



BOARD OF ANIMAL SERVICES COMMISSIONERS  
CITY OF LOS ANGELES  
Monday May 11, 2009  
10:00 A.M.  
**LOS ANGELES CITY HALL**  
**200 N. Spring St.**  
**Room 1060**  
**Los Angeles, CA 90012**

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Tariq Khero, President  
Kathleen Riordan, Vice-President  
Irene Ponce  
Archie J. Quincey, Jr.  
Ruthanne Secunda

Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. For information please call (213) 482-9501.

Si require servicios de traduccion, favor de notificar la oficina con 24 horas por anticipado.

**COMMISSION MEETING**

**1. ORAL REPORT OF THE GENERAL MANAGER**

**2. COMMISSION BUSINESS**

- A. Approval of the Commission Meeting Minutes for March 9, March 23, and April 14, 2009
- B. Oral Report by the Commission on Meetings and Events attended.

**3. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION**

- A. Three-Year Agreement for the Operation of the North Central Spay/Neuter Clinic  
(Continued from the Meeting of April 27, 2009)

Additional information requested by Board Members at the April 27, 2009, meeting that will allow the Board to award a three-year Agreement, with one three-year renewal option, substantially in the form as on file, to Downtown Spay/Neuter Plus Veterinary Clinic, Inc., to operate the North Central Spay/Neuter Clinic; and direct Staff to transmit

the proposed Agreement concurrently to the Office of the Mayor, and the Office of the City Attorney for approval as to form, and subsequently to the City Council, and the General Manager of the Department of Animal Services to execute the subject Agreement upon receipt of necessary approvals.

#### **4. DISCUSSION ITEMS**

- A. Report by the City Attorney in regard to the status of Dangerous Dog Case DA 05331 NC ("Stu")

CLOSED SESSION: The Board of Animal Services Commissioners will meet in closed session with the City Attorney as its legal counsel pursuant to Government Code section 54956.9(a) to discuss pending litigation in Jeffrey Peter De La Rosa v. Animal Control Board of the City of Los Angeles, et al.; Los Angeles Superior Court Case # BS104836; Court of Appeal, Case # B202071.

Following the Closed Session the Board may give direction to the City Attorney regarding settlement.

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

**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.**

#### **6. FUTURE AGENDA ITEMS**

Requests from Commissioners for future Agenda Items.

#### **7. ADJOURNMENT**

Next Commission Meeting is scheduled for 10:00 A.M., May 26, 2009, at a location to be determined.

**AGENDAS** - The Board of Animal Services Commissioners (Board) meets regularly every second (2P<sup>nd</sup>) and fourth (4P<sup>th</sup>) Monday 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, 5P<sup>th</sup> Floor, Los Angeles, CA 90012. Board Agendas may also be viewed on the 2P<sup>nd</sup> 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, as well as electronic copies of approved minutes on the Department's World Wide Web Home Page site at [Hhttp://www.laanimalservices.com/CommissionAgendas.htm](http://www.laanimalservices.com/CommissionAgendas.htm)

Three (3) members of the Board constitute a quorum for the transaction of business. The Board may consider an item not listed on the Board Agenda only if it is determined by a two-thirds (2/3) vote that the need for action arose after the posting of an Agenda. 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.



## **APPEAL AGENDA**

**BOARD OF ANIMAL SERVICES COMMISSIONERS  
CITY OF LOS ANGELES**

**Monday, May 11, 2009 at 10:00 A.M.**

**LOS ANGELES CITY HALL  
200 N. Spring St.  
Room 1060  
Los Angeles, CA 90012**

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

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### **ADMINISTRATIVE APPEAL HEARING 10:00 A.M.**

Barking Dog License Revocation Case Number 09312 NC

Appellant: Rodolfo B. Cruz  
Complaining Witness: William Cudd  
Field Operations Supervisor, North Central Animal Shelter, Lt. William Tranzow  
Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst

II

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CITY OF LOS ANGELES  
**L A ANIMAL SERVICES**



Date: May 11, 2009

To: Board of Animal Services Commissioners

From: Edward A. Boks, General Manager

Subject: NORTH CENTRAL SPAY/NEUTER CLINIC PROPOSAL;  
DOWNTOWN SPAY/NEUTER PLUS VETERINARY

At its meeting of April 27, 2009, the Commission's discussion regarding the proposal by Downtown Spay/Neuter Plus Veterinary Clinic, Inc. (DSN), to operate the North Central Spay/Neuter Clinic raised questions about the best use of the City's spay/neuter clinics, and in general about DSN's experience and services. To address the Board's questions and to expand on information provided in the Report, we are pleased to provide the information below for your consideration.

**LAAS Spay/Neuter Clinics and Private Veterinary Clinics**

As described in the Board Report, DSN can be a viable provider of low-cost spay/neuter services for the public (including those who already own pets and members of the public who adopt pets from the Care Center). This would be consistent with historical use of spay/neuter clinic built in the animal care centers, and with the Department's other spay/neuter clinics. Also, in discussions about this contract and previous contracts, several City agencies (the City Administrative Officer, the Chief Legislative Analyst, General Services, and Council staff) agreed that providing services to a mix of adopters, coupon holders, and general public, along with occasional ancillary services in connection with spay/neuter surgery, helps the contractor ensure enough cash-flow to stay in business, and provides convenience and value to adopters and residents.

**DSN's Experience in Spay/Neuter:**

DSN combined the experience of several professionals to form a company to provide spay/neuter services (similar to Clinico, who were formed in 2007 to also provide low-cost spay/neuters). As mentioned in the Board Report, DSN's chief veterinarian, Dr. Alex Taub, DVM, has worked at several Los Angeles area veterinary clinics, including Culver Palms Animal Hospital, where he sterilized animals from the South Los Angeles and West Los Angeles Animal Care Centers. Like Clinico, DSN will partition its functions between their top staff: their chief veterinarian will focus on medical procedures and policy, and their chief operating officer will focus on the clinic's management. A consulting firm will help define and monitor long-term goals.



### **Volume of Surgeries**

- An estimated 200 to 250 intact animals per month are adopted from North Central, or approximately 2,400 to 3,000 per year (this is only an estimate, provided in the RFP, based on animals adopted and rescued in 2007).
- DSN's target volume is an average of 30 surgeries per day; the demand at North Central is less, so DSN will fill up the spots with surgeries on pets brought in by members of the public.
- DSN is willing to commit to a minimum daily average of 19 surgeries performed on animals brought in by members of the public.
- If surgeries exceed an average of 30 per day (or approximately 7,800 per year), DSN will hire additional surgeons as necessary.
- Dr. Taub currently performs 15+ surgeries in a four-hour period with the AngelDogs Foundation mobile clinic in Lancaster.
- In an externship, Dr. Taub routinely performed about 30 surgeries per day.

### **Euthanasia**

The only reason DSN would perform euthanasia would be in the case of irremediable suffering. The contract can be revised to explicitly state this.

### **Additional Services Related to Sterilizations**

Additional services would be offered only to animals brought for spay/neuter, as Clinico will do at their clinics. Such services may include vaccinations, flea treatment, deworming, nail-trimming, and other services commonly provided to animals in conjunction with sterilizations.

Particularly for some animals brought to the North Central Spay/Neuter Clinic by members of the public, a spay/neuter surgery may be the only opportunity for the animal to see a veterinarian and receive medical care. Providing wellness services at the time of the spay/neuter surgery benefits the pet and the pet's owner, benefits the animal population in general, and reflects the Department's mission to promote and protect the health, safety, and welfare of animals and people in Los Angeles.

The draft contract, available on the Department's website, states in the Scope of Services: "The Contractor may offer to the public additional services, provided that the written approval is received from the pet owner and the procedure is performed in conjunction with the surgical sterilization of the pet" (page 7). This provision is also in Clinico's contracts to operate the Harbor, East Valley, and Northeast Valley clinics.

### **Draft Contracts**

When RFPs are published, draft contracts, or "Personal Services Agreements," are posted online at [www.laanimalservices.com/about\\_rfp.htm](http://www.laanimalservices.com/about_rfp.htm), at the same time the RFP is

published. The North Central Spay/Neuter Clinic RFP and draft contract were released and posted in November 2008.

The Department worked with GSD and two City Attorneys to develop this contract before it was published. Like all draft contracts, this is a “draft” because specific names, percentages, and other information specific to the contractor, are filled in after the award of the contract. Recommendations to approve a contract always refer to contracts “approved substantially as on file,” that is, the City Attorney, CAO, etc. will not permit any substantial change to the draft after Board approval, and the draft is published with the RFP.

**Proposed Modifications to the Scope of Services in the Draft Contract**

Attached is a portion of the contract’s Scope of Services, revised to reflect the items indicated above.

Scope of Services Provisions in the Draft Contract  
For the Operation of the North Central Spay/Neuter Clinic

Below is a portion of the draft contract's Scope of Services section, modified to address issues raised by the Board and the public at the meeting of April 27, 2009. The modifications are noted in the comment balloons in the margin.

**A. Surgical Sterilizations**

1. The Contractor will perform spay and neuter surgeries on all animals adopted from the Care Center (including dogs and cats eight weeks of age or older, and rabbits). Contractor shall coordinate with Care Center staff to schedule surgeries. The Care Center's volume of surgeries may increase before and after special adoption events or other events. The Department reserves the right to send animals to off-site veterinarians in the event that the Contractor is unable to sterilize all of the Care Center's animals on a given day.

2. The Contractor will perform spay and neuter surgeries on animals (dogs and cats eight weeks of age or older, and rabbits) brought to the Clinic by members of the public.

Comment [61]: New subsection 2 distinguishes public animals from shelter animals.

- a. After four months from the time Contractor begins operations, Contractor shall be expected to perform a minimum average of 19 spay/neuter surgeries on animals brought to the Clinic by members of the public, each day of operation, averaged over each month.
- b. Contractor reserves the right to refer animals brought to the Clinic by members of the public to other area veterinarians in the event that the Contractor is unable to treat all of the public's animals on a given day.

Comment [62]: Minimum daily average for public surgeries.

3. Precautions and Restrictions:

Comment [63]: New heading; same wording follows.

- a. Contractor shall perform pre-surgical physical examinations on all surgical candidates to determine if an animal is qualified for surgical sterilization.
- b. The Contractor will conform to all surgical standards as required by the California Veterinary Medicine Practice Act (CVMPA).
- c. Animals deemed unfit or unhealthy by the Contractor's veterinarian may be rejected for surgical sterilization.
- d. Animals that are deemed pregnant or in estrus may be surgically sterilized at the discretion of the Contractor's veterinarian.
- e. Animals of advanced age may require pre-surgical, geriatric blood screening.
- f. If surgical exploration is needed to determine if an animal has already been spayed, surgery shall be deemed performed and the same fee shall apply as if the spay surgery was performed.

**B. Other Services**

Comment [64]: New heading isolates provisions to address non-spay/neuter services.

1. **Ancillary Services**

The Contractor may offer to the public additional services, provided that the procedure is performed in conjunction with the surgical sterilization of the pet and the written approval is received from the pet owner. Such services may include vaccinations, flea treatment, de-worming, nail-trimming, and other services commonly provided to animals in conjunction with sterilizations, and which are provided to benefit the health and safety of the City's animal population.

Comment [65]: Moved to its own section.

Comment [66]: Additional services offered at the time of the surgery.

Comment [67]: List of sample services to clarify which services to be offered.

Comment [68]: These services benefit everyone, especially animals for whom this is the only chance to see a veterinarian.

2. **Emergency Medical Treatment**

Contractor shall monitor all animals under its care and control for post-surgical complications and shall provide appropriate post-surgery medical treatment to animals in the event of an emergency related to the surgery, at no additional cost to the City or the pet owner so long as such complications are discovered while the animal is under the Contractor's care and control. The Contractor will stabilize the animal in the event it needs to be transported to another private veterinary hospital, which will be at no additional cost to the City or the pet owner if the emergency is determined to be related to or caused by the sterilization surgery.

The Contractor may provide appropriate medical treatment to animals in the event of medical emergencies for animals brought to the Clinic by members of the public.

Comment [69]: New, added paragraph. Allows the veterinarian to provide emergency treatment for an animal brought for emergency care even if not brought for spay/neuter.

Charges for medical emergency treatment for animals in the care and control of the Contractor but not caused as a result of the sterilization by the Contractor, either by the Contractor or at referred veterinary hospitals that are pre-approved by the Department, may be charged to the pet owner, provided the pet owner has approved the treatment in advance via telephone notification.

3. **Services Provided to Animals in the Care Center**

If requested by the Department, the Contractor may provide veterinary medical care to animals under the care and control of the Department.

Comment [610]: New, added paragraph. This benefits the Department AND the clinic operator.

4. **Euthanasia**

Contractor may administer euthanasia to an animal under its care and control only if the animal is in a condition of irremediable suffering.

Comment [611]: New, added paragraph. Restricts euthanasia to cases of irremediable suffering.

5. **Microchips**

Contractor shall micro-chip all dogs, cats, and rabbits that are adopted from the Care Centers that are not already microchipped, if mutually agreed upon by the Contractor and adopter, or requested by the Department.

6. **Wellness Clinics**

The Department may occasionally request Contractor to conduct Wellness Clinics (vaccine clinics and other basic services such as exams, deworming, etc.). Said services may only be provided if mutually agreed upon by Contractor and the Department.

Comment [612]: Defines services to be offered.

**C. Care of Animals**

- Contractor's care of animals in its custody shall be in conformance with all federal, state, and local humane laws and statutes. A California-licensed veterinary technician, or equivalent, shall remain on duty following the procedure until each animal's recovery

Comment [613]: No change to wording immediately following.

status meets the conditions set forth by the CVMPA to send home with his or her owner or transfer to the care of Care Center staff, depending on where the animal came from.

2. Animals unclaimed by owner(s) at the end of the business day shall be kept overnight at the Clinic, unless determined otherwise by Department staff, while reasonable efforts are made by the Contractor to contact the pet owner. If Contractor does not plan to staff the Clinic after hours, only animals adopted from City of Los Angeles Animal Care Centers may be transferred, at the sole discretion of the Department, to the holding area of the Care Center if not picked up after surgery.

#### D. Release of Animals

All pre-adopted animals shall be released the day of surgery to their owners. Animals that are not pre-adopted shall be released to the Department at such time as medically safe to do so.

Comment [614]: This paragraph was moved here from the section immediately above.

All animals shall be released to pet owners or adopters with post-operative instructions, including emergency telephone numbers. Should complications occur, the Contractor shall retain responsibility and care for the animal until the complication is abated.

#### E. Fees to the Public

Pricing of the services shall be at the Contractor's discretion, subject to Department disapproval. Notwithstanding the Department's right of disapproval of Contractor's prices to the public, any changes in Contractor's prices shall be announced to the public no less than 14 calendar days before they become effective. The Department encourages pricing that maximizes the public's ability to obtain needed services for their pets.

Comment [615]: This section is revised to address only pricing; mention of ancillary services is moved to its own section, B.1 above.

Below is a portion of the draft contract's Fees and Payments, modified to include DSN's proposed fees and percentage. Modifications are noted in the comment balloons in the margin.

#### 3. Payment of Surgery Discount to Department via Reimbursement

Contractor shall reimburse the Department an amount equal to 2% of payments paid by Department for spay/neuter surgeries performed on Care Center animals and animals adopted from the Care Center. After the first year from the execution date, Contractor may request to renegotiate the discount; any revised fees shall be subject to Board approval and may be affected by the City's budget constraints. This reimbursement shall result in a net payment equal to the discounted amount proposed by Contractor and accepted by the Board, as indicated below:

Comment [616]: This provision corresponds to DSN's fees as stated in their proposal.

<u>Surgery</u>	<u>Board- Approved Fee</u>	<u>Contractor shall reimburse Department</u>	<u>Net Fee At 2% Discount</u>
Male cat	\$60.00	\$1.20	\$58.80
Female cat	\$68.00	\$1.36	\$66.64
Pregnant cat	\$60.00	\$1.20	\$58.80
Male dog under 50 lbs.	\$60.00	\$1.20	\$58.80
Male dog over 50 lbs.	\$110.00	\$2.20	\$107.80

Female dog under 50 lbs.	\$68.00	\$1.36	\$66.64
Female dog over 50 lbs.	\$118.00	\$2.36	\$115.64
Pregnant dog	\$80.00	\$1.60	\$78.40
Rabbits (all)	\$65.00	\$1.30	\$63.70

Payment of reimbursements to Department shall be payable and due to the Department on or before the last day of the month following payment to Contractor, or may be discounted by the Department from the total payment owed Contractor. All payments shall be payable to the Department of Animal Services. Payments and all supporting documents shall be sent to Department of Animal Services, 221 North Figueroa Street, Suite 500, Los Angeles, California, 90012.

#### 4. Payment of Percentage to Department:

In consideration of the use of a City facility to provide the services, the Contractor shall pay to the Department a percentage of its gross revenue (not including voucher income) each month, as follows:

Comment [617]: This is a new section. It addresses the percentage payment requested in the RFP and proposed by DSN.

	Percentage paid to Department
1 <sup>st</sup> one-year period	2% of gross revenue
2 <sup>nd</sup> one-year period	2.5% "
3 <sup>rd</sup> one-year period	3% "

Comment [618]: These percentages were proposed by DSN.

"Gross revenue" shall mean the total amount charged to a customer for the sale of any goods or services (whether or not such services are performed as part of or in connection with spay/neuter surgeries) provided at the Clinic, but not including any sales taxes, use taxes, or excise taxes required by law to be included in or added to the purchase price and collected from the consumer and paid by Contractor. Fees paid to Contractor by Department, and the face value of discount coupons and free certificates paid to Contractor by Department, shall not be included in the gross revenue as defined here.

Contractor shall not adjust the amount of gross revenue as a result of any of the following:

1. Any error in cash handling by Contractor, its employees, or its agents;
2. Any losses resulting from bad checks received from customers; or from dishonored credit card, charge card, or debit card payments; or any other dishonored payment to Contractor by customer;
3. Any rebate, kickback, or hidden credit given or allowed to customer including refund of a purchase if said refund results from failure to offer a receipt.

Payments shall be due and payable on or before the last day of each calendar month based on the gross revenue received the previous month. Failure of Contractor to pay any of the payments required herein on time is a breach of this Agreement for which City may impose late fees, terminate this Agreement, or take such other legal action as it deems necessary.

Payment to Department shall be accompanied by a Monthly Remittance Advice form, a sample of which is attached herein as Exhibit \_\_, or a similar form approved by the Department. All payments shall be payable to the Department of Animal Services. Payments and all supporting documents shall be sent to Department of Animal Services, 221 North Figueroa Street, Suite 500, Los Angeles, California, 90012.