or show or living in a mobile housing facility.

Staff undertook this assignment with full knowledge that circus operators have expressed opposition to regulation that could impair their ability to do business in Los Angeles. The research done for the April 24, Board report as well as for this one clearly revealed their concern, and this report includes substantial representation of their opinions and arguments. Management has met directly with local opponents as well as supporters of such regulation and the approach this report takes reflects the full range of concern.

For the purposes of this discussion an animal is deemed to be part of a traveling exhibition or show if, during the 15-day period preceding such participation, the animal was traveling in a mobile housing facility. A 15-day period is contemplated because it recognizes an interest in ensuring that any resulting regulation covers only those shows that are constantly traveling, and not other performing animal suppliers. It also contemplates a reasonable rest period for animals with traveling shows. The Department will stipulate for the record that such a regulation could severely impact circuses and that they are expected to oppose it.

This report in response to the committee's latest request is intended to supplement and expand upon the previous report on bullhooks/guides. Consistent with the chair's motion proposing a prohibition on the use of bullhooks, this new request defines traveling circuses or exhibitions as any non-permanent live exhibition open to the public, including but not limited to any circus, public show, public photographic opportunity, carnival, fair, ride, parade, performance or similar undertaking, but does not include any permanent exhibit (such as a zoo) or any use closed to the general public.

Thus the proposed new restriction would not apply to the use of an elephant or, alternatively, a wild or exotic animal, in an exhibition at a non-mobile, permanent institution or facility, including an accredited zoo or aquarium; as part of an outreach program for educational or conservation purposes by an accredited zoo or aquarium, if the animal used for such purposes is not kept in a mobile housing facility for more than 12 hours a day; in film, television, or advertising if such use does not involve a live public exhibition; or in a rodeo.

1. Timeline

On February 3, 2012, the City Council referred the aforementioned original motion (Koretz/LaBonge) (also pertaining to Council File 12-0186) to the PAW Committee requesting LAAS to report to the committee with recommendations on banning the use of bullhooks/guides in the handling of elephants in circuses and traveling exhibitions held in the City of Los Angeles, along with suitable enforcement mechanisms. According to that motion, the bullhook (also known as an “ankus” or “guide”) is a stick with a sharp spike attached to it, whose use can lead to the abuse of elephants.

The Los Angeles Zoo dropped its use of bullhooks/guides in 2010 upon opening its “Elephants of Asia” exhibit, switching instead to a form of elephant handling known as “protected contact” (or “restricted space management”) first developed at the San Diego Zoo, in which a protective barrier separates trainer and elephant, and positive reinforcement training is used to elicit behaviors. Protected contact is safer for handlers and arguably more humane for the elephants because the need for the use of an implement such as a bullhook/guide is greatly diminished. (Bullhooks/guides are commonly used in the “free contact” [or “non-restricted space management”] method of handling, an approach in which the trainer uses them in a variety of ways to control an elephant’s behavior and movements.)

On April 24, 2012, the Board approved a Department report recommending a ban on the use of bullhooks/guides (and other implements, per Option 3 above) relative to the training and performance of elephants within the city limits and instructed the Department to transmit it to the Mayor and Council. On June 5, 2012, the City Council Personnel and Animal Welfare (PAW) Committee held a brief hearing on the item and continued it to allow the public and stakeholders more time to prepare for a full hearing.

On October 1, 2012, the PAW Committee chair transmitted a letter to LAAS and the Board president asking for the report to be returned to the Department for consideration of altering the recommendation to include a prohibition on the use of elephants in traveling shows and exhibitions (including circuses) within the city limits.

Subsequently, on October 2, 2012, the committee held a second hearing on the matter and, as noted above, issued an instruction to LAAS expanding the chair’s October 1 request to include the review of a potential prohibition on the use of all exotic and wild animals in traveling shows and exhibitions (including circuses) within the city limits.

C. Wider Context

So far in 2012, three circuses utilizing performing animals have visited Los Angeles: Ringling Bros. and Barnum & Bailey; Ramos Brothers Circus; and Circus Gatti. Among the exotic and wild animals employed in these circuses are elephants, tigers, lions, bears, camels, llamas and zebras. Among the domesticated animals employed in these circuses are dogs, donkeys, goats, ponies and adult horses.

As society re-examines its treatment of animals, the use of elephants and other wild and exotic animals in circuses has become controversial and a point of contention between the circus industry and animal activist community. This is due to the conditions that are inextricably linked with these traveling shows of which some activists are extremely critical. Animals employed in circuses spend the majority of the day in close confinement, and they are subject to what some allege is physical and social deprivation, long periods of time in unnatural transport, and methods of control that sometimes include techniques that are described as questionable and potentially (and allegedly) abusive.

1. Criticisms of Using Animals in Traveling Shows

Traveling shows and circuses, by their very nature, have a limited ability to change these conditions. In order to include animals in the shows, they must transport animals to show locations and they must train them to perform, thus fueling the debate as to whether the modes of transport and methods of training are safe and humane or inherently abusive. Stereotypic and abnormal behaviors have been observed and videotaped in almost all circus animal species, including horses, ponies, llamas, camels, giraffes, elephants, lions, tigers and bears.

The use of these animals in shows may also present a threat to public health and safety. There are numerous accounts of animals having escaped from circuses, sometimes causing injury to handlers and/or the public, and elephants can carry a form of tuberculosis that is transmissible to humans.

Supporters of bans on the use of elephants argue that the primary purpose of displaying them in traveling shows and circuses is entertainment and not conservation as some in the industry argue. They further contend that the shows trivialize endangered species such as tigers, lions, elephants, primates and reptiles. They also assert that venues such as Staples Center, which hosts the annual visit of Ringling Bros. and Barnum & Bailey Circus to L.A., ultimately would be able to fill the dates currently occupied by the circus with other attractions should a ban on bullhooks/guides or elephant or wild animal performances be enacted and motivate the circus to stop coming to this city.

They go on to assert that many of the circus workers whose jobs would allegedly be in jeopardy if wild animals were removed from the show also have other tasks between and during shows that have nothing to do with the animals, such as ticket-taking and concessions. They argue that most such jobs shouldn't be impacted by the absence of wild animals, especially if a sufficient phase-in period (such as two years) is afforded by any new prohibition.

2. Support for Using Animals in Traveling Shows

By contrast, advocates for traveling shows and circuses, and for retaining the use of wild and exotic animals in them, contend that their presence in the shows inspires

concern for their long-term well-being in the wild and complements domestic breeding operations that help to preserve each species. They argue that staff - especially the animal handlers - working for these shows and at the breeding facilities responsibly and humanely care for, train and manage the animals. They also argue that the common training and management techniques are absolutely necessary in a circus environment.

A June 4, 2012, letter to PAW by Feld Entertainment's Vice President-Government Affairs Thomas Albert regarding the bullhook/guide ban proposal adamantly notes, "The question of how elephants are managed and cared for triggers strong and divergent opinions. The guide is not only humane, but it is essential for free contact handling of elephants, which is the method used in all circuses and most zoos. Without this tool no one can have elephants in a circus and there are no alternatives for circuses. The animal rights activists seek to encourage the passage of 'bullhook bans' in order to eliminate circuses and prevent the exhibition of elephants...Circuses are lawful and licensed exhibitors and the effort to convert them into criminal conduct is nothing less than an attempt at illegal censorship."

Circus advocates also assert that existing federal regulations sufficiently protect performing animals in the United States, that federal inspectors properly administer those regulations, and that the implements (such as guides) and methodologies used to train the animals for performances are inherently benign and are rarely – if ever - used in a manner that could be considered harmful to the animals. Additionally, they take issue with contentions that the public is at risk of contracting tuberculosis from elephants.

They also contend that banning either bullhooks/guides or the use of wild and exotic animals in Los Angeles would negatively impact the employment opportunities for drivers, animal handlers, facility staff and other local residents whose work includes supplementing the staff of traveling shows when those shows visit the city. They estimate that such bans could affect up to 300 workers and cost the City more than \$1 million in cumulative economic activity during those visits. Proponents of bans allege that the numbers of potentially impacted workers would be considerably fewer – perhaps as few as two or three dozen – based on their discussions with such locally-based workers and their representatives.

Because those shows primarily visit Los Angeles during the summer season when most indoor sports leagues are inactive and many large concerts are held at the area's many large outdoor venues, circus advocates contend that a venue such as Staples may not readily be able to fill the dates an operation such as Ringling might abandon. This would cost the City venue- and parking-related taxes and Department permit fees.

Other than the Ringling Bros. and Barnum & Bailey Circus, in the current time-frame three other smaller circuses annually visit Los Angeles with wild animals, including Circus Vasquez, Circus Gatti and the Ramos Bros. Circus. There are other shows and exhibitions for which the Department issues permits that might be subject to a prohibition, but an initial review of the data does not reveal whether they involve

transporting wild or exotic animals within 15 days of their arrival and, in any case, they do not represent significant economic activity compared to Ringling Bros. and the others noted above.

D. Animal Welfare Issues Relating To Traveling Shows:

1. Intensive Confinement and Travel

In circuses, elephants are constantly being transported, as circuses rarely spend more than a week or so in one location. Keeping animals in non-permanent mobile accommodations for the majority of their time potentially creates a series of insurmountable compromises to their welfare unlike those they would experience in the wild (especially if protected) or in a zoo or sanctuary that provides a naturalistic environment for them.

The animals are subjected to the stress of forced movement, human handling, noise, loading and unloading, cage motion, restraint, and close confinement. They may spend hours standing in their own urine and feces and be deprived of food and water. Wild elephant species found in circuses include both Asian and African elephants, with Asian elephants predominating.

a. The Schedule

Performance schedules can span 48-50 weeks a year as circuses travel back and forth across the country. The animals spend the vast majority of their time in cages, train cars and trucks, often including before, during and after travel. Ringling Bros. and Barnum & Bailey Circus' documentation shows that its animals travel 26 hours straight on average, with some journey legs lasting as long as 70 hours without a break. The longest periods of travel have been known to last up to 100 hours.

While Ringling has asserted that rest stops are built into the travel schedule and animals are removed from the trains and exercised before the trips are restarted, records covering the years from 2000 to 2008 encompassing 600 trips that were revealed in legal proceedings documented only 14 such stops. Because the legal proceedings concerned elephants, the handling of lions, tigers and other animals were not discussed in that context, but since all the animals in any of Ringling's several U.S. performing circus units travel as part of one troupe, it appears reasonable to conclude that they are transported according to the same schedules. By one estimate, big cats spend between 75 and 99% of their time in cages on the backs of trailers.

b. Space Issues

Minimum space requirements under the federal Animal Welfare Act only require that an animal be able to "make normal postural and social adjustments with adequate freedom of movement." Captivity-related stress caused by reduced space and lack of movement

is associated with the animals developing abnormal repetitive behaviors and chronic, long-term behavioral and physiological problems. Elephants often travel with anywhere from three to five housed in each train car and those cars allegedly aren't consistently cleaned of urine and other filth. Certainly it would be impractical to do so while the train is actually in motion.

In addition to these issues, there are other ways that circus animals are at risk of injury from being transported. A November 18, 2010, a routine inspection of the Ringling "Blue Unit" (the same one that visited Los Angeles in July 2012) by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) noted the following:

"Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live animals shall be constructed in such a manner that the interior of the enclosure shall be free from any protrusions that could be injurious to the live animals contained therein; On July 19, 2010 the licensee documents that Asian elephant Asha was injured sustaining abrasions over her right eye. Notes state that the animal scraped her forehead on trailer ride from the train to the building. On October 19, 2010, the licensee documents that Asian elephant Rudy had an abrasion over the right eyebrow noted during unloading from the transport vehicle.

"The licensee stated that it routinely uses the same trailer to transport Rudy, Asha, Bonnie, and Barack. During this inspection, APHIS examined the transport trailer used to transport these elephants from the licensee's train to the performance venue. It had numerous burnished bolts in an elevated compartment which serves as a compartment or primary enclosure for the animals. Several of these bolts have sharp edges on their sides which could cause injury to these animals during transport. Compartments used to transport live animals shall be free of any sharp edges that could injure the live animals contained therein, namely elephants."

The report went on to instruct Ringling to correct the condition by January 1, 2011. It is not known whether the problem was remedied.

The Association of Zoos and Aquariums (AZA), the primary accreditation entity for animal exhibitors in the United States, in its "Standards for Elephant Management and Care" provides nominal instruction for the transport of elephants. The standards basically specify that federal and International Air Transport Association animal transport guidelines must be adhered to.

c. Satisfaction and Seat Belts

Circus industry officials and expert court witnesses defend travel-related practices in various – and sometimes unusual - ways. According to court records cited in an exhaustive investigative piece featured in *Mother Jones* magazine ("The Cruellest Show on Earth," November/December 2011), Professor Ted Friend of Texas A&M opined to a court that the long train rides likely satisfy the well-known urge of elephants to roam (the latter being a belief that is central to the controversies that arise over the

sometimes minimal size of zoo elephant exhibits). The article also reported that a defense attorney for Ringling in court likened the chains that are used to tether elephants in the train cars to seat belts for humans in automobiles.

Performances and training make up a small part of an elephant's daily activities – as little as 1-9% of the day. Therefore, the claim that these activities provide adequate exercise or somehow compensate for their unnatural lifestyle remains in question.

A 2009 study by Iossa, Soulsbury and Harris for the University of Bristol in England ("Are Wild Animals Suited to a Travelling Circus Life?") on the welfare of wild animals in circuses concluded, "We argue that there is no evidence to suggest that the natural needs of non-domesticated animals can be met through the living conditions and husbandry offered by circuses. Neither natural environment nor much natural behavior can be recreated in circuses." Unlike zoos, circuses cannot create more complex environments that provide a more diverse array of stimuli.

2. Training

a. Difficult Issues Regarding Training Techniques and Elephant Guides (Bullhooks)

According to those who are critical of the process, animals are forced to perform tricks through a process based on intimidation, emotional deprivation and withholding of food and/or water. In Ringling's Florida-based breeding operation, young female elephants are assertively separated from their mothers and rigorously trained to perform movements that would otherwise be unnatural to them, sometimes constrained by ropes and harnesses.

Trainers use bullhooks/guides and electric shock devices (though these are prohibited for such uses in California) to train and control the elephants in a manner some criticize as being through fear and, allegedly, violence. Trainers are reluctant to allow the process to be photographed or video recorded. Nevertheless, circus workers have been observed, photographed and videotaped screaming at, punching, kicking and hitting the animals, often with bullhooks or other types of sticks or rods.

Department staff has watched several of the videos depicting training techniques and the handling of elephants by circus staff (for examples see <http://www.youtube.com/watch?v=Cdt-RBbmiyE>, <http://www.youtube.com/watch?v=eDMYEHY6ELs&feature=related>, <http://www.peta2.com/heroes/alec-baldwin-uncovers-elephant-abuse-under-big-top/>).

The pointed advocacy comments they include notwithstanding, the techniques visibly on display appear to be in direct conflict with the representations made by elephant trainers and circus officials at the October 2, 2012, PAW hearing. They also conflict with written standards and guidelines described in the International Elephant Foundation's "Elephant Husbandry Resource Guide," the Elephant Managers' Association's "Standard Guidelines for Elephant Management," the Association of Zoos and

Aquariums' "Standards for Elephant Management and Care," and the American Veterinary Medical Association's "Welfare Implications of Elephant Training."

The "Elephant Husbandry Resource Guide," published in 2004 by the International Elephant Foundation (an organization formed in the late 1990s by scientists and representatives from zoos, circuses and academia; <http://www.elephantconservation.org/>), sets forth a standard for the use of guides that is largely defensible on its face:

"The guide is a tool that is used to teach, guide, and direct the elephant into the proper position or to reinforce command. This is accomplished by adding a physical cue to a verbal command. The ultimate goal of the elephant handler is to have the elephant respond to verbal commands alone, using the guide as little as possible.

"The guide is used in many facilities throughout the elephant management continuum. The guide can be used to move the leg of the elephant closer to the straps of a restraint device, or indicate to the elephant to lean into the bars of the holding stall to allow greater access for the keeper standing outside of those bars. It is also used by the handler to teach an elephant to lift a leg, move forward, and move backward, and the list goes on and on.

"A guide consists of a hook (preferably stainless steel) mounted on one end of a fiberglass, wood, lexon, or nylon shaft. The design of the hook allows for the elephant to be cued with either a pushing or pulling motion. The ends on the hook are tapered to efficiently elicit the proper responses from the elephant with the handler exerting very little pressure. The ends of the hook should catch but not tear or penetrate into the skin. On a rare occasion, superficial marks may result but generally do not require medical attention.

"On rare occasions, the shaft of the guide may be used as punishment after the elephant acts in an inappropriate or aggressive manner. Contact between the elephant and the shaft of the guide should be immediate, in response to the incorrect behavior, and should stop immediately upon the elephant demonstrating appropriate behavior (see Training, p. 21).

"All new handlers should be instructed and knowledgeable in the proper use of the guide prior to working with an elephant so that the guide is not used improperly. As new handlers must learn the use of the guide, so must the elephant learn what is expected from the cues of the guide. An untrained elephant does not understand the "language" of the cues, similar to a dog, that has not been taught to walk on a lead and pulls its owner."

Similarly, in the Elephant Managers Association education manual, "Elephants: Conservation Today and Tomorrow," a comparable methodology is presented:

“In free-contact management, the elephant hook (stimulus) is used as a directional tool. The animal is conditioned to move away from the touch of the hook. This tool is not meant to penetrate the skin or cause any harm; however, it is uncomfortable and the elephant learns quickly that the appropriate behavior leads to the removal of the hook (negative reinforcement) and is usually followed by praise and a treat (positive reinforcement.) A verbal command (cue) is usually given along with the touch of the hook. It doesn't take long until the elephant will respond with the correct behavior to the verbal command alone. But just like with dogs, some elephants are a little more head-strong than others, and both the hook and verbal commands are necessary.”

Some questions occur to staff:

- Can providing "a physical cue" be overdone? In what way is “the animal...conditioned to move away”?
- How is the guide's hook uncomfortable if it is just touching the elephant's skin, as opposed to hitting it or penetrating it?
- If, in the application of a guide's hook, "superficial marks may result but generally do not require medical attention," how can the numerous reports of broken skin and bleeding be explained?
- If the animal “will respond with the correct behavior to the verbal command alone,” is the video depiction of what appears to be the routine striking of the elephants standing backstage prior to a performance consistent with the manual's assertion that once the animal is trained anything more than verbal commands should be unnecessary for most elephants?
- Are all of the elephants featured in the video “a little more head-strong” and, in the minds of the handlers, constantly in need of “both the hook and verbal commands” on a regular basis?

As Thomas Albert, the Vice President-Government Relations and a board member (and former board president) of the International Elephant Foundation, told the PAW Committee on October 2, 2012, in essence, just because a guide can be used in an abusive manner doesn't mean that it is inherently an abusive tool. If there is an issue with guides, it is with inconsistent application and use that does not always square with the standards noted above.

A similar discussion could be undertaken relative to the training and handling of big cats, bears and other performing animals, but staff feels it is not productive to do so in this context. The fundamental issues are the same.

b. Nature and Early Preparation

According to some animal behaviorists, unlike domestic species, these animals have not been selectively bred for compliance and companionship with humans over thousands of years. Therefore their wild instincts and nature are in constant conflict with their captive environment and the behavior of their captors. High levels of stress are likely to increase the level of suffering and also means these animals are less

predictable and potentially more dangerous in public.

The training sessions that are shown to the media apparently are rehearsals and reinforce movements the animals have previously been trained to reproduce. Studies, accounts of former show employees and undercover observation and videos have revealed how the real training goes on behind closed doors at animal training compounds to assure the total control and consistent performance that the handler needs. (Handlers almost never use this same training in front of an audience, which suggests they are aware that the public may find it unacceptable.) Elephant calves begin training at a young age, when they are taken away from their mothers and subjected to a regimen that typically includes being bound with ropes, chained, and jabbed and struck with a bullhook/guide.

The modes of training in traveling circuses are related to the need for direct and very close control over the animals, especially because they are held in temporary facilities in public areas and are often in close proximity to the public. It has been noted that the level of violence associated with the training appears to correlate with perceived danger, with the level of aggression vastly increased for lions, tigers and other large cats, elephants and such stubborn exotics as camels.

c. Mixed Messages

Given the relatively small number of circuses employing animals in the U.S. as compared to zoos or other wild animal exhibits, a disproportionate number of incidents of violent treatment of animals has been caught on film. The prevalence of these incidents cannot be dismissed as being related to the misbehavior of just a few individuals. Incidents probably are inevitable due to the nature of the husbandry, the requirements for close control, training methods, and the type of tricks being taught.

Yet, the animal trainers themselves sometimes present a mixed message with regard to training and management techniques. The testimony of Ringling elephant trainer Brian French before PAW was clear in portraying a belief that the elephants are treated appropriately:

“Bullhooks are used as an extension of our hands helping to cue the elephants, to show them what we’re asking them to do,” French testified. “It’s not used to inflict pain. It would be an ineffective tool to do that...”

Based on the aforementioned videos and accounts of at least one circus elephant visibly bleeding during a performance allegedly as the result of the use of a bullhook/guide on her just prior to entering the ring, it seems possible that certain of Mr. French's industry colleagues may view the tool's uses differently.

Daniel Raffo, another Ringling animal handler, presented the following perspective in his testimony as transcribed during ASPCA, et al. v. Feld Entertainment, Inc. on March 4, 2009 (presented verbatim from the transcript):

THE COURT: Could you control the elephants with those bamboo sticks you use with the tigers?

THE WITNESS: I did use the bamboo sometimes, yes.

THE COURT: With elephants?

THE WITNESS: Yes, I did that. I always try different things and try this can work, this can be like that, it can be easy for me to work. I, you know, I always try different things myself. I always try to find a better way to do it.

3. Social Conditions

In circuses, social animals are frequently housed singly or in groups smaller than the average in the wild, or in unnatural groupings, or mixed species. This prevents the establishment of normal social dynamics, which can have negative consequences on welfare and behavior. Elephants are kept separately chained and are unable to interact normally, and some circuses travel with solitary elephants. Big cats typically are kept in small cages except when being trained and during performances.

Animals that are natural (or circumstantial) prey for, for example, big cats, can suffer considerable stress being kept in proximity to lions or tigers. All of these problems are exacerbated by close confinement and the limited space available to traveling circuses.

Unnatural social conditions are found for wild animals, such as a singly-housed zebra and capuchin monkey with the Bailey Brothers Circus, and Sterling and Reid toured with just two macaque monkeys. Tigers, who are naturally solitary in the wild, are often housed in groups, which can result in discord leading to injury and death. In 2008, a tiger with Circus Vazquez was killed by other tigers when six of the animals were confined in a cage during the circus' run in nearby Huntington Park.

4. Abnormal Behaviors

Severe confinement, lack of free exercise and the inability to perform natural behaviors causes both mental and physical suffering. Abnormal repetitive behaviors (known as stereotypes) such as pacing, swaying and rocking often are present in all wild animals used in circuses. These behaviors are associated with a sub-optimal environment, deprivation and poor welfare. Stereotypic behaviors are sometimes seen in animals living in zoos but, according to most characterizations from wildlife experts, rarely in those living in the wild.

5. Stress of Performance

According to experienced observers, performance in front of an audience may cause

severe stress to wild animals. Loud noise is a well-known stressor in captive animals and may especially affect animals with sensitive hearing such as prey species, big cats and elephants. Grazing and browsing animals display huddling, aversive behavior in the presence of human crowds.

Repetitive stereotypic behavior increases for elephants in the hour leading up to performance and when the animals are on public display. It has been suggested that the greatest stressor for captive wild animals may indeed be their inability to escape or avoid stressors.

E. Public Safety

1. Direct Dangers

Traveling circuses pose a serious threat to public safety by bringing people into dangerously close proximity to already stressed wild animals. Elephants perform without any type of barriers to protect the public and sometimes are used to give rides, such as when Circus Gatti performs in Los Angeles. In some cases they have escaped their handlers, and trainers also have been injured and killed by elephants (as well as tigers). Since 1990, some 15 human deaths and 135 injuries in the U.S. have been attributed to elephants, primarily due to circus-related incidents. There have been nine escapes since 2000 alone.

Other than elephants, public safety issues typically concern big cats. There have been 22 incidents involving big cats, including 15 injuries, one death and six escapes. In 2004, a 450-pound white tiger escaped a circus in New York City causing considerable alarm as he prowled through a crowded park before being captured.

First responders to animal escapes are often local law enforcement, which, in some cases, have been responsible for destroying an animal even though they lacked the firearms necessary to quickly kill one. Use of a tranquilizer dart usually is not considered to be an option if human safety is immediately endangered. LAPD officials have expressed concerns regarding the presence of these exotic and wild animals in proximity to humans, both in and outside of performances.

2. Public Health

Elephants used in traveling circuses also may pose a public health risk. An estimated 12% of Asian (the species primarily used in circuses) and 2% of African elephants in North America are infected with mycobacterium tuberculosis, a contagious disease that can be transmitted from elephants to humans. Most infected elephants do not display clinical signs of the disease and transmittal to humans typically requires extended exposure. Nonetheless, according to one apparently reputable study, it has happened.

“In July 2009, routine screening detected conversion of tuberculin skin test (TST) results

from negative to positive among caregivers at a nonprofit elephant refuge in south-central Tennessee, USA. In addition, records review revealed that respiratory secretions obtained by trunk wash of a quarantined elephant (elephant L) in December 2008 contained *M. tuberculosis*. To determine the extent of the outbreak, identify risk factors for TST conversion among humans, and develop strategies to prevent ongoing zoonotic transmission, we conducted an investigation...” (“Elephant-to-Human Transmission of Tuberculosis,” Murphree, Warkentin, Dunn, Schaffner, Jones; Tennessee Department of Health, 2009; from “Emerging Infectious Diseases,” Centers for Disease Control; www.cdc.gov/eid; Vol. 17, No. 3, March 2011).

The report goes on to state that, “Epidemiologic and observational data indicate that *M. tuberculosis* was transmitted from an elephant with active TB to humans working at the elephant refuge....in this outbreak the inability to accurately and expeditiously detect *M. tuberculosis* infection and disease in elephants contributed to unrecognized, and therefore uncontrolled, risk...our study suggests that employees without close contact with elephant L were infected through indirect transmission of *M. tuberculosis* aerosolized during routine barn maintenance...or suspended in shared air.”

The Center for Elephant Conservation (affiliated with Ringling) recently issued a “Frequently Asked Questions” paper (available at http://www.elephantcenter.com/Tuberculosis_In_Elephants.aspx) on tuberculosis in elephants that appears to take issue with these findings without specifically referring to the Murphree study.

According to Dr. Dennis Schmitt, Chair of Veterinary Services and Director of Research, “The strain of tuberculosis, the *Mycobacterium tuberculosis*, that is found in elephants can be found in humans, however there has been no proven case of the tuberculosis bacterium being transmitted from elephants to humans.” Responding to a question regarding studies such as Murphree's, he adds, “The data in those studies did not prove that tuberculosis bacterium was transmitted from elephants to humans.”

Earlier this year the state of Maine, apparently coming to a different conclusion, barred the Piccadilly Circus from bringing an elephant into the state based on a positive test for tuberculosis antibodies, and Wisconsin barred an elephant who also tested positive for antibodies and was scheduled to give rides at a Renaissance Faire. An elephant owned by the Carson & Barnes Circus was barred from public contact at Circus World in Wisconsin due to a positive test result for tuberculosis antibodies.

F. Animal Welfare Act Enforcement

No amount of costly government oversight can completely prevent animal escapes and physical abuse, or protect wild animals traveling for months on end in small, temporary accommodations. (And this assumes that government could afford to provide that level of oversight in the first place, which is an unrealistic assumption in this era.) The transient nature of traveling circuses, where the animals and their handlers constantly

change, make law enforcement difficult. Because the agency is limited both in staffing and budget, USDA inspections of the nearly 9,000 animal entertainment, breeding and research facilities in the U.S. are infrequent at best and tend to focus on what are considered to be the most egregious cases.

The federal Animal Welfare Act (AWA), which is the primary applicable law in the United States dealing with exotic and wild animals (as well as domesticateds) describes minimum welfare standards for dogs and primates but not for other species in other commercial contexts. USDA and APHIS policy guidelines arguably are not enough by themselves to bring about an overall improvement in the welfare of animals with traveling circuses.

Section 16(a) describes the inspection and regulation protocol. However, a specific provision for annual inspections, follow-up inspections and enforcement applies only to research facilities. APHIS guidelines on inspections currently advise, "You do not have to inspect every circus or traveling exhibitor that exhibits in your territory" (APHIS Animal Care Resource Guide, Exhibitor Inspection Guide, 11/04 17.10.1).

Further, no government agency monitors training sessions, even though undercover video footage of these sessions has shown that elephants are beaten with bullhooks and shocked with electric devices.

Animal advocates argue for a strengthening of the AWA that would include more specificity with regard to the needs of animals and broader application of the law to make sure any lawful activities and purposes involving animals are covered. In the meantime, they add, USDA cannot be relied upon to adequately protect animals in traveling shows.

In California, Penal Code Section 596.5, prohibits a number of cruel and inhumane elephant training methods such as the use of electricity; deprivation of food and water; physical punishment; insertion of any instrument into any bodily orifice; use of martingales; and the use of block and tackles. However, existing law does not address the most common controversial training methods used on elephants: the bullhook and chaining.

Further, the California Department of Fish and Game is responsible for enforcing the laws relating to restricted species as set forth in the Fish and Game Code Sections 2116 et al. and Title 14, Section 671 of the California Code of Regulations. These laws relate to the keeping of exotic animals, including elephants, for exhibition. Since the law's inception (1992) these provisions, specifically with respect to inspection of these facilities and violations of the various provisions of the codes and regulations relating to care and treatment have not, to the best of our knowledge, been enforced.

Accordingly, traveling shows with animals, for the most part, operate largely unconstrained in the state of California unless there is a municipal or county ordinance regulating such activity.

G . An Evolving Regulatory Environment

The Ringling Bros. and Barnum & Bailey Circus is considered to be one of the largest and most highly-financed circuses, yet in 2011 the circus paid the largest fine ever assessed against an exhibitor (\$270,000) under the federal Animal Welfare Act to settle multiple animal care violations. These violations included animal escapes, losing control of an elephant inside an arena with the public present, and forcing an elephant to perform even though she suffered from a painful physical condition. (A pertinent incident in San Diego is depicted in an amateur video found at: http://www.huffingtonpost.com/2011/08/10/elephant-abuse-adi-protest_n_923882.html. The 2012 Department veterinary inspection report received on July 29, shortly after the Ringling blue traveling unit left Los Angeles, opined that at least two of the blue unit elephants were in need of a break from active performing for similar reasons.)

In 2011 the Los Angeles Times published an editorial calling for Ringling to stop using elephants. Ringling also had to defend itself in court against charges of animal cruelty and, depending on whose arguments are to be believed, escaped further punishment for the time being primarily because of procedural issues and legal technicalities. This year, 15 California humane societies, including spcaLA, jointly called for a boycott of Ringling based on animal welfare concerns.

1. Multiple Jurisdictions

Additionally, 38 local jurisdictions have taken legislative steps to restrict the use of wild animals in circuses, and the number is growing. The largest of these is Santa Ana, which bans the use of wild animals in public shows. The City of Irvine instituted a similar ban just last year. Around the world, over 20 countries have passed national restrictions on the use of exotic animals in circuses. Most countries have banned all wild animals, including Austria, Czech Republic, Peru, Costa Rica, Taiwan, India and Israel. Legislation to prohibit the use of wild animals in circuses is being discussed in other countries, including the United Kingdom, Brazil, Netherlands, Chile, Colombia and Norway.

Last year, federal legislation was proposed in the U.S. that would ban the use of exotic wild animals in traveling circuses but its ultimate fate remains uncertain. Given the nature of the issue, staff feels that a federal solution would be preferable to piecemeal localized regulations, but in the absence of such a solution, the issues remain pertinent.

2. Ongoing City Efforts

Also in 2011, for the first time ever the Department employed an outside veterinarian to assist staff in inspecting Ringling Brothers' elephants upon their annual arrival in Los Angeles. The elephants were again inspected this year, generating findings that raised certain concerns. As noted earlier, veterinarian Phillip Ensley, formerly of the San Diego Zoo, reported that a number of the Ringling elephants exhibit physical and medical conditions that suggest they needed a break – perhaps a long or permanent

one - from traveling and performing.

In Section 53.50 of the LAMC, before it issues performance permits the Department is empowered (and required) to conduct investigations “as it deems proper” and may withhold, revoke or suspend such permits if it finds that the applicant or permittee is out of compliance (with an appeal hearing available). These powers rarely have been fully invoked, but as is clear from the events of the last couple of years, the Department is moving in a direction of applying them in a more robust manner.

H. The Goal in Los Angeles

As set forth in the chair’s letter, the proposed restriction on the use of elephants or all exotic and wild animals in traveling shows primarily is very narrowly focused on traveling circuses that perform in public settings. It is silent on the use of these animals for film and television appearances, or those taken from a static, permanent facility and then returned to that facility each day.

Much as they are in zoos, elephants and exotic and wild animals are fascinating, popular attractions in the performance realm, though their appearances in circuses are typically brief and represent just a few of the many aspects of a show. Of the two-hour performance put on at Staples Center by the Ringling Bros. and Barnum & Bailey Circus in 2012, less than 15 minutes involved wild animals, with elephants taking up only a portion of that time.

It should be noted that several of the proposed options would not prevent a large traveling show such as Ringling from bringing its animals to Los Angeles during one of its typical visits as long as those elephants or exotic and wild animals were not employed as part of the public performance. While not optimal from the circus' perspective, this acknowledges that, for the time being, a ban on their use in performances in Los Angeles may not in and of itself be sufficient to discourage the circus from using these animals in performances in other jurisdictions.

Proposals to remove elephants or exotic and wild animals from traveling shows arouse objections, mainly from the circus industry and a portion of its audience. The industry vociferously disagrees with the comment in the April 24, 2012, report that, much as the auto industry adapted to air quality and fuel economy regulations it initially claimed were unworkable, the performing animal industry should be given an opportunity to adapt to any new regulations as well. Feld Entertainment's aforementioned June 4, 2012, letter to PAW was adamant in asserting that Ringling could not conduct its elephant performances without using a bullhook/guide in the process of training.

The proposed options (except for #7) in this report call for a 24-month phase-in period, easing the transition to whatever regulation may emerge from this discussion. Obviously, whether that would allow for a transition away from the use of bullhooks/guides while still allowing elephants to perform is the subject of strenuous

debate and, based on the other issues relating to animals in traveling shows, there appears not to be much agreement amongst animal advocates as to whether that would be a desirable outcome anyway.

Animal-free circus options are being promoted by advocacy organizations as an alternative to traditional circuses featuring animal performances. The American Society for the Prevention of Cruelty to Animals (ASPCA) has taken up this cause (<http://www.aspca.org/fight-animal-cruelty/circus-cruelty/animal-free-circuses.aspx>), as have others (<http://www.bornfreeusa.org/facts.php?p=419&more=1>).

Southern California circus audiences may already be becoming accustomed to this change in consumer habits, considering that Cirque du Soleil, with human-only performers, gained an early foothold here in the early 1990s and more recently found it profitable to launch a new show, "IRIS, a Journey Through the World of Cinema," created exclusively for its long-term home at the Dolby (formerly Kodak) Theatre in Hollywood.

Human-only circuses are increasingly popular; Cirque du Soleil has grown from one show in 1990 to 19 shows performing in 271 cities, generating an estimated \$810 million a year. And the highly-regarded Circus Vargas remains a regular visitor to the city after having become animal-free. In sharp contrast, the Piccadilly Circus, a traveling circus that still uses wild animals, had to cancel shows across Southern California in 2011 allegedly due to poor ticket sales.

F. Issues Raised Regarding the April 24, 2012 Report

At the October 2, 2012, PAW Committee hearing, representatives of the Elephant Manager's Association, Feld Entertainment and Ringling raised what they termed misrepresentations and omissions from the Department's Board report on bullhooks presented at the April 24, 2012, Commission meeting. We feel their concerns need to be addressed in this context.

Thomas Albert, Vice President-Government Relations, Feld Entertainment: "...the report misrepresents the AVMA on the use of bullhooks..."

Dr. Danielle Graham, veterinarian, Ringling Bros. and Barnum & Bailey Circus: "...the AVMA has submitted a letter objecting to the mischaracterization of AVMA policy regarding bullhooks..."

Harry Peachey, Elephant Manager, Columbus (Ohio) Zoo and a boardmember of the International Elephant Foundation, representing the Elephant Manager's Association (EMA): "...the AZA policy doesn't address 'protected contact.' It refers to restricted and non-restricted space management..." "...nowhere is the 'Elephant Husbandry Resource Guide' cited."

1. Response:

a. AVMA:

The April 24 report quotes verbatim from the AVMA's "Welfare Implications of Elephant Training" issued on April 14, 2008, as background. It also accurately summarizes other content contained in the document. At no time does the Board report suggest that the AVMA had taken a position against the use of bullhooks. Neither the PAW Committee, the City Clerk nor the Department has on file any correspondence from AVMA on this matter as of this writing.

Therefore staff can only conclude that the AVMA and those referencing the organization in testimony on October 2nd apparently object to the AVMA being mentioned and quoted in the report without noting that the AVMA has not taken a position in opposition to the use of bullhooks. The Department apologizes for that oversight, but does not retract the quotes used in the report.

Additionally, we note the following from the AVMA's publication, "Elephant Guides and Tethers," approved by the AVMA Executive Board in April 2008 with oversight from its Animal Welfare Committee: "Elephant guides are husbandry tools that consist of a shaft capped by one straight and one curved end. The ends are blunt and tapered and are used to touch parts of the elephant's body as a cue to elicit specific actions or behaviors, with the handler exerting very little pressure. The ends should contact, but should not tear or penetrate the skin. The AVMA condemns the use of guides to puncture, lacerate, strike or inflict harm upon an elephant."

Further, we also note the AVMA's "Animal Welfare Principles" approved by the AVMA Executive Board in November 2006:

"The AVMA, as a medical authority for the health and welfare of animals, offers the following eight integrated principles for developing and evaluating animal welfare policies, resolutions, and actions.

- The responsible use of animals for human purposes, such as companionship, food, fiber, recreation, work, education, exhibition, and research conducted for the benefit of both humans and animals, is consistent with the Veterinarian's Oath.
- Decisions regarding animal care, use, and welfare shall be made by balancing scientific knowledge and professional judgment with consideration of ethical and societal values.
- Animals must be provided water, food, proper handling, health care and an environment appropriate to their care and use, with thoughtful consideration for their species-typical biology and behavior.
- Animals should be cared for in ways that minimize fear, pain, stress and suffering.

- Procedures related to animal housing, management, care and use should be continuously evaluated and, when indicated, refined or replaced.
- Conservation and management of animal populations should be humane, socially responsible, and scientifically prudent.
- Animals shall be treated with respect and dignity throughout their lives and, when necessary, provided a humane death.
- The veterinary profession shall continually strive to improve animal health and welfare through scientific research, education, collaboration, advocacy, and the development of legislation and regulations.”

b. AZA and “Protected Contact”:

The report also referred to an edict contained in the AZA’s policy, “Maximizing Occupational Safety of Elephant Care Professionals,” issued on August 12, 2011, which mandates a conversion to “restricted space management” in AZA-affiliated facilities by September 1, 2014. Mr. Peachey objected to the term “protected contact” being used in place of the term, “restricted space management” contained in the policy. However, staff has subsequently found “protected contact” to be used interchangeably with and, in fact, more often than, “restricted space management” in discussions of this topic.

Ironically, the EMA’s own September 1, 2011, highly critical comment letter to the AZA regarding the August 12 policy states: “The EMA recognizes and supports the use of protected contact elephant management as an effective and efficient method for certain animals and programs...” before going on to voice serious concerns. Thus, staff finds Mr. Peachey’s objection to the use of the term to be non-substantive and contradictory to the rhetorical practice of his own organization.

c. Elephant Husbandry Resource Guide:

Regarding the “Elephant Husbandry Resource Guide” also referred to by Mr. Peachey, it has been cited in this report.

G. Conclusion

If the City’s goal is to take a step toward protecting and enhancing the welfare of elephants and exotic and wild animals, then restricting their use as described in the chair’s letter would be consistent with that goal and may, but not necessarily, surpass the perceived benefits of banning bullhooks/guides (at least with regard to elephants).

Another option would be to combine those approaches. A broader approach would be

to prohibit the use of all exotic and wild animals in performances in Los Angeles. Still another would be to prohibit traveling shows from bringing any of these animals into the city.

Given that exotic and wild animals often can be dangerous and capable of causing great bodily harm to handlers and/or members of the public, any step the City might take implicitly would also be acknowledging to members of the public the risk to public safety posed by the presence of these animals in a context of temporary, unreinforced containment and close proximity to the large numbers of people.

There is little doubt that the options presented have the potential to interfere with the ability of certain traveling shows to do business in Los Angeles and that is not a trifling consideration. At the October 2 PAW hearing Ringling officials contended that the direct financial impact of their circus visits approximated \$1M and that their indirect impact approached a doubling of that figure. A relatively small number of people might have full-time or temporary employment opportunities disrupted and there are competing perceptions as to the extent of that disruption and whether the absence of circuses would create a lasting impact on those jobs. But, as some would argue, to someone who needs it, a job is a job.

As with so many decisions facing the City, whether and how to regulate the use of exotic and wild animals in traveling shows basically comes down to a weighing of values and the rendering of both pragmatic and moral judgments. Potentially compelling arguments have been offered by advocates on both sides of the issue that represent fundamentally divergent interpretations of certain facts and perceptions of what constitutes appropriate treatment for exotic and wild animals at the hands of humans.

The Department's review of the literature on both sides, legal proceedings and public testimony certainly suggests that the City's decision makers are faced with a difficult decision. No matter what it proves to be, the Department stands ready to implement it and to do its best due diligence to strengthen the City's oversight of animal performances going forward.

III. FISCAL IMPACT:

In 2011 and 2012 to date, the Department has issued four permits covering performance-related activities involving elephants in traveling shows within the city limits of Los Angeles. These permits generated \$16,000 in permit fees paid to the Department to cover the cost of issuing and enforcing the permits. The proposed regulation could serve to reduce the number of permits issued should a circus decide not to visit Los Angeles as a result of its approval.

Section 21.17 of the Los Angeles Municipal Code prohibits the public release of specific data on tax receipts received from individual payers, but tax rates for circuses specified in Section 21.74 allow for estimates to be calculated based on attendance. According

to those estimates, the permittees appear to have generated approximately \$15,000-20,000 in direct and indirect tax revenues to the City in 2011, including taxes on the events and parking, with a comparable amount anticipated in 2012. This does not factor in any taxes and fees paid by the owners of the facilities and property where the permittees set up their performances covering the time the traveling shows were on site.

Circus industry executives represented to the PAW Committee that the Ringling Bros. circus visits to Los Angeles alone generate in excess of \$2 million in circus-related and ancillary economic activity above and beyond direct payments to the City for permits and taxes. As with permit application fees, the exact level of City tax receipts from such activity could be impacted by this proposed regulation to an as-yet undetermined extent depending on choices made by the exhibitors based on the need to comply with any new or existing regulations in order to stage their performances in Los Angeles.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____

**BOARD OF
ANIMAL SERVICES
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DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
5th Floor
Los Angeles, CA 90012
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BRENDA F. BARNETTE
General Manager

JOHN CHAVEZ
Assistant General Manager

Report to the Board of Animal Services Commissioners
Brenda Barnette, General Manager

COMMISSION MEETING DATE: October 23, 2012 **PREPARED BY:** Brenda Barnette

REPORT DATE: October 19, 2012

TITLE: General Manager

SUBJECT: REVISED REPORT: AMENDMENTS TO SECTION 53.00
(DEFINITIONS) OF LOS ANGELES MUNICIPAL CODE REGARDING
THE DEFINITIONS OF "KENNEL" AND "PET SHOP," RESPECTIVELY.

BOARD ACTION RECOMMENDED:

That the Board request the Mayor and City Council to approve in a timely manner minor amendments (see section 2 below) to the definitions of "kennel" and "pet shop" in Section 53.00 (Definitions) of the Los Angeles Municipal Code (LAMC) to create consistency between the issuance of pet shop permits by LA Animal Services (LAAS/Department) and the issuance of building permits by the Department of Building and Safety (B&S) for pet shops opening in the city.

1. History and Issues

In 2011 the City Council initiated an ordinance to regulate the kinds of animals a pet shop could sell in Los Angeles. This ordinance prohibits the sale of animals bred by commercial breeders ("puppy mills") and requires pet shops to obtain their animals from public and private shelters or rescue groups. This latter requirement is a key element of the concept behind the ordinance, mandating a new business model for pet shops selling live animals that already has proven workable both in Los Angeles and elsewhere when it has been tried.

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Visit our website at www.LAAnimalServices.com

Subject: Amendments to Sec. 53.00 (Definitions) of LAMC Regarding “Kennel” and “Pet Shop”

However, in recent months, when would-be pet shop operators seeking building permits to open “new business model” adoption centers in retail districts have tried to file applications with B&S, they have been informed that pet shops keeping more than three animals older than four months of age overnight on site are also required to have a kennel permit. This interpretation conflicts with the Department’s typical issuance of a pet shop permit for the applicant without requiring a kennel permit.

Kennel permits are allowed by-right only in manufacturing (industrial) zones in Los Angeles. To obtain one in a retail zone, a Conditional Use Permit (CUP) is required. Conditional Use Permits typically cost in excess of \$10,000 per application and require 6-12 months of processing by the City Planning Department’s Office of Zoning Administration. There is no guarantee a CUP will be granted.

According to City records, only three licensed pet shops in Los Angeles also have kennel permits, so the implication is that these pet shops are only selling puppies (and/or kittens) of the sort the new ordinance is intended to restrict (which do not require a kennel permit) or that B&S has interpreted the requirements in a manner that is at variance with the Department’s interpretation. Either way, it is in the City’s interest to clarify its intentions in a manner consistent with the goals of providing applicants and the public with clear guidance and encouraging compliance with the new requirements for the sale or adopting out of live animals in a retail context.

2. Suggested Amendments

A goal of LAMC Section 53.00 is to allow pet shops in retail areas where they will attract clientele. The Zoning Code’s restrictions on kennels are meant to confine boarding and breeding kennels housing large numbers of dogs to industrial areas away from residences whose inhabitants could be bothered if the dogs generate excessive noise.

Pet shops are indoor facilities where steps can easily be taken to minimize noise leakage. Kennels are indoor/outdoor facilities typically housing larger numbers of animals in a manner in which effective noise buffers would be difficult to establish. Thus, there is a strong argument to be made that requiring a kennel permit for a pet shop is unnecessary.

The LAMC currently defines “kennel” and “pet shop” as follows:

“Kennel” shall mean any lot, building, structure or premises whereon or wherein four or more dogs are kept or maintained for any purpose.

“Pet Shop” shall mean any store, or department of any store, or any place of business, where dogs, cats, monkeys, birds, reptiles, or any other animals are kept for sale, for hire, or sold.

Subject: Amendments to Sec. 53.00 (Definitions) of LAMC Regarding “Kennel” and “Pet Shop”

The Department recommends that the Board ask the City Council to amend these definitions substantially as follows:

“Kennel” shall mean any lot, building, structure or premises whereon or wherein four or more dogs are kept or maintained for any purpose with the exception of a pet shop.

“Pet Shop” shall mean any store, or department of any store, or any place of business, where dogs, cats, monkeys, birds, reptiles, or any other animals are kept for sale, for hire, or sold irrespective of the age of the animals, provided that the facility is not used for commercial boarding or breeding at any time.

These suggested amendments would confirm the City’s intention to allow pet shops in commercial areas while still confining the location of commercial kennels to industrial areas unless they obtain a CUP. In doing so, they would encourage and accommodate the new business model for live animal sales in pet shops contemplated by the new pet shop regulations.

FISCAL IMPACT:

These minor amendments are not expected to have any material impact on the Department’s General Fund budget per se. The establishment of new pet shops and pet adoption centers under these amended definitions could increase sales tax and gross receipts tax revenues to the City while potentially reducing the number of animals euthanized in City shelters.

Approved:

Brenda Barnette, General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____

**BOARD OF
ANIMAL SERVICES
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BRENDA BARNETTE
GENERAL MANAGER

JOHN D. CHAVEZ
ASSISTANT GENERAL MANAGER

Report to the Board of Animal Services Commissioners

COMMISSION MEETING DATE:	October 23, 2012
PREPARED BY:	Brenda F. Barnette, General Manager
REPORT DATE:	October 19, 2012
SUBJECT: PROCESSING FEE FOR EQUINE LICENSING	

BOARD ACTIONS RECOMMENDED:

- That the Board authorize the General Manager to charge a \$3 processing fee for every equine license so Animal Services can recover its administrative costs.
- That upon approval of the \$3 charge, direct the Office of the City Attorney to prepare and transmit the draft ordinance amending Section 53.15.1 of the Los Angeles Municipal Code.

SUMMARY

Residents purchasing equine¹, or "horse," licenses currently pay \$14 per year. (This licensing amount will change. The details are discussed later in the report.) In 2011-12, Animal Services sold 1,513 licenses for a total of \$21,182 in revenue. All horse licensing revenue goes into the Equestrian Facilities Trust Fund and is used by the Department of Recreation and Parks for equestrian trail maintenance and construction; Animal Services receives no funding.

¹ "Equine" means any horse, pony, donkey, burro, or mule, 12 months of age or older.

To recover the cost of issuing these licenses, Animal Services recommends adding a \$3 processing fee for every license sold.

BACKGROUND

Last year, Animal Services sold over 123,000 licenses. While most of these were for sterilized dogs (108,958), the Department also sold over 1,500 equine licenses, resulting in \$21,182 in revenue. Recently, in an effort to maximize horse licensing revenue, the Department mailed a licensing letter to over 400 homes that use “brown bins” for manure, but who had not licensed their horse(s).

However, no horse license revenue is credited to Animal Services. All equine-related licensing fees are deposited into the Recreation and Parks-controlled Equestrian Facilities Trust Fund (Los Angeles Municipal Code §53.15.1). This Fund is used for the acquisition, construction and maintenance of equestrian trails.

While the current practice of using equine licensing to maintain equestrian trails is prudent, the Department has a responsibility to recover its costs where possible. This cost recovery becomes increasingly important as budgets get reduced. (For 2013-14, Animal Services will need to take a 10% cut, which will result in a \$2 million reduction in its budget.) Therefore, Animal Services analyzed the process of issuing a horse license and the related cost.

The process is fairly straightforward: a Clerk Typist obtains the identification of the equine owner, the ID number, horse’s name, kind, sex, color, tag number and expiration date. This information is entered into the animal database software, “Chameleon.” The employee then processes the cash/check/credit card. Processing an equine license may take a Clerk Typist about 15 minutes, taking into account incoming calls and people at the counter, though five minutes is a more realistic time.

The estimated cost of each transaction, based on current salary rates, is \$3. The Department recommends that staff costs be reimbursed via a processing charge.

These processing charges are not uncommon in government. A survey of two City departments (Fire and Building and Safety), found processing and issuing fees, and surcharges. King County (Washington) levels a 5% surcharge on a variety of fees. The Department would work with the Offices of the City Administrative Officer and the City Attorney to implement this processing charge if approved by the Board.

CHANGES TO HORSE LICENSING

Recently, Councilman Richard Alarcon initiated various equine-related issues, such as reviewing the 2001 General Plan Conservation Element as it pertains to equine policies, updated horse trail mapping, and licensing. In May 2012, the Councilman, who is the

Chair of the Arts, Parks, and Aging Committee, had the Committee convene a special night meeting in the San Fernando Valley to focus on equine-related issues.

One result of equine-related initiatives is the change in equine licensing. The City Council approved the following changes (Council File 12-0307-S3) to equine licensing:

- Multi-year licenses can now be purchased.
- Discounts of 10% for a one-year license, 20% for a two-year license, 30% for a three-year license, 40% for a four-license, and 50% for a five-year license.

The table below summarizes these discounts:

LICENSE DURATION	COST OF LICENSE (\$)	DISCOUNT %	DISCOUNT AMOUNT (\$)	COST OF LICENSE (\$)
One Year	14	10	1.40	12.60
Two Years	14	20	5.60	22.40
Three Years	14	30	12.60	29.40
Four Years	14	40	22.40	33.60
Five Years	14	50	35.00	35.00

The Councilman's stated beliefs are that the reduction in costs will provide horse owners with an incentive to license their horses. The more licensed horses there are in an equestrian-zoned community, the greater the likelihood that the community will remain zoned for horses. These incentives should spur an increase in licensing, which should increase horse licensing revenues (which was \$21,182 last year). From the Department's perspective, increased horse licensing also helps Animal Services find equine in the event of an emergency, such as wildfire.

Animal Services' proposed processing charge would only be charged once, even if it is a multi-year license. For example, a horse owner purchasing a five-year license would be charged \$3 and not \$15.

At the October 16, 2012 Personnel and Animal Welfare (PAW) Committee, the City Attorney's Office presented the proposed ordinance that would incorporate these discounts into the Los Angeles Municipal Code. After much discussion about whether these discounts represent a "new" fee, whether a discount should be applied to the first year, and exempting LAPD's horses, this item will be heard before the PAW Committee on October 30, 2012.

Upon approval before the PAW Committee, the discounted equine license ordinance would be scheduled for a vote before the full City Council.

FISCAL IMPACT:

There would a beneficial impact on the Department's revenues. Last year, 1,513 equine licenses were issued, raising \$21,182. This amount was transferred to the Equestrian Facilities Trust Fund; Animal Services did not get credited for this amount. In contrast, a \$3 processing fee for 1,513 equine licenses would have generated \$4,539 for Animal Services.

Approved:

BRENDA F. BARNETTE, General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____



City of Los Angeles Department of Animal Services

REQUEST FOR PROPOSALS

To Provide
Revenue Collection Processing and Administrative Support
To the City of Los Angeles



RFP Release Date

October 29, 2012

Deadline to Submit Proposals:

December 10, 2012, by 3:00 PM Pacific Time
Department of Animal Services
Attention: John Forland
221 North Figueroa Street, Suite 500
Los Angeles, California 90012

RFP and Contract Administrator:

John Forland
Phone: (213) 482-9554
Fax: (213) 482-9511
john.forland@lacity.org

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I. INTRODUCTION

The City of Los Angeles ("City") Department of Animal Services ("Department") is releasing this Request for Proposals ("RFP") to seek proposals from companies to process administrative citations and provide support services for an Administrative Citation Enforcement (ACE) Program. The ACE Program that includes processing of ACE citations issued by the Department to persons who have violated animal care and control regulations and failed to correct these infractions within the prescribed time. The scope of work is described in Section XXXX below. Infractions shall include: failure to obtain or renew an animal license or permit; comply with leash laws, obey restrictions of the sale or purchase of animals, maintain required distance limits, provide humane treatment of animals, and other infractions. The Department issues 128,000 dog licenses and 1,000 animal business permits per year, and provides public safety to 1.4 million households and animal control of over 400,000 dogs and 300,000 cats, and numerous wild animals. The Department seeks assistance in collection of delinquent fees and fines, maintaining records, administering hearings, depositing receipts, accounting for and maintaining records of all funds received, and providing records and data to the Department as requested.

This RFP will establish a contract with the successful proposer to provide this administrative citation support service. To be considered for contract award, interested parties must submit a complete proposal as indicated in this RFP. The Department intends to award a three-year exclusive contract to the best qualified proposer, renewable at the City's sole discretion for up to three (3) additional years, for a period of up to six years, but also reserves the right to negotiate terms with the successful bidder(s) prior to execution of the contract as may be necessary to comply with all City requirements.

The proposer who demonstrates it is best qualified to meet the City's requirements, at the best overall value to the City, will be recommended for contract award. The Contract will be subject to review by the City Attorney and the Mayor's Office, and subject to approval by the Board of Animal Services Commissioners and the City Council, prior to execution and start of services.

Definitions

The following terms used in this RFP shall be construed as follows:

- "Board" means the Board of Animal Services Commissioners.
- "City" means the City of Los Angeles, acting by and through the Department of Animal Services.
- "Contract" is synonymous with "Agreement" and means the executed agreement entered into as a result of this RFP.
- "Contractor" means the company, individual, corporation, organization, or other entity to which an agreement is awarded.
- "Department" means the Department of Animal Services.
- "Administrative Citation Enforcement Program (ACE)" means a program authorized by State law and the City Municipal Code allowing Department personnel to issue administrative citations for failure to correct violations of animal control and humane regulations, and to assess and collect fines for failure to correct violations cited in the administrative citations. The goal of the ACE program is to increase the level of compliance with animal control and humane regulations.
- "General Manager" means the General Manager of the Department of Animal Services, or that person's authorized representative, acting as an agent of the City.
- "Proposer" means any company, individual, corporation, organization, or other entity, who responds to this RFP.

II. ABOUT THE LOS ANGELES DEPARTMENT OF ANIMAL SERVICES

Mission and Goals

The Department's mission is to promote and protect the health, safety, and welfare of animals and people in the City of Los Angeles. We envision the day when every pet born is ensured a good home and care all its natural life; when no animal will suffer because of abuse, neglect, or ignorance; and all residents, their property, and neighborhoods are safe from the dangers and nuisances of irresponsible pet guardianship. Our goal is to create happiness by bringing pets and people together. We empower our communities to make humane choices.



Services at the Animal Care Centers

The Department offers a wide range of programs and services, including pet adoption, licensing, low-cost spay/neuter services, microchipping, animal foster programs, volunteer programs, permits, prevention of animal cruelty, and community outreach programs, among others. Our seven Animal Care Centers are located throughout Los Angeles, where staff receive stray or turned-in animals, and after an initial check-up, hold the animals for the legally required period of time before placing them up for adoption. The centers' veterinary staff looks after the health of the center's animals and treats those needing special care. Animal Control Officers respond to public calls and pick up stray and injured animals and wildlife, or animals that may be in danger due to inhumane treatment. Volunteers and staff work together to help pet owners find their missing companions, or to find new animal companions.

New and Expanded Animal Care Centers

In November 2000, voters passed Proposition F, the Fire and Animal Facilities Bond, which funded the construction of new, expanded, and modern facilities for animal care and human interaction. Seven new or expanded facilities now provide community-oriented animal care, a safe environment for animals in the Department's care, and establish community relationships to enhance responsible pet ownership and to increase the number of pets reclaimed by owners or adopted to new homes.

Each new or expanded center features comfortable and safely designed public areas and state-of-the-art veterinary care, examination, and observation spaces. All include a major expansion of dog kennel space and large kitchens for preparing animal meals. They feature "get-acquainted" rooms for cats and outdoor yards for the adopter to get to know dogs and other animals. New spay/neuter clinics are included in five of the facilities. The new outdoor kennels keep animals comfortable with radiant heating built into the concrete kennels for winter, while human visitors will enjoy the garden settings of the kennel areas. Large community rooms will be used for everything from staff training to community events.



The City expects that these new facilities, designed to be friendly to both animals and human visitors, will dramatically increase the Department's capacity to house and care for animals, resulting in more pet adoptions, and creating a more community-oriented approach to the care of the City's companion animals.

Department Facts at a Glance

Number of adoptions:

	Public Adoptions	New Hope*	Total
2007	16,262	6,145	22,407
2006	14,581	6,104	20,685
2005	13,691	6,637	20,328
2004	13,189	5,107	18,296

*New Hope is the Department's program in which local rescue groups find homes for care center pets.

Number of staff who would normally issue citations: 80 Animal Control Officers .

Department facilities:

West Valley (Stoney Point)
20655 Plummer Street
Chatsworth, California 91311

West Los Angeles (Pacific)
11361 West Pico Blvd
Los Angeles, California 90064

Northeast Valley (Mission)
15321 W. Brand Blvd
Mission Hills, California 91345

South Los Angeles (Exposition)
3612 11th Avenue
Los Angeles, California 90018

East Valley (Van Nuys)
14409 Vanowen Street
Van Nuys, California 91405

South Los Angeles Annex (closed to the public)
3320 W. 36th Street
Los Angeles, California 90018

North Central (Arroyo Seco)
3201 Lacy Street
Los Angeles, California 90031

Harbor
957 N. Gaffey Street
San Pedro, California 90731

Visit us online at www.laanimalservices.org for more information.

III. PERSONAL SERVICES AGREEMENT and SCOPE OF SERVICES

The proposed Agreement is attached hereto as Attachment A, and will be the Agreement, substantially in the form as attached, to provide the required services. The Agreement's Scope of Services, Section V, includes all technical, and all related services required by the Department.

Portions of the top-ranked proposal may be incorporated into and made part of the final executed Agreement. Attached to the Agreement will be the City's Standard Provisions for City Contracts (Revised 10/03), and Insurance Requirements.

IV. REQUIREMENTS FOR SUBMITTING A PROPOSAL

A. Deadline for Submission

To be considered, proposals must be received on or before 3:00 p.m., Monday, December 10, 2012, at the address listed below.

B. Where to Submit your Proposal

Place the proposal in a sealed envelope or box labeled
"Proposal to Revenue Collection Processing and Administrative Support."
Indicate your company's name and address on the outside and deliver to:

Los Angeles Department of Animal Services
Attention: John Forland
221 North Figueroa Street, Suite 500
Los Angeles, California 90012

C. Number of Copies

Please provide one (1) original, one (1) reproducible copy, and five (5) photocopies and plainly identify the respective documents. A reproducible copy is one which can readily be reproduced through a photocopier. (**Note:** Documentation to show financial capability, and the Administrative Requirements Forms, must be included in your original submittal, but may be omitted in the copies.)

D. Administrative Requirements for Submittal

The City requires that all proposals adhere to the following:

1. Acknowledgment of Terms and Conditions: A proposal submitted in response to this RFP shall constitute acknowledgment and acceptance of all terms and conditions set forth herein. Failure of the successful proposer to accept these obligations may result in cancellation of the Contract award.
2. Format of Proposals: Proposals must be typewritten, in English, and should be prepared simply and economically, avoiding the use of unnecessary promotional materials.
3. The RFP and the top-ranked proposal, or any part thereof, may be incorporated into and made a part of the Contract. The City reserves the right to further negotiate the terms and conditions of the Contract with the selected Contractor.
4. The City reserves the right to withdraw this RFP at any time, to reject any and all proposals, to choose not to award a Contract, and to waive any informality in the process when to do so is in the best interest of the City.

5. A proposer may withdraw a submitted proposal in writing at any time prior to the specified due date and time. Faxed withdrawals will be accepted. A written request to withdraw, signed by an authorized representative of the proposer, must be submitted to the Department at the address specified herein for submittal of proposals. After withdrawing a previously submitted proposal, the proposer may submit another proposal at any time up to the specified submission deadline. All proposals submitted and not withdrawn prior to the deadline may not be withdrawn after the deadline for a period of ninety (90) days following the deadline.
6. Timeliness of Proposals: Proposers who mail their proposals should allow adequate mail delivery time to ensure timely receipt of the proposals. Late proposals will not be considered for review. The City reserves the right to determine the timeliness of all proposals submitted. At the day and time appointed, all timely-submitted proposals will be opened and the name of the proposer(s) announced. No other information about the proposals will be made public until after a recommendation for award is made to the Board.
7. Deadline Extension: The City reserves the right to extend the deadline for submission should such action be in the best interest of the City. In the event the deadline is extended, proposers will have the right to revise their proposals. Proposals may be withdrawn personally, by written request, prior to the new deadline.
8. All proposals submitted in response to this RFP become the property of the City.
9. Prohibition of Communication During Evaluation Period: After the submittal of proposals and continuing until a Contract has been awarded, all City personnel involved in the RFP will be specifically directed against holding any meetings, conferences, or technical discussions with any proposer except as provided in the RFP. Questions regarding this RFP should be directed only to the RFP/ Contract Administrator indicated on the cover. Failure to comply with this requirement may terminate further consideration of that proposal.
10. Cost of Preparation: All costs of proposal preparation shall be borne by the proposer. The City shall not, in any event, be liable for any expenses incurred by the proposer in the preparation and/or submission of the proposal.
11. Questions: For questions regarding this RFP, contact Anthony Sanchez, Contract Administrator, at (213) 482-6980, or via email at john.forland@lacity.org.

V. CONTENTS OF SUBMITTED PROPOSALS

It is important that ALL information requested below is included in your submitted proposal. The proposal must include, at a minimum:

A. Cover Letter

Include a cover letter from, and signed by, an authorized representative of the firm indicating intent in providing the requested services. The cover letter must provide complete contact information of the person or persons authorized to speak on the proposer's behalf regarding the proposal. Include the name and title of this person, mailing address, telephone, fax, and email addresses.

B. Financial Capability

Provide copies of annual reports or similar documents to demonstrate that your company has a record of financial stability and profit. Your proposal should demonstrate sufficient resources to provide the proposed services and required insurance and bonds. (**Note:** You do not need to submit multiple copies of documentation to demonstrate financial capability. You may include this only in your original submittal, and omit in the copies of your proposal.)

C. Background and Qualifications

Provide information about your company; indicate, at a minimum:

- Number of years in business
- Qualifications of key staff, including executive staff and management
- How many California clients (i.e. cities, counties, special districts, governmental associations, educational districts, etc.) have or currently use your services?
 - How many total?
 - How many in the City of Los Angeles?
- Identify any subcontractors, partners, or parent companies will provide support to you?

D. Proposed Scope of Services

1. Equipment: Describe the hand-held devices and other equipment you will provide to meet the requirements. Include appropriate detailed technical descriptions, and operating instructions. Describe the replacement policy and costs, data retention system and security of the devices used. Include model names, manufacturers and pertinent information.
 - What controls are in place to protect the identity of persons in your database?
 - What proprietary rights exist or are reserved by your company limiting access by the City to data, records or information resulting from providing services through this contract?
 - How will data be maintained, what systems do you use to store data and information records?
2. Services offered by the collection agency should include the following:
 - Data entry
 - Mailing of collection letters
 - Service call center (24-7 multi-lingual capacity is highly desirable)
 - Handheld citation writers
 - 24/7 online access for the Department and for violators
 - Interagency access to the State Franchise Tax Board and access to the County Assessor for property tax collection, and third party collections
 - Adjudication services including independent hearings officers
 - Describe how adjudication services assure compliance with all legal due process requirements regarding fairness, impartiality and independence of judgment, including certifications or guarantees

- Describe the extent and limits of your ability to hold the City harmless against claims regarding due process compliance
- Revenue reporting
- Noticing services
- Online access for the Department and for violators
- Franchise Tax Board, property tax collection
- Third party collections
- Invoicing for services, and
- Any other service the respondent believes will be of benefit to the program and the Department

It will be the responsibility of the selected vendor to provide a centralized computer system and clearly explain how its past experience qualifies it to provide the services specified in the RFP in a large municipal environment. The respondent will be required to provide an outline of all costs associated with the implementation, processing, and support of the system addressed in our RFP, including types of fees, basis for each fee, and method and terms of transfer of revenue to the Department.

The successful respondent shall agree to:

- Collect and maintain all data in a secure manner
- Provide data required by City collection policies as necessary to the City's contract collection agencies to support collection of delinquent administrative fees
- Have the capability to recommend provisions to the City's municipal rules and codes that require changes as necessary to carry out the administrative citation program and terms to the agreement

CITATION BAIL SCHEDULE AMOUNTS

Citation	1st	2nd	3rd	4th
Bail Amount	\$100	\$250	\$500	\$1,000

Steps will increase in 30- or 45-day intervals.

Samples: Provide samples of your company's service products, including notices, accounting reports, data summaries, etc.

3. Pricing: The selected respondent to the RFP will be required to charge a flat fee for each citation processed where a fine is collected. No additional charges or fees will be allowed. The selected respondent will transfer to the Department the net amount of collections due, along with an invoice statement showing collections, deductions and net revenue.

Indicate your proposed pricing system including:

- The method of charging fees
- Clear, detailed descriptions of each and all fees (actual, contingent, or possible) charged, and the basis for each fee
- A description of the method and frequency of billing, fee deduction, and transmittal of payments to the City

4. Additional Service Requirements: Describe how the additional service requirements to be met, as described in Section V.E. of the proposed Agreement, including training for the Department, and systems requirements

5. Describe in detail how the requirements are to be accomplished.

E. References

Provide at least five (5) references to aid in evaluating your qualifications, experience, financial resources, etc.

F. Additional Information (if any)

Provide any additional information which you feel will further demonstrate the ability to meet or exceed the requirements listed in this RFP. Any additional information may address:

- Your firm's qualifications and experience
- Proposed methods of providing services
- Community-specific services
- Bilingual capabilities
- Innovations in technology and service
- Any other information which further demonstrates your firm's ability to achieve the Department's goals

If no additional information is to be provided, state "No additional information to provide" in response to this subsection.

G. Administrative Requirements and Forms

All bidders and proposers seeking to enter into contracts with the City of Los Angeles are required to comply with the City's contracting requirements. The forms listed below correspond to these requirements; proposers are to complete and submit all required documents with their proposal.

Forms and complete instructions are found in the companion document "Administrative Requirements and Forms," distributed with this RFP and available at www.laanimalservices.org, or by contacting the RFP administrator indicated on the cover of this RFP. (**Note:** You do not need to submit multiple copies of these forms; you may include them only in your original submittal, and omit them in the copies of your proposal.)

To meet requirement of the RFP, you must also register on a City website called LABAVN (the Los Angeles City Business Assistance Virtual Network) at: <http://www.labavn.com/>

Documents to be included in your proposal are:

- Signature Declaration and Affidavit
- Disposition of Proposals
- Non-Discrimination/ Affirmative Action Plan
- Living Wage Ordinance (LWO) and Service Contractor Worker Retention Ordinance (SCWRO) exemption forms (*only if applying for an exemption*)
- Contractor Responsibility Ordinance Questionnaire
- Equal Benefits Ordinance Statement
- City Ethics Commission Bidder Certification

Notes: The Good Faith Effort described on pages 14 through 28 of the Administrative Requirements and Forms, is part of the City of Los Angeles' Subcontractor Outreach Program, which requires proposers to conduct a Good Faith Effort to reach out to Minority-Owned, Women-Owned, and Other Business Enterprises (MBEs, WBEs, and OBEs) to participate in the proposed contract, unless otherwise waived as a requirement. For this RFP, the Office of the Mayor waived the Good Faith Effort as a requirement because there is a lack of sub-contracting opportunities in this highly technical field. However, Proposers are still encouraged, although not required, to conduct this Good Faith Effort as part of their proposal. Inclusion or omission of such a Good Faith Effort will not be a factor in evaluating your proposal.

The Department reserves the right to request additional information and/or clarification regarding submitted documents during the evaluation.

VI. ADDITIONAL REQUIREMENTS OF SELECTED CONTRACTOR

After award of the Contract, and prior to execution, the selected Contractor will complete and submit the following (forms to be provided to the selected Contractor):

- Americans with Disabilities Act Certification
- Child Support Certificate of Compliance
- Los Angeles Residence Information (location of selected contractor's headquarters and percentage of workforce residing in Los Angeles)
- LWO/SCWRO Compliance forms
- Slavery Disclosure Affidavit
- Contractor Responsibility Ordinance Pledge of Compliance

The following must be submitted to the Department before Contract execution:

- Copy of Los Angeles Business Tax Registration Certificate (BTRC)
- Proof of Insurance, subject to City approval

VII. REVIEW, EVALUATION, AND AWARD

A. Review Of Proposals

Staff will review all proposals to determine if they meet the minimum requirements contained in this RFP. The Department reserves the right to request additional information to clarify a submitted proposal.

B. Financial Capability

Proposer must demonstrate a history of financial stability through annual reports, CPA-prepared reports, or other documentation.

Proposers who fail to meet the minimum requirements, or who fail to demonstrate a history of financial stability, may be disqualified from further evaluation and may be deemed non-responsive. Proposers who pass A and B will be further evaluated as follows:

C. Evaluation

A selection panel, comprised of Department staff or other appropriate personnel, will evaluate proposals, test proposed products and equipment, and recommend an award of a Contract. The panel may interview proposers for clarification of their proposals.

Proposals will be scored according to the criteria below, and ranked based on their respective aggregate scores with a perfect score being 100.

20 Points: Quality and completeness of the Proposer's plan for providing the services

- Includes all proposal items requested
- Meets or exceeds all requirements and specifications
- Clearly demonstrates ability to provide requested products and services

20 Points: Company background and experience

- Demonstrates long history of providing the service
- Shows innovation, increased sales, or other evidence of growth

30 Points: Prices and overall value of the Proposer's plan for providing the services

- Prices of services
- Added-value services are appropriate and desirable
- Value of efficient citation generation such as through use of hand-held devices, citation processing, record maintenance, confidentiality, ease of access to records, accounting of funds, ease of audit of accounting records, reconciliation and payment of funds, and other services

30 Points: User testimonials, evaluation, or demonstration of services received by proposer

- All products are easy to use
- Compatibility with City systems
- Demonstration of financial viability of service

All proposals will be evaluated solely on the basis of the criteria listed above and the ranking of any review panel will serve solely to assist Department staff on evaluating the merits and viability of each firm's proposal. Staff will independently formulate a recommendation to the General Manager, who will be free to accept or reject the review staff's recommendation and present his recommendation to the Board in a Board Report. The Board will consider the General Manager's recommendation during a public Commission meeting and may accept or reject the General Manager's recommendation in making their decision as to the selection, if any, stating publicly the reasons for their action. The proposed Contract is subject to review by the City Attorney, the Office of the Mayor, and the City Council.

C. Award of Contract

The General Manager of the Department recommends Contract awards to the Board. The Department shall notify all proposers in writing of the General Manager's recommendation. Once awarded, the selected proposer will complete and submit the additional documents as required by City Ordinance, State, or Federal laws.

The Department strongly prefers a single award to a single respondent whose proposal meets all requirements stated in this RFP. If no fully-qualified proposal is received, the Department reserves the right to negotiate with one or more respondents to contract for a portion of the services requested to assemble all the services desired, and may contract accordingly.

Contracts are deemed to be executed upon the date of signature, or as otherwise stipulated under the Terms section of the Contract.

D. Contractual Arrangements

The proposer selected to perform the services outlined in this RFP will enter into a Contract, approved as to form by the City Attorney, directly with the City of Los Angeles.

E. Verification of Information

The Department reserves the right to verify the information received in the proposal. If a proposer knowingly and willfully submits false information or data, the Department reserves the right to reject that proposal. If it is determined that a Contract was awarded as a result of false statements or other data submitted in the Proposal, the Department reserves the right to terminate the Contract.

VII. ATTACHMENTS

Attachment A, Proposed Personal Services Agreement

Exhibit A: City of Los Angeles Standard Provisions for City Contracts (Revised 10/03)

Exhibit B: Insurance Requirements

Administrative Requirements and Forms

These are contained in a separate, companion booklet available at www.laanimalservices.com or by calling the RFP administrator indicated on the cover of this RFP.

- Proposer's Signature Declaration and Affidavit
- Disposition of Proposals
- Non-Discrimination/ Affirmative Action Plan (pages A1 through A7)
- Living Wage Ordinance (LWO) and Service Contractor Worker Retention Ordinance (SCWRO) exemption forms (only if applying for an exemption)
- Contractor Responsibility Ordinance Questionnaire
- Equal Benefits Ordinance Statement
- City Ethics Commission Bidder Certification and Lobbying Ordinance



**City of Los Angeles
Department of Animal Services**

PERSONAL SERVICES AGREEMENT

TO PROVIDE REVENUE COLLECTION SERVICES
TO THE DEPARTMENT OF ANIMAL SERVICES

City Agreement Number _____

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AGREEMENT BETWEEN THE CITY OF LOS ANGELES
AND
(REVENUE COLLECTION AGENCY)

FOR PROCESSING ADMINISTRATIVE CITATIONS AND PROVIDING SUPPORT SERVICES

THIS PERSONAL SERVICES AGREEMENT ("Agreement") is entered into as of the date the Office of the City Clerk attests this Agreement ("Execution Date") between the City of Los Angeles ("City"), a municipal corporation, acting by and through the Department of Animal Services ("Department"), and the Revenue Collection Agency ("Contractor"), authorized to do business in the State of California, with regard to the following:

WHEREAS, for many years: The level of compliance for obtaining dog licenses has been declining; prosecution of violators of other subsections of Section 53.00 of the Los Angeles Municipal Code (LAMC) has been difficult due to a lack of effective methods of enforcement; and as a result, the only options available to the Department have been requesting voluntary compliance, or taking the violator to criminal or civil court where these methods have proved cumbersome, time consuming, and ineffective,

WHEREAS, safety and health concerns persist due to a lack of compliance, and the quality of life and confidence in public safety would benefit from greater enforcement,

WHEREAS, the Omnibus Licensing Ordinance (No. 181882) was passed by the City Council on May 19, 2009 providing authority, for the first time, to charge late fees and field collection fees for late payment of animal licensing fees, and authorized the Department's participation in the Administrative Citation Enforcement (ACE) program,

WHEREAS, the Department has consulted with other City departments and local jurisdictions with ACE programs, and made extensive preparation to undertake an ACE program,

NOW THEREFORE, in consideration of the above premises and of the covenants and representations established herein, the parties agree as follows:

Section I. Representatives of the Parties and Service of Notice

A. The representatives of the parties authorized to administer this Agreement, and to whom formal notices, demands, and communications shall be given are as follows:

1. The representative of the City shall be the General Manager of the Department, or that person's authorized representative, as follows:

General Manager, Department of Animal Services
221 North Figueroa Street, Suite 500
Los Angeles, California 90012
Phone: (213) 482-9558
Fax : (213) 482-9511

2. The representative of the Contractor shall be:
(REVENUE COLLECTION AGENCY)

- B.** Formal notices, demands, and communications required hereunder by any party shall be made in writing and communicated by U.S. mail, fax, or email.
- C.** If the name of the person designated to receive the notices, demands, or communications, or the address of such person is changed, written notice shall be given to the other parties within five (5) business days of said change.

Section II. Term

Unless terminated earlier pursuant to this Agreement or pursuant to termination provisions within the attached exhibits incorporated herein, the term of this Agreement shall be three (3) years, and may be renewed for up to three (3) additional one-year terms at the City's sole discretion. The Department may terminate this Agreement at any time during the term by giving 30 days written notice to Contractor.

Section III. Maximum Expenditure

Payment to the Contractor by the City shall not exceed \$300,000 per fiscal year (defined as July 1 through June 30) pursuant to this Agreement. In no event shall the Department be required to reach or approach these amounts in payments to Contractor. Payment shall be defined by the number of citations referred to the Contractor for processing as agreed to by the parties.

Section IV. Purchases by Other City Departments

Other City departments may elect to purchase services from Contractor under this Agreement. Contractor shall furnish services to other City departments accordingly, under the same terms, prices, and conditions as provided in this Agreement.

Section V. Standard Provisions for City Contracts

Contractor shall comply with all provisions of the City of Los Angeles' Standard Provisions for City Contracts, Revised 03/09 ("Standard Provisions"), attached hereto and incorporated herein as Exhibit A. In the event of any inconsistency between the Standard Provisions and this Agreement, this Agreement shall be deemed controlling.

Section VI. Scope of Services

A. General Requirements

1. Services provided by the Contractor shall include the following:

- Data entry.
- Mailing of collection letters.
- Service call center (24-7 multi-lingual capacity is highly desirable).
- Handheld citation writers.
- 24/7 online access for the Department and for violators.
- Interagency access to the State Franchise Tax Board, and access to the County Assessor for property tax collection and third party collections.
- Adjudication services provided by the Contractor including independent hearings shall:

- Assure compliance with all legal due process requirements regarding fairness, impartiality and independence of judgment, including conduct of hearings, balancing of evidence, and judgments.
- Be conducted by trained, certified, and qualified hearings officers.
- Hold the City harmless against claims regarding due process compliance.
- Revenue reporting.
- Noticing services.
- Online access for the Department and for violators.
- Invoicing for services.
- Maintain data according to the systems requirements approved by the Department.
- The successful respondent shall agree to:
 - i. Collect and maintain all data in a secure manner
 - ii. Provide data required by City collection policies as necessary to the City's contract collection agencies to support collection of delinquent administrative fees
 - iii. Have the capability to recommend provisions to the City's municipal rules and codes that require changes as necessary to carry out the administrative citation program and terms to the agreement.
- Any other service beneficial to the program as agreed to by the Contractor and the Department
 - q. .

B. Products and Equipment

1. Equipment:

- a. A centralized computer system with the capacity to serve a large municipal environment including capacity to:
 - i. Collect and maintain all data in a secure manner
 - ii. Provide data required by City collection policies, as necessary, to support collection of delinquent administrative fees
- b. Recommend provisions to the City's municipal codes (LAMC) and rules that require changes as necessary to carry out the ACE and terms to this Agreement
- c. Provide handheld citation writers and other equipment necessary to meet the requirements and detailed technical descriptions, and operating instructions, with the replacement policy, costs, data retention system and security system. Include model names, manufacturers and pertinent information as approved by the Department.
- d. Provide call center equipment in operating order capable of receiving multiple simultaneous calls from the public and the Department
- e. Provide service products in the form approved by the Department for notices, accounting reports, data summaries, etc.

Note: The Department proposes to make all infractions provided in LAMC 53.00, enforceable under ACE.

2. Beginning Products

At the start of the term of this Agreement, Contractor shall provide the Department with

- a. Draft language for changes to Los Angeles Municipal Code necessary to authorize contracting for administrative citation enforcement administrative and support services

- b. Approximately 10 new handheld citation writers for field staff (animal control officers). Handheld citation writers for field staff should be very durable, small or “mini”-style devices, readily usable by field staff in a variety of outdoor and indoor environments.
- c. Access to systems, data center, call center, and authority to enter and retrieve information from the Contractor’s systems.
- d. Relevant phone numbers
- e. Data systems and software requirements
- f. A full set of collection procedures as recommended in the response to the RFP and agreed to by the Department

3. Handheld Citation Writers:

- a. Contractor shall repair, replace, or upgrade handheld citation writers as needed, and at no additional charge, throughout the term of this Agreement, including renewal periods, to maintain the Department’s entire inventory in good working condition. Contractor shall provide replacement handheld citation writers to the Department if the repair of a device will take more than one week.
- b. At the Department’s request, and as the Department’s needs change, Contractor may be required to provide additional handheld citation writers to the Department.
- c. The Contractor shall offer a variety of handheld citation writers, or describe why the device recommended by the Contractor provides the maximum benefit to the Department, such as heavy-duty case, size, durability, warranty, readability, speed, and any other features, and shall provide detailed specifications and operation instructions for each.

4. Systems and Database Requirements

- a. Systems:
 - i. The components of the System are 100% compatible and meet the needs of the City.
 - ii. The Contractor shall identify the manufacturer and model of all equipment used and shall provide all technical information at the Department’s request.
- b. Database Requirement:
 - i. The Contractor shall have computerized databases containing all citation records, processing histories, revenue received, deposits, and payments, appeal hearings transcripts, findings, adjudication and decisions records, summaries, billing invoices, and accounting statements.
 - ii. The records of citations shall, include the name of the owner, address, city, state, zip code, telephone number, the name of the animal, the original infractions, and dates of violation.
 - iii. This database shall be maintained for the term of this Agreement plus 3 years after the term of this Agreement and shall be the property of the City.
- c. Toll-Free Telephone Service:
 - The Contractor shall provide a staffed, toll-free telephone service that the City and the public can access 24/7.
- d. Data:
 - i. The Contractor shall set out the minimum data and informational requirements to be provided on each administrative citation submitted by the Department to the Contractor for processing.
 - ii. Update of the City Database: The database shall include an automatic method or procedure to provide the Department with all available information on all citations and hearings in a timely manner.
- e. Future Equipment Compatibility:

- i. The System and related equipment acquired under this Agreement shall be compatible with future systems and equipment offered by the Contractor
- ii. The Contractor shall provide to the Department new or upgraded equipment and technology that may be offered by the Contractor in the future, at no additional charge to the Department, for the purpose of accessing all prior records.

C. Staffing and Operations

1. Training:

- a. The Contractor shall provide training on the procedure for use of handheld citation writers, including entering and revising data, downloading and transmitting data, replacement, and use, care, and storage of the device at no additional cost. If requested by the Department, training shall be available initially at the start of this Agreement, and from time to time thereafter as required by the Department during the term of this Agreement.
- b. The Contractor shall provide technical assistance to the Department, at no additional cost to consult with Department staff, as needed, on other matters.
- c. The Contractor shall also provide updates on new equipment and products, and related support and information for systems and equipment used by the Contractor.

D. Prices and Billing

1. Prices

The Contractor charge only a flat fee for each citation processed according to the schedule provided in the Contractors response to the RFP. No additional charges or fees shall be allowed.

2. Billing

- a. The Department will only allow charges that are composed of single flat fee amounts for designated and authorized types of services provided by the Contractor. Such charges may be applied to each complete citation provided to the Contractor by the Department only. Fees may not be based on denial of appeal, or any other method tied to the amount of revenue accruing to the Department based on outcome of an appeal decision. The detailed schedule of services outlining all costs associated with each service provided by the Contractor and accepted by the Department incorporated into this Agreement may be revised from time to time as agreed to by the parties.
- b. This Agreement incorporates the method and terms of transfer of revenue received by the Contractor to the Department as outlined in the Contractor's response to the RFP, as agreed to by the Department.
- c. This Agreement incorporates the method and terms of invoicing and billing, accounting for deductions, reconciliation of citations processed, and a detailed accounting summary for services outlined in the Contractor's response to the RFP, as agreed to by the Department
- d. The Contractor shall deposit all revenue received from any third party as the result of the services provided under this Agreement into a separate fund or segregated account in the Name of the City and maintain records of such deposits for inspection by the Department upon request. Such funds shall be held by the Contractor in the name of the City until:
 - i. All services have been performed by the Contractor

- ii. The Contractor has billed the Department for services provided for the prior billing period, and
- iii. The Department has approved the services provided, fees claimed, and
- iv. Then offsetting charges may be deducted from the account balance and transferred to the Contractor.
- v. The balance of funds in the account will be transferred to the Department in the form specified by the Department.
- e. The Contractor shall transfer to the City net funds owed to the City of revenue received less fees earned, in accordance with the City's requirements, except in cases where fees exceed revenue received in the prior period or held in the City's account. In these cases, the Department shall reimburse the Contractor for the amount billed and agreed to.
- f. The selected respondent to the RFP will be required to charge a flat fee for each citation processed where a fine is collected. No additional charges or fees will be allowed. The selected respondent will transfer to the Department the net amount of collections due, along with an invoice statement showing collections, deductions and net revenue.

E. Intent for Exclusive Service:

It is the intent of the Department, that during the term of this Agreement, the Contractor shall be able to provide all services requested by the Department, and be the Department's exclusive provider of administrative citation processing and support services. However, if in the view of the evaluation Panel, no respondent to the RFP is able to provide all services requested, the Department reserves the right to negotiate with various respondents who are able to provide, but not all of the services. Prospective respondents are encouraged to respond to the RFP with services that respondent is able to provide.

F. Billing

The Contractor shall establish a separate account for the Department. Upon completion of services, Contractor shall bill the Department separately for said services.

Contractor shall remit invoices for services provided to the Department of Animal Services to:

Department of Animal Services
221 N. Figueroa Street, Suite 500
Los Angeles, California 90012

Invoices must include, at minimum, the following:

- a. Date of invoice
- b. Name, address, and phone number of Contractor
- c. Invoice number
- d. Quantity, description, and unit price of each service
- e. Dates services were provided
- f. Identifier for which service was provided
- g. An attached statement of revenue received and transmitted, revenue pending, or revenue not collectable; and the net difference as provided in the response to the RFP
- h. Account number

- i. Reference to this Agreement
- j. Total amount payable
- k. Signature of Contractor's authorized personnel

All payments are subject to Department review and approval of Contractor's documentation and work.

Section VII. Miscellaneous Provisions

A. Termination

The Department may terminate this Agreement for City's convenience at any time by giving Contractor thirty (30) days' written notice thereof. Upon receipt of said notice, Contractor shall immediately take action not to incur any additional obligations, cost, or expenses. Thereafter, Contractor shall have no further claims against the City under this Agreement.

In the event Contractor defaults in the performance of any of the terms or conditions of this Agreement, or becomes unable through personal non-capacity to fulfill its obligations under this Agreement, the Department shall have the following options without any further notice or authorization from Contractor, and its choice of any option shall in no way waive its right to select any other option at any time:

1. The Department may give Contractor a written notice of such default. If Contractor does not cure said default within 30 days after notice (forthwith for a default involving sanitary or safety conditions) or make reasonable progress to cure said default, the Department may terminate this Agreement, and/or;
2. The Department may recover, to the extent allowed by law, any and all loss or damage which may be due the Department.

This Agreement may be terminated by Contractor upon providing to the Department sixty (60) days advance written notice thereof.

B. Insurance

The Contractor shall acquire and maintain the insurance coverage and liability limits for this Agreement as listed in Exhibit D, "Insurance Requirements." Evidence of coverage shall be provided according to the City's "Instructions And Information On Complying With City Insurance Requirements," included in Exhibit D. Contractor's insurance shall be approved by the City of Los Angeles, City Administrative Officer, Risk Management Division, prior to start of services.

Section VIII. Successors and Assigns

All of the terms, conditions, and provisions hereof shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and assigns provided, however, that no assignment of this Agreement shall be made without written consent of the parties to this Agreement whose consent shall not be unreasonably withheld.

Section IX. Force Majeure

Notwithstanding any other provisions hereof, neither the Contractor nor the City shall be held responsible or liable for failure to meet their respective obligations under this Agreement if such failure shall be due to causes beyond the Contractor's or the City's control. Such causes include but are not limited to: strikes, fire, flood, civil disorder, acts of God or of the public enemy, acts of the federal government, or any unit of State or local government in either sovereign or

contractual capacity, epidemics, quarantine restrictions, or delays in transportation to the extent that they are not caused by the parties' willful or negligent acts or omissions and to the extent that they are beyond the parties' reasonable control.

Section X. Severability

Should any portion of this Agreement be determined to be void or unenforceable, such shall be severed from the whole, and the Agreement will continue as modified.

Section XI. Disputes

Should a dispute or controversy arise concerning provisions of this Agreement or the performance of work hereunder, the parties may elect to submit such to a court of competent jurisdiction.

Section XII. Incorporation of Exhibits

The following Exhibits are incorporated into and made part of this Agreement:

Exhibit A, Standard Provisions for City Contracts (Rev. 03/09)

Exhibit B, List of Diagnostic Laboratory Tests and Prices

Exhibit C, List of Department of Animal Services Locations

Exhibit D, Insurance Requirements

Section XIII. Entire Agreement

This Agreement, including Exhibits A through D, contains all of the agreements, representations, and understandings of the parties hereto and supersedes and/or incorporates any previous understandings, proposals, commitments, or agreements whether oral or written and may be modified or amended only as herein provided. This Agreement is executed in four (4) duplicate originals, each of which is deemed to be an original.

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized representatives.

**The City of Los Angeles,
Department of Animal Services**

By _____
Brenda F. Barnette, General Manager

Date: _____

**APPROVED AS TO FORM:
CARMEN TRUTANICH, City Attorney**

By _____
Dov S. Lesel, Assistant City Attorney

Date _____

**ATTEST:
JUNE LAGMAY, City Clerk**

By _____
Deputy City Clerk

Date _____

Revenue Collection Agency

By _____

Title _____

Date _____

(second signature required of corporations)
Revenue Collection Agency

By _____

Title _____

Date _____

Los Angeles City Business Tax License Number _____

IRS Taxpayer Identification Number _____

City Agreement Number _____