

MINUTES



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Monday, April 27, 2009
10:00 am
City Hall
200 N. Spring Street
Room 1060
Los Angeles, CA 90012



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

The meeting was called to order at 10:24 am. Commissioners Quincey, Riordan, and Ponce were present. Commissioner Secunda and Khoro were absent.

ADMINISTRATIVE APPEAL HEARING

Dangerous Animal Revocation – **DR 08374 WL (Continued from March 23, 2009)**

Appellant: David Corwin

Complaining Witness: Lynn Goodpasture

Field Operations Supervisor, West Los Angeles Animal Shelter, Lt. Jesse Castillo

Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst

Officer Navarette photographed the property and gave a report to the Commission.

Public Comment

Jeff de la Rosa- Questioned how five Commissioners can hear the beginning of the appeal, but only three are present to make the ruling. Board should know the rules and procedures for the appeal hearings.

Both parties gave additional testimony

Commissioner Khoro arrived at 11:03 am

Commissioners moved to keep the current terms and conditions in effect and move the continuance matter to a future meeting to allow sufficient amount of time for an officer can go to the property and interview the owner and the neighbors, receive their input and report back to the Commission with recommendations for terms and conditions.

Commissioner Riordan left meeting at 11:36 am

COMMISSION MEETING

1. ORAL REPORT OF THE GENERAL MANAGER

AGM Barth gave the report on behalf of the General Manager.

- The budget was published on April 20, 2009 by the Mayor proposed no layoffs or no cut backs in regards to Animal Services. It is a status quo budget with the exception that there is a shared responsibility and sacrifice component of approximately 10% in regards to salary reduction. All City Departments have the same 10%.
- The full \$810,000 for S/N vouchers and mobile S/N programs and the full \$300,000 to subsidize S/N surgeries for adopted animals are also in the budget and were not touched at all.
- The Department will be testifying to the Budget and Finance Committee regarding the budget and they will be asking how the Department will make up the 10% if it is not made up through employee changes and we will have to revisit reductions in service hours, etc. but we will make the argument to keep the Department budgeted at status quo.
- The Department has been engaged in a lengthy strategic planning process. In March, four planning teams, each with 10 employees from a cross section of the Department, came up with 60 – 70 ideas. Out of that, we were able to pull out 7 specific program ideas that the Department would like to work on next year. The Department is following the Sanitation Department's model for the program and we would like to make this an annual activity like Sanitation does. This project will conclude in July with a deliverable and we hope to resume again in November.

Commissioner Riordan returned to the meeting at 11:43 pm.

Public Comment

Jeff de la Rosa: He would appreciate it if the Board had input in how the 10% salary savings is derived.

2. COMMISSION BUSINESS

A. Approval of the Commission Meeting Minutes for March 9, and March 23 2009

Held over to meeting on May 11, 2009

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

Held over to meeting on May 11, 2009

3. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

A. Assembly Bill 233–Personal Income Tax Deduction for Pet Adoption Fees (Revised)

That the Board recommend to the Mayor and City Council that the City support Assembly Bill (AB) 233 as amended, which if approved would allow taxpayers a miscellaneous itemized deduction, up to \$100 per taxable year, for the qualified costs paid or incurred for the adoption of pets from a qualified animal rescue organization, beginning on or after January 1, 2010, and before January 1, 2015.

AGM Barth reminded the Board that this item was held over from March. The City Council has made a motion to discuss this Assembly Bill and whether the City wants to support it. The Chief Legislative Analyst (CLA) has asked the Department what position it wishes to take.

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Commissioner Secunda arrived at 11:47 am.

Public Comment

Jeff de la Rosa: It is a great idea, but \$100 deduction is not enough. They need to add a deduction that makes a difference, \$500 - \$1000.

Phyllis Daugherty: They will need to codify that an animal from a rescue is not a donation but a sale.

Commissioner Riordan questioned when the adoption from a rescue becomes a donation vs. a sale. AGM Barth stated that that same point came up between the CLA and Sacramento Legislative office. Sacramento replied that humane organizations can charge a fee for cost recovery purposes. The impact of the legislation would be \$1 million to \$1.3 million in loss of revenue to the State.

Commissioner Riordan made a motion that the Board accept the Board action recommended by Staff, but further move the recommend deduction be increased to \$500 per animal, per taxable year. Commissioner Ponce seconded the motion and the motion passed 5-0.

B. Three-Year Agreement for the Operation of the North Central Spay/Neuter Clinic

That the Board 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 authorize the General Manager of the Department of Animal Services to execute the subject Agreement upon receipt of necessary approvals.

AGM Barth commented that the Department has received an excellent proposal to operate the North Central Clinic of proposers that have understood, responded to and respected the desires of the Commission to have services that focus on spay/neuter, promote the spay/neuter message and provide very reasonable cost spay/neuter. The spay/neuter cost will include E-collars and medication, and they are willing to perform surgeries on crypt-orchid, pregnant, and in heat animals. This is an extremely competitive offer and they have offered a small percentage discount that will roll back into spay/neuter.

In regards to the proposal at the West Valley clinic, the pricing does not fall into the range that the Department considers to be low income. The Department is proposing not to award West Valley to Value Vet and instead to work with the Spay/Neuter Advisory Committee on some of their recommendations and try some of their ideas at the West Valley location. Value Vet has graciously accepted that the Department is not recommending them for the award and they are not challenging the recommendation.

Commissioner Riordan requested to see a copy of the contract if and when it is executed.

Misha Shaw and Aaron Selias from the Maroon Society Consulting Firm and Vitali Taub, CFO of Downtown Spay/Neuter Plus Veterinary Clinic answered questions from the Board regarding

their proposed services, proposed number of spay/neuter surgeries and whether their services will be in competition with other local vet clinics.

Public Comment

Jeff de la Rosa: This issue is not ready for Board action. He feels that there needs to be an overhaul of how Department contracts are awarded.

Teri Austin: She expressed her concerns with the proposal. Sixteen surgeries per day are not considered high volume. It is not fair if the S/N clinics compete with local vets.

Phyllis Daugherty: Questioned how the proposers can run a viable business on 10 S/N surgeries per day. She questioned their experience running S/N clinics.

Sue Taylor: She renewed her concern that prices at the S/N clinics are not uniform across the board. The public should expect uniform S/N fees at all of the shelters. She expressed concern that the proposers will be in competition with themselves.

Laura Beth Heisen: The problem with the proposal is that they will not be running a high volume S/N clinic. Need a new RFP that specifies providing S/N for public animals or to do the S/N in-house ourselves.

AGM Barth added for the Board's information that the S/N clinic at North Central was not built as part of Prop F. The Bond documents speak of the clinics as being important community resources, but do not speak of them as being specifically high-volume. The intention is to increase the available amount of S/N in the City.

Downtown Spay/Neuter Plus Veterinary Clinic representatives answered further questions regarding their experience running a clinic and their proposal. Explained that Dr. Taub was unable to be at this meeting because he was doing relief work at a S/N clinic.

Commissioner Khoro suggested that the Board take the opportunity to review the proposal and review the contract and have their questions answered at a future meeting. AGM Barth told the Commission that the contract is drafted and she would send the Commissioners a copy of both.

Commissioner Ponce requested the names of the contract review panel members and AGM Barth agreed to provide them.

The Commissioners requested that Dr. Taub be at the next meeting to answer questions from the Board on Monday, May 11, 2009.

Item continued to May 11, 2009.

4. DISCUSSION ITEMS

A. Report by the City Attorney in regard to the status of Dangerous Dog Case DA 05331 NC ("Stu") **(Item 4B taken out of order)**

Public Comment

Jeff de la Rosa: He stated that he is unclear as to what happens in the closed session. He wanted to know if the motion proposed by Commissioner Quincey will be discussed. He further commented on his problems with Stu's hearing.

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.

Meeting re-opened at 1:48 pm. Commissioner Khero left the meeting.

No action taken in closed session, although the matter will be on a future agenda.

B. Operation of the West Valley Spay/Neuter Clinic (Item 3C taken out of order)

That the Board reject the proposal received from Value Vet, Inc., to operate the West Valley Spay/Neuter Clinic, direct Staff to consider recommendations by the Spay/Neuter Advisory Committee as well as all other options for providing low-cost spay/neuter services to residents in the West Valley area; and direct Staff to develop a specific plan of action which may include a new, revised Request for Proposals, or another alternative, and present such plan to the Board at a subsequent meeting for their consideration.

Public Comment

Laura Beth Heisen: Thanked the Department for not giving the contract to a proposer charges too much. We need the public to get the S/N.

Sue Taylor: Value Vet is not the best provider for the S/N clinics. The contract for the West LA clinic is flawed, since the West Valley contract was not awarded because Value Vet would be competing with their own clinic.

AGM Barth stated that the Department would like to explore some of the recommendations of the S/N report which talks about restructuring and RFP and other avenues. Commissioner Riordan suggested having vets share the clinics. She also suggested the Department meet with Teri Austin, Sue Taylor, Phyllis Daugherty and Laura Beth Heisen to restructure the RFP.

Commissioner Riordan made a motion that the Board reject the proposal received from Value Vet, Inc., to operate the West Valley Spay/Neuter Clinic, direct Staff to consider recommendations by the Spay/Neuter Advisory Committee as well as all other options for providing low-cost spay/neuter services to residents in the West Valley area; and direct Staff to develop a specific plan of action which may include a new, revised Request for Proposals, or another alternative, and present such plan to the Board at a subsequent meeting for their consideration and consult with various rescuers, such as Teri Austin, Sue Taylor, and Phyllis Daugherty. Commissioner Quincey seconded the motion and the motion passed 4-0.

C. Update on Spay & Neuter Program Expenditures (Continued from April 14, 2009) (Item 4A heard out of order)

Anthony Sanchez provided the Board with a signed copy of the program guide. AGM Barth reiterated that this document is not a contract, it is a program guide. The only contracts that

exist with the Department are with Dr. Jones, Clinico, Value Vet and the pending contract with the Amanda Foundation. The Sam Simon program guide delineates how they will bill and that they will obey the guidelines.

Commissioner Riordan questioned what from which fund Sam Simon was paid. AGM Barth answered that it was Fund 543 which covers all of the low-income S/N programs for the public, including the vouchers, coupons, and van. Commissioner Riordan requested to see a copy of the Sam Simon vouchers and a report of how much he was paid in FY 06/07, FY 07/08, and FY 08/09.

Commissioner Riordan questioned why Sam Simon was not under contract and AGM Barth explained that the Department has a history of handling these programs as direct expenditures. It is not a contract, because there is no promise to be paid a certain amount of money and there is no promise to S/N a certain amount of animals, it is a month-to-month arrangement.

Discussion ensued about the payments to Sam Simon, Sam Simon's former contract with the Department, the current program guide, whether preferential treatment was given to Sam Simon, and how payments from Fund 543 work.

Commissioner Riordan requested a City Attorney's opinion regarding the matter and whether an RFP process should have been required. Commissioner Secunda concurred.

Public Comment

Sue Taylor: It is a good idea for the City Attorney to review how the vets and the S/N vans are paid.

Teri Austin: She would like the opportunity to be put on a future agenda about the history of the S/N vans. She would like to see a breakdown of how the vouchers are being distributed and who is getting the vouchers.

Phyllis Daugherty: She is concerned with retroactive contracts. Need to follow City guidelines.

Laura Beth Heisen: Stated she was a Commissioner during the time of the SNAP van and questioned how unexpended funds were used. Need to follow City protocol. She does not want the Department to commingle S/N funds.

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.)

Laure Beth Heisen – Expressed her concern that everything discussed at the Commission meetings be made available to the public. Make sure that S/N is the top priority of the Department. The S/N Advisory Committee looks forward to Kathy Davis coming to their meetings.

Teri Austin – Acknowledged that Kathy Davis is Acting GM. She is grateful to the Commission for being diligent. She looks forward to giving Kathy Davis her full support.

Phyllis Daugherty – Clarified her statements about donations, sales, and 501(c) 3s.

Danielle Vigil – Stated that the Department continues to harass her and will not give her information about the pending investigation on her and why she has been suspended from New Hope.

Commissioner Riordan requested staff provide a formal report on the matter. The Department will communicate back to the Board and Ms. Vigil with a status update within one month.

6. FUTURE AGENDA ITEMS

Commissioner Riordan appointed Commissioners Ponce and Secunda to the Ad Hoc Committee on Fundraising.

Commissioner Ponce requested an update on AB1224 and donations of food be secured for the Commission meetings.

Commissioner Riordan would like to look at the Municipal codes to see how the Department can issue fix-it tickets in order to fine and cite people on the spot and generate more revenue for the Department.

7. ADJOURNMENT

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

Meeting ended at 3:03 pm

Next Commission Meeting is scheduled for 10:00 A.M., May 11, 2009, Los Angeles City