



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

Tuesday, September 28, 2010
10:00 A.M.

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

Melanie Ramsayer, President
Vacant, Vice-President
Tariq Khero
Terri Macellaro
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 September 14, 2010
- C. Oral Report by the Commissioners on Meetings and Events attended

2. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

- A. Contracts for As-Needed Veterinary Service Providers to Reimburse Spay/Neuter Surgeries under the Department's Voucher Program

It is recommended that the Board authorize the General Manager to execute formal written agreements or letters of agreement approved by the City Attorney as to form and consistent with the Controller's audits, 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 in the not-to exceed amounts listed below, through January 31, 2011 unless sooner terminated; and authorize the General Manager to execute a formal written agreement approved by the City Attorney as to form, and consistent with the direction of recent audits by the Office of the Controller, with FixNation, Inc., for payment of spay/neuter surgeries performed under the Department's Spay/Neuter Voucher Program up to and including December 19, 2009; and direct the Department to process payments to the above-referenced veterinarians for redeemed vouchers immediately upon execution, and under the terms of said agreements.

B. Three-Year Agreement to Provide Diagnostic Laboratory Testing Services

It is recommended that the Board award a three-year Agreement, substantially in the form as on file, with one three-year renewal at the City's discretion, to IDEXX Laboratories, Inc., to provide diagnostic laboratory testing services; 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 authorize the General Manager of the Department of Animal Services to execute the subject Agreement upon receipt of necessary approvals; and third, waive the late submission of the bid from Antech Diagnostics, Inc., as an informality, for the reason indicated in this Report.

3. DISCUSSION ITEMS

A. Proposed Ordinance Amending the Hearing Appeal Process and Barking Dog Complaints. (Continued from the Meeting of September 14, 2010)

An ordinance amending Sections 53.18.5 and 53.63 and adding Section 53.34.3 to Article 3, Chapter 5 of the Los Angeles Municipal Code (LAMC) in order to authorize the Department of Animal Services (Department) to conduct barking dog and other hearings in the absence of a dog license, and to authorize the Hearing Examiner to issue the decision following a hearing rather than the General Manager and the General Manager to hear the appeal instead of the Board of Animal Services Commissioners. The amendments will also establish more definite barking dog noise and distance criteria and create a Restricted Dog Permit.

B. Coyote Issues

Discussion of community reports of coyote sightings and possible direction to 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.)

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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., October 12, 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. 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.

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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

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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. Dangerous Animal Revocation Case Number: DA 10373 WL
Appellant: Eyal and Lisa Zinder
Complaining Witness: Tracy Haynes
Field Operations Supervisor, West Valley Animal Care Center, Lt. Susan Botta
Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst II

**BOARD OF
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ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
ANIMAL SERVICES
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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 28, 2010

REPORT DATE: September 21, 2010

**SUBJECT: Contracts for As-Needed Veterinary Service Providers to Reimburse
Spay/Neuter Surgeries under the Department's Voucher Program**

BOARD ACTION RECOMMENDED:

That the Board:

1. Authorize the General Manager to execute formal written agreements or letters of agreement approved by the City Attorney as to form and consistent with the Controller's audits, 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 in the not-to exceed amounts listed below, through January 31, 2011 unless sooner terminated; and
 2. Authorize the General Manager to execute a formal written agreement approved by the City Attorney as to form, and consistent with the direction of recent audits by the Office of the Controller, with FixNation, Inc., for payment of spay/neuter surgeries performed under the Department's Spay/Neuter Voucher Program up to and including December 19, 2009; and
 3. Direct the Department to process payments to the above-referenced veterinarians for redeemed vouchers immediately upon execution, and under the terms of said agreements.
-

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

Subject: Contracts for As-Needed Veterinary Service Providers to Reimburse
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.

The City Attorney has advised that the Department execute written agreements approved by the Board with those veterinarians owed more than \$25,000 in outstanding vouchers or who are anticipated to exceed \$25,000. The term of these agreements will not exceed January 31, 2011 or can be terminated sooner when the new contracts are executed following the RFQ process. Contracts with veterinarians whose voucher use is anticipated to exceed \$25,000 following the RFQ process should also come to the Board for approval.

Upon Board approval, the Department will enter into agreements with the following veterinarians for the following not-to-exceed amounts for payment under the \$30 and \$70 voucher program:

Spay/Neuter Provider	Unpaid Vouchers	Maximum Contract Amount
North Figueroa Animal Hospital	\$21,970	\$65,000
Gateway Animal Hospital	\$2,760	\$30,000
Value Vet	\$6,170	\$45,000
North Hollywood Animal Care Center (Dr. Sunada)	\$2,670	\$20,000
Holiday Humane	\$120	\$20,000
FixNation, Inc. (owed payments on \$30 vouchers only for work up to and including December 19, 2009, no payments for future work)	Up to and including December 19, 2000 \$87,850	\$87,850

The agreement with FixNation, Inc. in Sun Valley is payment of an outstanding balance on numerous \$30 vouchers for spay/neuter surgeries for feral cats performed prior to December 19, 2009. A judicial ruling on that date enjoined the City from subsidizing sterilizations for feral cats, which was almost all of FixNation's workload. The City Attorney withheld approval of payments to FixNation because of concerns over the number of vouchers being directed to FixNation coupled with the lack of a competitive process and contract. FixNation's receipt of 550 voucher authorizations per month from the Department raised issues of proper authorization for payment. The \$30 voucher request for reimbursement totaled \$16,500 per month. The City Attorney determined that the arrangement with FixNation should have been done pursuant to a competitive process and a Board-approved contract. A concurrent review by the Controller's Office revealed some additional program deficiencies.

Questions had also arisen regarding authority for payments made to the Sam Simon Foundation and The Amanda Foundation. It was determined that the Sam Simon Foundation was being paid approximately \$300,000 per year by the Department for mobile spay neuter services at the same rate as the mobile van contract rate of \$60 and \$68, after the Board and City Council terminated the Sam Simon mobile van contract at their request. The Department failed to seek contract authorization from the Board or City Council for these payments.

The Department also failed to follow through with a supplemental contract with the Amanda Foundation during the time between the expiration of their mobile spay/neuter van contract and the award of their current contract.

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.

Subject: Contracts for As-Needed Veterinary Service Providers to Reimburse
Spay/Neuter Vouchers

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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 be paid through the current Authority for Expenditure (AFE) process. For veterinarians who are owed or who are expected to receive more than \$25,000 in payments, the City Attorney has recommended a contract, and the Controller has recommended a process combining a contract or letter of agreement with AFE's. In accordance with Controller audits conducted in May 2008, August 2008, and June 2009, the new RFQ process and resulting agreements are expected to ensure future payments to vendors are compliant with City payment policies.

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) through a combination of the General Fund allotment of \$810,000 and a surcharge on dog licensing of about \$600,000 a year and 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 _____

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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 28, 2010

PREPARED BY: Anthony Sanchez

REPORT DATE: September 23, 2010

TITLE: Management Analyst II

SUBJECT: Three-Year Agreement to Provide Diagnostic Laboratory Testing Services

BOARD ACTION RECOMMENDED:

That the Board:

1. Award a three-year Agreement, substantially in the form as on file, with one three-year renewal at the City's discretion, to IDEXX Laboratories, Inc., to provide diagnostic laboratory testing services;
 2. Direct Staff to transmit the proposed Agreement concurrently to the Office of the Mayor, and the Office of the City Attorney for approval as to form, and subsequently to the City Council, and authorize the General Manager of the Department of Animal Services to execute the subject Agreement upon receipt of necessary approvals;
 3. Waive the late submission of the bid from Antech Diagnostics, Inc., as an informality, for the reason indicated in this Report.
-

SUMMARY:

Veterinarians routinely use the services of a diagnostic laboratory testing provider in the treatment of animals to perform blood tests, tissue sample tests, fecal tests, etc. City veterinary staff use this service to treat animals under the City's care and control, in our Animal Care Centers and at the Los Angeles Zoo. The City has been obtaining these tests from Antech Diagnostics, Inc. (Antech) under a City-wide contract administered by the General Services Department (GSD); the contract has now expired and is being extended by GSD until a new contract is executed. Because it is a service contract, GSD directed user departments to administer a new bid process and contract, as GSD now administers only procurement contracts and no longer administers service contracts. The Zoo is the other department using this service; therefore, the subject proposed agreement will allow the Zoo to purchase these

services from the contractor at the same prices and under the same terms as the Department of Animal Services. Zoo veterinary and administrative staff collaborated with our Department to prepare a Request for Bids (RFB) and evaluate the bids received.

The Department released the RFB on June 7, 2010, and received bids from the two primary providers of these types of services for the veterinary industry: Antech, and IDEXX Laboratories, Inc. (IDEXX). Both have locations throughout the United States, with local laboratories located in Irvine. IDEXX submitted their bid before the July 22, 2010 deadline. Antech submitted their bid the following day, one day past the deadline. However, the Department recommends that the Board waive Antech's late submission as an informality, as the initial review of that bid showed Antech to be a viable bidder and the Department considered both bids in their selection.

Staff confirmed that each bid included all required documents and secured approvals from the City's Office of Contract Compliance. Staff next reviewed both bids and evaluated them according to the evaluation criteria indicated in the RFB, as follows:

- Bidder meets or exceeds the minimum requirements specified in the RFB.
- Bid demonstrates the best and lowest overall cost to the City.

Following is a summary of key requirements:

Requirement	IDEXX	Antech
Ability to pick up and test samples, and provide both online and faxed test results the next day; provide same day test results for samples sent in the morning; and provide STAT testing:	Yes	Yes
Minimum of ten years providing diagnostic laboratory testing:	Over 10 yrs	Over 10 yrs
Have a staff of Board-certified specialists in Veterinary Clinical Pathology; proficient at reading exotic species pathology; must include Board-certified Veterinarians with ACVP, ABVP, ACVIM, and ACVD specialties and full-time licensed Medical Technologists:	Yes	Yes
Hours of operation appropriate to provide tests for LAAS and Zoo:	Yes	Yes
Provide tests listed in RFB:	Yes*	Yes
Ability to provide a dedicated fax machine for use by the Zoo:	Yes	Yes

*Note: IDEXX does not perform necropsies at their Irvine lab; they can, however, test tissue samples from dead animals or send dead animals to their Sacramento lab. This is acceptable to both LAAS and Zoo staff.

The bidders submitted a complete price list and indicated a proposed discount in the form of a percentage. Below is a summary of the proposed discounting and overall cost to the City:

	IDEXX	Antech
Proposed blanket discount:	35% to 40% (most tests are 40%)	30%
Proposed annual price increase (<i>maximum</i> % per year)	No more than 5% per year	No more than 8% per year
Zoo's overall annual cost based on their estimated annual usage**:	\$36,741	\$40,885

**Note: LAAS did not provide an estimated annual usage.

Based on Staff's review of the bids, as summarized above, IDEXX meets the City's requirements and offers the best and lowest overall cost. As of the date of this Report, GSD is extending Antech's contract until a new contract is established. Therefore, time is of the essence in executing the proposed agreement.

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:

This is a regular budgeted item, funded through the General Fund (Account 3040); the Department spends an estimated \$30,000 per year on this service.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

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