



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

Tuesday, September 14, 2010
10:00 A.M.

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

Melanie Ramsayer, President
Irene Ponce, Vice-President
Tariq Khero
Kathleen Riordan
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. COMMISSION BUSINESS

- A. Annual Election of Commission Officers for 2010-2011
- B. Approval of the Commission Meeting Minutes for August 10, 2010
- C. Oral Report by the Commissioners on Meetings and Events attended

2. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

- A. Gap Contracts for As-Needed Veterinary Service Providers to Reimburse Spay/Neuter Vouchers

That the Board authorize the General Manager to execute agreements, substantially in the form as on file and subject to approval by the City Attorney as to form, with the veterinary service providers listed in the body of this Report, for payment of Spay/Neuter Vouchers issued by the Department, accepted by

said veterinarians, and redeemed with the Department as a subsidy for pet sterilizations completed according to the terms of the Department's Spay/Neuter Voucher Program; and, direct the Department to proceed forthwith to process payments to veterinarians for redeemed vouchers immediately upon execution, and under the terms of said agreements.

3. DISCUSSION ITEMS

- A. Proposed Ordinance Amending the Hearing Appeal Process and Barking Dog Complaints.

Proposed ordinance prepared by the City Attorney amending the Los Angeles Municipal Code Sections 53.18.5 and 53.63 and adding 53.34.3, relative to the administrative hearing process, barking dog criteria, and restricted dog permit, in accordance with the Board's direction at their meeting of October 26, 2009: discussion and comments to the City Attorney and staff.

4. ORAL REPORT OF THE GENERAL MANAGER

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

7. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M., September 28, 2010, 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 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.

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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

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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.



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1. ADMINISTRATIVE APPEAL HEARING

- A. Barking Dog Revocation Case Number: BD 10323 WL
Appellant: Diane Minasian
Complaining Witness: Joshua Kaplan
Field Operations Supervisor, West Los Angeles Animal Care Center, Lt. Jesse Castillo
Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst II

**BOARD OF
ANIMAL SERVICES
COMMISSIONERS**

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PRESIDENT

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City of Los Angeles
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
ANIMAL SERVICES
221 North Figueroa Street
5th Floor
Los Angeles, CA 90012
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BRENDA F. BARNETTE
GENERAL MANAGER

Report to the Board of Animal Services Commissioners

Brenda F. Barnette, General Manager

COMMISSION MEETING DATE: September 14, 2010

PREPARED BY: Anthony Sanchez

REPORT DATE: September 7, 2010

TITLE: Management Analyst II

**SUBJECT: Contracts for As-Needed Veterinary Service Providers to Reimburse
Spay/Neuter Surgeries**

BOARD ACTION RECOMMENDED:

That the Board:

1. Authorize the General Manager to execute formal written agreements, substantially in the form as on file in the Board office and approved by the City Attorney as to form, with North Figueroa Animal Hospital, Gateway Animal Hospital, Value Vet, North Hollywood Animal Care Center, and Holiday Humane, for payment of spay/neuter surgeries under the Department's Spay/Neuter Voucher Program; and,
 2. Authorize the General Manager to execute a formal written agreement, substantially in the form as on file in the Board office and approved by the City Attorney as to form, with Fixnation, Inc., for payment of spay/neuter surgeries previously performed under the Department's Spay/Neuter Voucher Program, mostly for feral cats which ceased as of December 19, 2009; and,
 3. Direct the Department to process payments to veterinarians for redeemed vouchers immediately upon execution, and under the terms, of said agreements.
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SUMMARY:

On July 13, 2010, the Board approved the release of a Request for Qualifications ("RFQ") to pre-qualify veterinarians to participate in the Department's Spay/Neuter Programs. The RFQ and proposed contract template was initiated partly in response to three audits conducted by the Office of the Controller as well as to standardize the way veterinarians participate in the Department's Spay/Neuter Program. Resulting contracts will establish appropriate mechanisms

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Spay/Neuter Vouchers

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for future payment of vouchers redeemed by participating veterinarians who accept vouchers as a partial or full payment of pet sterilizations as well as all other veterinary services.

However, currently the Department is experiencing a backlog of payments for spay/neuter surgery to multiple veterinarians who have submitted vouchers for payments. In order to process payments to veterinarians owed more than \$25,000 in redeemed vouchers, the City Attorney has advised that the Department execute written agreements with those veterinarians to ratify surgeries completed and which will be done in the coming months under the vouchers program. A contract, approved by the Board, is an appropriate instrument to pay these outstanding amounts and future amounts, pending the RFQ process.

Upon Board approval, the Department intends to establish agreements for payment under the \$30 and \$70 voucher program with the following veterinarians:

Spay/Neuter Provider	Maximum for Contract Term (term will not exceed January 30, 2011, or when permanent contracts are executed)
North Figueroa Animal Hospital	\$60,000
Gateway Animal Hospital	\$60,000
Value Vet	\$50,000
North Hollywood Animal Care Center (Dr. Sunada)	\$30,000
Holiday Humane	\$30,000
FixNation, Inc. (owed payments only, no future payments)	\$91,000

One of the agreements is with FixNation, Inc. in Sun Valley, in order to pay our outstanding balance with them. A judicial ruling in December 2009 enjoined the City from subsidizing sterilizations of feral cats, although feral cats were almost all of FixNation's workload. At about the same time, the City Attorney withheld further approval of payments to FixNation in order to review the payment process and ensure there was a proper authority for payment, such as a formal written agreement.

Questions had also arisen regarding authority for payments to the Sam Simon Foundation and The Amanda Foundation during periods when services by either of them were not covered by contract. This appears to be the result of a desire on the part of the City to facilitate spay/neuter and they did not have written contracts..

Management and staff are committed to ensuring that all contract and competitive bidding processes and City financial policies are adhered to, and that there will be no repeat of any past practices not in conformance with the City's regulations and policies.

As noted, the Department is moving forward with establishing formal contracts with all participating veterinarians in order to standardize the payment process for emergency treatments, adoption-related sterilizations, and voucher redemptions. In the meantime, processing of these contracts is an intermediate step in improving the management of the Spay/Neuter Program. Veterinarians who are owed less than \$25,000 will continue to be paid through the current AE process. In accordance with Controller audits conducted in May 2008, August 2008, and June 2009, the new RFQ process and resulting duly executed agreements are expected to ensure future payments to vendors are compliant with City payment policies.

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Spay/Neuter Vouchers

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In accordance with the City Charter, the Office of the City Administrative Officer has determined that the work proposed to be contracted can be performed more feasibly by a contractor than by City employees because there is insufficient existing City staff to perform the work and additional staff cannot be employed and trained in a timely manner to meet the Department's needs.

FISCAL IMPACT:

Funds are provided for public spay/neuter programs (\$30 and \$70 Vouchers and the Mobile Spay/Neuter Clinic) through a combination of the General Fund allotment of \$810,000 and a surcharge on dog licensing of about \$600,000 a year. Funds are available in existing spay/neuter accounts to pay for these services.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

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