

## BOARD OF ANIMAL SERVICES COMMISSIONERS CITY OF LOS ANGELES Tuesday, July 22, 2014 10:00 AM

## LOS ANGELES CITY HALL ROOM 1060 200 NORTH SPRING STREET LOS ANGELES, CALIFORNIA 90731

DAVID ZAFT President

ALANA YANEZ Vice-President

JENNIFER BRENT LARRY GROSS ROGER WOLFSON

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

## I. REGULAR 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 Meeting of July 8, 2014 (Action Required)

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# 3. ORAL REPORT OF THE GENERAL MANAGER

# 4. COMMISSIONERS' ORAL REPORT AND FUTURE AGENDA ITEMS

## 5. DISCUSSION ITEMS

**A.** Discussion on Administrative Hearings for Barking and Dangerous Dogs.

# 6. BOARD REPORT

- **A.** Board Report: Approval of Request for Proposal (RFP) for West Los Angeles and Harbor Spay and Neuter Clinic Operations (Action Required).
- **B.** Board Report: Mandatory Microchips for Rabbits (Action Required).
- **C.** Board Report: Approval of Use of Petrie Grant for \$100 for Adoption of Pit Bulls and \$50 for Adoption of Chihuahuas over five (5) Years of Age (Action Required).

## 7. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M. August 12, 2014, Los Angeles City Hall, Room 1060, 200 North Spring Street , Los Angeles California

AGENDAS - The Board of Animal Services Commissioners (Board) meets regularly every second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) 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 2<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, MP-3 audio files of meetings as well as electronic copies of approved Department's World Wide Web Page minutes on the Home 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.

<u>PUBLIC INPUT AT BOARD MEETINGS</u> – 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

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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,

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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** DEPARTMENT OF **City of Los Angeles** ANIMAL SERVICES ANIMAL SERVICES 221 North Figueroa Street COMMISSIONERS CALIFORNIA 5<sup>th</sup> Floor Los Angeles, CA 90012 (888) 452-7381 DAVID ZAFT FAX (213) 482-9511 PRESIDENT ALANA YAÑEZ **BRENDA F. BARNETTE** VICE PRESIDENT GENERAL MANAGER JOHN D. CHAVEZ COMMISSIONERS ASSISTANT GENERAL MANAGER JENNIFER BRENT DR. JEREMY PRUPAS **ERIC GARCETTI** CHIEF VETERINARIAN LARRY GROSS MAYOR ROGER WOLFSON

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

COMMISSION MEETING DATE: July 22, 2014

**REPORT BY:** Ross Pool,

REPORT DATE: July 18, 2014

TITLE: Management Analyst II

SUBJECT: Discussion on Administrative Hearings for Barking and Dangerous Dogs

# **BOARD ACTIONS RECOMMENDED:**

**Review and File** 

## SUMMARY:

At the direction of your Board, the Department is presenting an outline of the administrative process for the barking and dangerous dog process. LAMC Section 53.63 outlines the definition of what constitutes a barking dog, Section 53.33 deals with vicious animals on private property, Section 53.34 and 53.34.1 deal with animals at large and menacing dogs. Once a shelter determines that there is sufficient evidence that a dog is accused of an infraction of one of these LAMC Sections, a request for an Administrative Hearing is filed. Administrative Hearings are held under the auspices of LAMC 53.18.5, Hearing Procedures and License revocation. Copies of each of these sections are attached for your review. Additionally, outlines of the barking and dangerous dog procedures are attached and explain the procedures and timeline for the administrative hearing process.

# Approved:

Brenda Barnette, General Manager

#### Attachment

#### **BOARD ACTION:**

 Passed	Disapproved
 Passed with noted modifications	Continued
 Tabled	New Date

The Department of Animal Services is responsible for the adjudication of all complaints of barking dogs in the City of Los Angeles. It is against the law for a dog owner, or anyone in control or custody of a dog, to allow the dog to make excessive noise. The term "excessive noise" means noise that is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the enjoyment of life or property of one or more persons occupying property in the community.

The nearest animal shelter is the first level responsible for responding to barking dog complaints. Persons wanting to file a complaint regarding a barking dog must put their complaint in writing. The complaint must contain:

Complainant's Name Complainant's Address Complainant's Phone Number Address of the barking dog Description of Problem Complainant's Signature

Upon receipt of a barking dog complaint:

- The shelter will send a written notice via mail, advising the barking dog owner of the complaint and demanding immediate abatement of excessive noise.
- A copy of the Department's letter is sent to the complainant.
- If, after 15 days of receipt of the letter the noise continues, the dog owner will be required to appear before the local shelter to discuss options to resolve the problem.
- If the noise problem continues, and there is sufficient evidence of excessive barking, the matter will be set for an *Administrative Hearing*, as provided in LAMC 53.18.5. This is mediation and has no force of law.

An Administrative Hearing is similar to a non-jury trial in civil court. The process is governed by statutes, regulations and ordinances applicable to the City of Los Angeles. All testimony is taken under oath and any evidence becomes part of the official hearing record. At the Administrative Hearing:

• The hearing officer (normally a Senior Animal Control Officer II, commonly referred to as a "captain") weighs the evidence and based on the evidence, recommends either dismissing the allegation, assigning terms and conditions (for example, having the dog wear an anti-bark collar) or revoking the dog license.

- After reviewing the hearing officer's report, the General Manager makes the final decision which is legally binding.
- The decision of the General Manager is mailed to the dog owner and the complainant is sent a copy.

The dog owner, upon receipt of the decision of the General Manager, may file an administrative appeal to the Board of Animal Services Commissioners within 15 days of receipt of the letter. (No appeal will be considered if the dog owner failed to appear at the Administrative Hearing.) The appeal shall be on the appeal form (attached) provided by the Department. The appeal is to show where the dog owner believes that the decision of the General Manager:

- Is not supported by the evidence or;
- The Hearing was not conducted in accordance with Section 53.18.5(q)(3) LAMC.

The appeal may not be based on *new* evidence, that is, evidence not presented at the Administrative Hearing or challenge the legality of the Los Angeles Municipal Code.

Upon receipt and validation of an appeal, the Board of Animal Services Commissioners will hold an appeal hearing. The Board will review the case file and take testimony regarding the basis of the appeal from both the dog owner and the complainant. The Board will then render a decision. The Board's may:

- Uphold the decision of the General Manager
- Revise the terms and conditions imposed by the General Manager; or
- Overturn the decision of the General Manager and dismiss the case.

The decision of the Board of Animal Services Commissioners is the final step in the administrative process. If either the dog owner or the complainant is not satisfied with the final decision, they may file for a Writ of Mandate and a stay of the Department's order with the Los Angeles Superior Court.

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The Department of Animal Services is responsible for the adjudication of all complaints regarding reports of dangerous animals in the City of Los Angeles. It is against the law for a dog owner or custodian to permit, allow or cause his/her dog to assault, threaten, or menace any person or other animal (Los Angeles Municipal Code sections 53.33 - 53.34.4). The Department has the power to immediately impound a dog where there is evidence it has attacked, bitten or injured any person or other animal. An Animal Control Officer (ACO) may enter and inspect private property to enforce the LAMC.

Upon receipt of a complaint, the information is forwarded to an Animal Control Officer. The ACO will then conduct an investigation of the complaint and document the evidence that substantiates the alleged violation. Evidence normally consists of photos, statements from witnesses (see the attached *Dangerous Animal Investigation Statement*), physician or veterinarian reports, or other evidence that would show that a violation regarding a dangerous animal has occurred.

If the investigating officer finds that the need for immediate impoundment is not necessary, the dog may be confined at the owner's residence, or in a Department-approved kennel or veterinary facility, provided:

The dog not be removed from the premises; and

The dog is available for observation and inspection by the Department.

An officer may seize or impound an animal based on a belief that prompt action is required to protect the health and safety of the public. Upon impoundment of a dog at the owner's residence, the dog owner or custodian is given a Notice to Comply advising him/her of the above conditions.

Within 10 days of impound, the animal's owner or custodian is given notice of a pending Administrative Hearing, which will be conducted within 30 days. The Department must then complete its investigation and file a request for an Administrative Hearing; if it is subsequently determined that a Hearing is not necessary, the Notice must be rescinded in order to release the animal from impound.

The report of the investigating officer will be forwarded to a senior-level Animal Control Officer who will determine if there is sufficient cause to request an Administrative Hearing in the matter. In certain (rare) cases, an incident may be so severe that the Administrative Hearing process is omitted in favor of the pursuit of criminal charges in the Superior Court.

The purpose of an Administrative Hearing is to determine whether an animal should be declared to be a "Dangerous Animal." An animal declared to be a Dangerous Animal must be seized by the Department and euthanized (put to death). If it is determined in an Administrative Hearing that an incident occurred, but the animal is not a Dangerous

Animal, its license can be revoked, or it can be reissued with terms, conditions and restrictions designed to address the conditions that gave rise to the Hearing.

An Administrative Hearing is similar to a non-jury trial in civil court. The process is governed by statutes, regulations and ordinances applicable to the City of Los Angeles. All testimony is taken under oath and any evidence becomes part of the official hearing record. At the Administrative Hearing:

- The Hearing Examiner (a Senior Animal Control Officer II) explains policies, procedures, individual rights and possible outcomes to attendees; takes testimony and evidence, and; based on the evidence, recommends either dismissing the allegation, assigning terms, conditions and restrictions (for example, keeping the dog in a locked, six-sided kennel run), revoking the dog license, or declaring the dog to be a "dangerous animal."
- After reviewing the hearing officer's report, the General Manager makes the final decision, which is legally binding.
- The decision of the General Manager is mailed to the dog owner and the complainant is sent a copy.

The dog owner, upon receipt of the decision of the General Manager, may file an administrative appeal to the Board of Animal Services Commissioners within 15 days of receipt of the letter. (No appeal will be considered if the dog owner failed to appear at the Administrative Hearing.) The appeal shall be on the appeal form (attached) provided by the Department. The appeal is to show where the dog owner believes that the decision of the General Manager:

- Is not supported by the evidence or;
- The Hearing was not conducted in accordance with Section 53.18.5(q)(3) LAMC.

The appeal may not be based on *new* evidence, that is, evidence not presented at the Administrative Hearing, or challenge the legality of the Los Angeles Municipal Code.

Upon receipt and validation of an appeal, the Board of Animal Services Commissioners will hold an appeal hearing. The Board will review the case file and take testimony regarding the basis of the appeal from both the dog owner and the complainant. The Board will then render a decision. The Board may:

- Uphold the decision of the General Manager
- Revise the terms and conditions imposed by the General Manager; or
- Overturn the decision of the General Manager and dismiss the case.

The decision of the Board of Animal Services Commissioners is the final step in the administrative process. If either the dog owner or the complainant is not satisfied with

the final decision, they may file for a Writ of Mandate and a stay of the Department's order with the Los Angeles Superior Court.

#### SEC. 53.18. RECORD OF LICENSES.

It is hereby made the duty of the Department to keep a record of licenses issued so that a complete copy thereof may be issued when required.

#### SEC. 53.18.5. HEARING PROCEDURES AND LICENSE REVOCATIONS.

# (Added by Ord. No. 162,538, Eff. 8/27/87; Title Amended by Ord. No. 181,930, Eff. 12/11/11.)

This section shall govern hearing procedures for barking dog complaints, the revocation of dog licenses and related matters. For purposes of this section the term "dog" includes the plural and the term "owner" means the owner or person having charge, care or custody of a dog. (Amended by Ord. No. 181,930, Eff. 12/11/11.)

(a) **Hearing.** A hearing pursuant to this Section shall be held to issue or reissue a dog license upon terms, conditions and restrictions. A hearing shall also be held to revoke a dog license that has previously been issued or reissued upon terms, conditions or restrictions where the owner has either failed to comply with the terms, conditions or restrictions or the violation continues to exist or reoccurs. A hearing also may be held in the absence of a dog license or in the absence of a valid license. Following the hearing, the license may be issued or reissued upon terms, conditions and restrictions, or the owner may be ordered to surrender the dog to the Department or remove the dog from the City as if the license was revoked. (Amended by Ord. No. 181,930, Eff. 12/11/11.)

(b) **Hearing Examiner.** A Hearing Examiner appointed by the General Manager shall exercise all powers relating to the conduct of the hearing, including but not limited to, the administration of oaths and affirmations and to certify to official acts.

(c) Notice of Hearing. The Department shall commence a hearing by issuing to and the serving of a written notice upon the owner of the dog. Notice shall be served at least ten (10) days prior to the date set for the hearing. The notice shall state in clear and concise language:

1. the purpose and reason for holding the hearing and the requested remedy or penalty, and

2. the time and place where the hearing is to be held.

(d) Subpoena Power. (Amended by Ord. No. 173,273, Eff. 6/25/00, Oper. 7/1/00.) The General Manager or his authorized representative is authorized and empowered to summon witnesses for the hearing by requesting the City Clerk, pursuant to Section 217 of the Charter of the City of Los Angeles, to issue subpoenas requiring the attendance of such witnesses at the time and place specified.

(e) **Witnesses.** At the hearing, the owner of the dog, the complainant or complainants, if any, and the Department shall be given an opportunity to present evidence, and call and cross-examine witnesses.

(f) **Continuances.** The Hearing Examiner may continue the hearing from time to time upon good cause being shown.

(g) Notice. Any written notice provided for in this section shall be served upon the owner of the dog in the manner provided for giving of notice in Section 11.00 (i) of this Code, or by posting upon property occupied by the owner, or both. Service by posting is complete upon posting.

(h) **Evidence.** Hearings need not be conducted according to technical rules relating to evidence or witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Oral evidence shall be taken only on oath or affirmation.

(i) **Reporting.** A recording or transcript of the hearing shall be taken.

(j) **Burden of Proof.** The burden is on the Department to show by a preponderance of the evidence that the allegations made are true.

(k) **Hearing Examiner - Report.** The Hearing Examiner shall, within 15 days of the conclusion of any hearing, submit a report to the General Manager. The report shall contain a summary of the evidence, including oral testimony, and shall state the Hearing Examiner's findings and recommendations. The report shall be a public record and shall be served upon the owner of the dog in accordance with the provision of (g) above.

(1) Hearings. (Amended by Ord. No. 165,507, Eff. 3/25/90.)

1. (Amended by Ord. No. 181,930, Eff. 12/11/11.) If, at the initial hearing the Hearing Examiner determines that the allegations are true, the Hearing Examiner shall recommend that the license be issued or reissued upon reasonable terms, conditions or restrictions for the training, handling or maintenance of the dog to abate the condition which gave rise to the hearing. In the absence of a dog license or of a valid license, the Hearing Examiner may recommend that the license be issued upon reasonable terms, conditions or restrictions or if the owner is unwilling to accept an issued or reissued license, that the dog be surrendered to the Department or removed from the City. Surrendering the dog to the Department or removing the dog from the City shall be in addition to any civil or criminal penalties for failure to have a valid license.

Terms, conditions, or restrictions may include but are not limited to the following:

A. selection of locations within the owner's property or premises where a dog shall not be kept;

B. requirements as to size, construction or design of an enclosure where a dog may be kept;

C. specialized training from a trainer or training program approved by the Department to correct any of the dog's behavioral problems;

D. removal of one or more dogs from the premises to another location or prohibiting the addition of any new dog at the premises;

E. types and method of restraint, or muzzling, or both;

F. photo identification, permanent marking, electronic identification device, or all of these, for purposes of identification;

G. sterilization, even if otherwise exempt;

H. a civil penalty as provided by ordinance for an administrative citations enforcement program;

I. requiring the owner to obtain a Restricted Dog Permit with additional terms, conditions and restrictions pursuant thereto.

2. A hearing or subsequent hearing shall be held wherein the license may be revoked if the owner has either failed to comply with the terms, conditions or restrictions imposed pursuant to clause (1), above, or Subdivision (r) or if the violation continues to exist.

If the license is again reissued, in addition to any other term, condition or restriction recommended by the Hearing Examiner, the licensee shall agree to pay a civil penalty in the amount of two hundred fifty dollars (\$250) as a condition of the re-issuance of the license. The General Manager shall establish such rules and regulations as are reasonably necessary to prevent the imposition of the civil penalty from becoming an economic hardship on the licensee. Such rules and regulations shall include, but are not limited to, criteria to reduce the amount of penalty to be imposed and provisions for time payments.

3. If the owner fails to appear at a hearing or absents himself from a hearing, the Hearing Examiner may continue the matter or proceed with the hearing as the Hearing Examiner deems appropriate. Notwithstanding any other provision of this Section, the Hearing Examiner may recommend that the license of any owner who fails to attend a hearing or absents himself from a hearing be revoked if the evidence establishes that the allegations are true. In the absence of a license or a valid license, the Hearing Examiner may recommend that the dog be surrendered to the Department or removed from the City as if the license were revoked. Surrendering the dog to the Department or removing the dog from the City shall be in addition to any civil or criminal penalties for failure to have a valid license. (Amended by Ord. No. 181,930, Eff. 12/11/11.)

#### (m) General Manager – Review.

1. The General Manager shall review the findings and recommendations of the Hearing Examiner and may adopt or reject the Hearing Examiner's findings, or may adopt or modify the recommendations of the Hearing Examiner, or may return the matter to the Hearing Examiner

for further evidence or for additional findings and recommendations. The General Manager's decision shall be finalized in writing within 15 days of the receipt of the Hearing Examiner's findings and recommendations, and shall be served upon the owner in accordance with the provisions of (g) above.

2. The decision of the General Manager is final and effective when served upon the owner, unless there is an appeal filed within 15 days of said service.

(n) **Revoked License - Removal of Animal from City.** Following a hearing, if a dog license is revoked, or in the absence of a license or a valid license, if the dog has been ordered to be surrendered to the Department or removed from the City as if the license were revoked, the owner shall surrender the dog to the Department or permanently remove the dog or cause the dog to be permanently removed from the City within five (5) calendar days after either the time for appeal, as provided herein, has passed without an appeal being filed, or the decision of the General Manager revoking a dog license or ordering the dog to be surrendered to the Department or removed from the City as if the license were revoked, has been served upon the dog owner. The dog shall be impounded by the Department if found within the City after the five day period. Failure to remove a dog from the City or surrender it to the Department as provided herein is a misdemeanor. (Amended by Ord. No. 181,930, Eff. 12/11/11.)

(o) **Subsequent Disposition of Dog.** Notwithstanding any other provision of law, the Department shall hold for sale any dog surrendered or impounded pursuant to this section for a period of forty-five (45) days. The dog must be transferred to and sold from a district animal shelter different from the district animal shelter where the complaint arose. The General Manager or his duly authorized representative may impose appropriate terms, conditions or restrictions as a condition to the issuance of a new license to a new owner.

(p) Notice to the Department of the Removal of a Dog from the City. An owner of any dog whose license has been revoked pursuant to this section shall inform the Department in writing upon the dog's removal from the City the name, address, and telephone number of the new owner, the location where the dog will be kept and the name and description of the dog. The owner shall, in addition, notify the new owner in writing of the details of any and all complaints concerning the dog, and any terms, conditions or restrictions previously imposed by the Department. The owner shall provide the Department with a copy of the notification to the new owner as well as an acknowledgment by the new owner the receipt thereof.

#### (q) Appeal Procedures. (Amended by Ord. No. 164,477, Eff. 3/27/89.)

1. The decision of the General Manager to revoke a dog license or order a dog to be surrendered to the Department or removed from the City as if the license were revoked, to declare a dog to be a dangerous animal, to issue or re-issue a dog license upon terms, conditions or restrictions, or refuse to issue a new license pursuant to Subdivision (r) may be appealed to the Board of Commissioners by the owner of the dog as provided herein. (Amended by Ord. No. 181,930, Eff. 12/11/11.)

2. The Board may establish such rules and procedures consistent with this section as it deems necessary for the conduct of the hearing of appeals, including, but not limited to, the filing and presentation of written and oral statements.

3. The appeal shall be in writing and shall be on an appeal form provided by the Department. The appellant shall set forth specifically on the form wherein the appellant believes that the decision of the General Manager is not supported by the evidence or where any hearing before a Hearing Examiner was not conducted in accordance with the provisions of this section for the conduct of hearings. Within 10 days from the date of a timely filed appeal, the General Manager shall transmit to the Board copies of the Hearing Examiner's file and report, the General Manager's written decision and the appeal form for consideration.

The grounds or reasons stated on the appeal form by the appellant will be the only grounds or reasons considered by the Board. No appeal shall be considered if filed or postmarked later than 15 days after the decision of the General Manager is served upon the owner or if the owner has failed to appear at the hearing before the Hearing Examiner.

4. The Board shall fix the time, date and place of the hearing and shall serve a notice of the hearing upon all parties at least five days prior to the hearing. The Board shall conduct its hearing at the time, date and place specified in the notice unless, upon the written request of the appellant and upon good cause being shown, it agrees to continue the hearing once to a date certain no later than 14 days after the original date set for the hearing.

5. The Board, after notice and hearing, may affirm, modify, or reverse the decision of the General Manager and deny or grant appeal accordingly.

6. The Board shall not consider any new evidence and shall base its decision only upon

(i) the record before the Hearing Examiner,

(ii) the report of the Hearing Examiner,

(iii) the written decision of the General Manager,

(iv) the appeal form, and

(v) a consideration of statements, if any, presented to the Board orally or in writing at the hearing.

7. The Board shall make its decision within 75 days from the date the General Manager transmits to the Board the materials described in Subdivision 3 above provided, however, this time limit may be extended once if, prior to the expiration of the 75 days, the appellant, the General Manager and the Board mutually agree to extend this time limit for a period not to exceed 15 days. If the Board fails to act on any appeal within the specified time limits, the decision of the General Manager shall be deemed affirmed without further action by the Board.

8. The Board may reverse or modify the decision of the General Manager and grant the appeal only when the written decision of the General Manager is not supported by the evidence or whenever a hearing before a Hearing Examiner was not conducted in accordance with the provisions of this section for the conduct of hearings.

9. The decision of the Board to reverse or to modify the decision of the General Manager shall be in writing. The decision shall enumerate the ground or grounds which form the basis for the Board's action and specify where in the record the evidence supports each ground so enumerated.

10. A decision of the Board is final. It becomes effective when served upon the General Manager and appellant by the Board.

(r) Reinstatement of License Privileges. (Added by Ord. No. 165,507, Eff. 3/25/90.) Upon the written request of the person whose privilege to own, possess, control or be in charge of any dogs has been terminated pursuant to Sections 53.34.4(h) or 53.63(c), the General Manager may reinstate the privilege as to other dogs and authorize the Department to issue a new license. In addition to any other requirement of law, the General Manager may impose such terms, conditions or restrictions as he believes are necessary to protect the public health, safety and welfare, and which may be in addition to any term, condition or restriction authorized by Clause (1) of Subdivision (1), above, or Section 53.34.4(e)(2).

The General Manager's decision shall be in writing and state the reasons for issuing or refusing to issue the license or imposing terms, conditions or restrictions and shall be served upon the owner in accordance with the provisions of Subdivision (g). The owner may appeal to the Board the refusal to issue a license or the imposition of terms, conditions or restrictions as provided by this section.

No license shall be issued until the decision is final and then only upon the written acceptance by the owner of any terms, conditions or restrictions finally imposed. If the owner fails to comply with the terms, conditions or restrictions imposed herein, any license revocation hearing shall be held pursuant to Clause (2) of Subdivision (1) this section.

SEC. 53.19. CAT TAG – ISSUANCE OF.

#### (Added by Ord. No. 142,367, Eff. 9/24/71, Oper. 10/1/71.)

(a) Upon payment of a \$5.00 fee, there shall be issued at the request of each cat owner or person having custody or control thereof, a cat identification tag to be worn by the cat for which it is issued.

(b) The Department shall keep a record of the name and address of the person to whom each such identification tag is issued, the number of such tag, the date of issuance thereof and a description of the cat for which issued.

United States Department of Housing and Urban Development. No more than three cats per person or household may be spayed or neutered free of charge, except that upon satisfactory proof of loss or death of a cat that was spayed or neutered free of charge under the provisions of this Subsection, a replacement cat may be spayed or neutered free of charge for the same person. (Amended by Ord. No. 181,268, Eff. 9/26/10.)

(b) **Consent Form and Waiver.** (Added by Ord. No. 141,123, Eff. 11/19/70.) Persons submitting dogs or cats for the above service shall sign a consent form certifying thereon under penalty of perjury that they are the owner of said animals or are otherwise authorized to present the animal for the above operation and such persons may be required to furnish proof of such ownership or authority.

Such consent shall contain a waiver of any and all liability of the City, the Department of Animal Services and City employees for any injury or death to an animal arising out of the aforementioned operation or any services provided incidental thereto.

(c) Board and Care Charge. (Added by Ord. No. 141,123, Eff., 11/19/70.) The department shall establish a return date by which persons submitting animals for the above operation shall pick up said animals or be subject to a reasonable board and care fee to commence the day after such return date.

Failure to pick up an animal within 15 days of said return date shall be deemed abandonment of such animal and the General Manager may dispose of it by sale or destruction.

(d) Suspension of fees. The fees and charges imposed by this section are hereby suspended for the period September 26, 1987 through and including January 22, 1988. (Added by Ord. No. 162,744, Eff. 9/24/87.)

SEC. 53.32. ANIMALS – DISPOSAL OF.

It shall be the duty of the General Manager of the Department and he is hereby authorized and empowered to issue and sign a death warrant and order the destruction by any employee of the Department, of any animal lawfully taken into custody of the Department which in the opinion of the General Manager is, by reason of old age, unfit for further use, or which is infected with any dangerous or communicable disease, or which is in an incurably crippled condition, or which is adjudged by a written report of a licensed veterinarian to be afflicted with any painful or incurable disease. (Amended by Ord. No. 133,983, Eff. 4/10/67.)

The General Manager shall issue and sign a death warrant for and authorize the destruction by a police officer or other person of any animal inflicted with any dangerous or communicable disease or which is in an incurable crippled condition.

SEC. 53.33. VICIOUS ANIMALS – PRIVATE PREMISES.

(Amended by Ord. No. 148,943, Eff. 11/25/76.)

(a) No person, owning or having custody or control of any dog, other than a sentry dog, or any other animal known by such person to be vicious or dangerous, shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises. For the purposes of this section "sentry dog" shall mean a dog trained to work without supervision in a fenced facility to deter or to detain persons found within the facility.

(b) Notwithstanding any other provisions of this Code, no owner or person charged with custody or control of a sentry dog shall assign or work such dog on a premises, unless said premises is posted to warn of sentry dog activity. Said warning shall consist of signs placed at 50-foot intervals around the perimeter of the area guarded by the sentry dog and at all entrances and exits to said area. Such signs shall measure 10" x 14" and shall contain black lettering on a white background stating "WARNING - SENTRY DOG ON DUTY," and shall also depict the head of a dog with bared fangs. In addition the sign shall set forth the name, address and telephone number of the sentry dog company furnishing the dog for hire. The telephone number shall be a telephone which is manned by a person 24 hours a day every day of the year.

#### SEC. 53.34. ANIMALS AT LARGE.

# (Title amended by Ord. No. 162,537, Eff. 8/8/87.) (Section amended by Ord. No. 162,748, Eff. 9/24/87.)

A person who owns or is in charge of or controls or who possesses a dog or other animal who permits, allows or causes the dog or other animal to run, stray, be uncontrolled or in any manner be in, upon, or at large upon a public street, sidewalk, park or other public property or in or upon the premises or private property of another person is guilty of a misdemeanor if said dog or other animal bites, attacks or causes injury to any human being or other animal.

Any person convicted under this section or Section 53.33 shall not own, possess, control or be in charge of any animal of the species which caused the bite, attack or injury for a period of three (3) years from the date of conviction. The Department shall not issue or renew any license or permit for said species of animal, except that upon the written request of the person so convicted, the General Manager may authorize the issuance of a dog license pursuant to the provisions of Section 53.15(b).

#### SEC. 53.34.1. MENACING DOGS.

#### (Added by Ord. No. 168,864, Eff. 7/7/93.)

No person, owning or having custody or control of any dog, whether or not restrained by a substantial chain or leash, shall permit the dog to unlawfully assault, threaten or menace any human being or other animal upon any public street, sidewalk, park or other public property, or in or upon the premises or private property of another.

#### SEC. 53.34.2. IMPOUNDMENT – BITING OR ATTACKING ANIMAL.

#### (Added by Ord. No. 162,537, Eff. 8/8/87.)

(a) The Department shall have the power to summarily and immediately impound a dog or other animal where there is evidence it has attacked, bitten or injured any human being or other animal pending any court or dog license or animal permit revocation proceeding arising from the attack, bite or injury; or to undertake a hearing pursuant to Section 53.34.4. A duly authorized Department employee may enter and inspect private property to enforce the provisions of this section as provided by Section 53.03 of this article.

Failure to surrender to the Department upon demand a dog or other animal which is subject to being impounded pursuant to this section is a misdemeanor.

A dog or other animal, impounded pursuant to the authority of this section, shall be returned to the owner or custodian as provided by Section 53.34.4 or when it is no longer required as evidence, or if a notice of a hearing pursuant to Section 53.34.4 to declare the dog or other animal a dangerous animal has not been served on the owner or custodian within seven days after the impoundment.

(b) In lieu of impound, the General Manager may permit the dog or other animal to be confined at the owner's or custodian's expense in a Department approved dog kennel or veterinary facility within the City or at the owner's or custodian's residence provided that the owner or custodian:

1. Shall not remove the dog or other animal from the kennel, veterinary facility or residence without the prior written approval of the General Manager or his authorized representative; and

2. Shall make the dog or other animal available for observation and inspection by Department personnel or members of law enforcement or their authorized representatives.

(c) The General Manager or his designated representative may have a dog or other animal, impounded or confined as provided in (a) or (b) above, permanently identified by means of photo identification prior to release from impound or confinement.

#### SEC. 53.34.3. RESTRICTED DOG PERMIT.

#### (Added by Ord. No. 181,930, Eff. 12/11/11.)

(a) Following a hearing in accordance with Section 53.18.5 or Section 53.34.4, if the Hearing Examiner determines that the bite, attack or injury was the result of improper or negligent training, handling or maintenance, and that the owner or custodian is able and willing to properly train, handle or maintain the dog and that a similar incident is not likely to occur if the terms, conditions and restrictions are followed, the Hearing Examiner may recommend that a Restricted Dog Permit be issued as part of the terms, conditions or restrictions pursuant to Subsection (1) of Section 53.18.5, to include, but not limited to, some or all of the following additional terms, conditions or restrictions to protect the public health, safety and welfare:

The General Manager may adopt and enforce reasonable rules and regulations to carry out the purposes of this article. The General Manager may amend such rules and regulations from time to time. Such rules and regulations and amendments thereto shall take effect upon publication in a newspaper of general circulation in this City. Violation of such rules and regulations shall be a misdemeanor. (Amended by Ord. No. 133,983, Eff. 4/10/67.)

#### SEC. 53.59. ANIMALS – DISTANCES – SEPARATION FROM DWELLING.

The Department shall, by its rules, establish the minimum distance from dwellings, churches, schools, office buildings, business establishments and other occupancies, within which animals, and the cages, coops, or other enclosures required for their keeping may be maintained. (Amended by Ord. No. 133,983, Eff. 4/10/67.)

Notwithstanding the above, the minimum distance between dwellings and structures and enclosures for the housing of equines, or equine uses of land shall be governed by <u>Chapter I</u>, <u>Article 2</u> of the Los Angeles Municipal Code. (Para. added by Ord. No. 170,321, Eff. 3/5/95.)

SEC. 53.60. CARRIER AND HOMING PIGEONS – PERMITS.

#### (Added by Ord. No. 127,508, Eff. 6/29/67.)

No person shall liberate, for exercise or racing, carrier or homing pigeons unless a permit to do so has been first obtained from the Department. (Amended by Ord. No. 150,337, Eff. 1/1/78.)

SEC. 53.62. ANIMALS; BURIAL OF.

(a) Except as otherwise provided in this section, no person in whose possession any animal or fowl dies shall fail or neglect to notify forthwith the Board of Public Works, at the refuse station maintained by said Board, of the presence of a dead animal or fowl, and the address where the carcass thereof may be found. (Amended by Ord. No. 143,146, Eff. 4/27/72.)

(b) No person shall bury any animal or fowl in the City except in an established cemetery. The death of any such animal or fowl which is to be buried in any such cemetery need not be reported to the Board of Public Works as in this section provided. (Amended by Ord. No. 127,508, Eff. 6/29/64.)

(c) The provisions of Subsections (a) and (b) of this section do not apply when the animal or animals that died were determined before or after their deaths to have had Exotic Newcastle Disease by one or more persons then engaged in a program instituted by the Animal and Plant Health Service of the United States Department of Agriculture to eradicate Exotic Newcastle Disease. (Amended by Ord. No. 143,378, Eff. 5/15/72.)

SEC. 53.63. BARKING DOG NOISE.

(Amended by Ord. No. 162,538, 8/27/87.)

It shall be unlawful for any person to permit any dog or dogs under his or her charge, care, custody or control to emit any excessive noise after the Department has issued a written notice advising the owner or custodian of the alleged noise and the procedures as set forth below have been followed. For purposes of this section, the term "excessive noise" shall mean noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept. The noise must be continuously audible for ten (10) minutes or intermittently audible for thirty (30) minutes within a three (3) hour period. However, the provisions of this section shall not apply to any commercial animal establishment permitted by zoning law where located. The Department is responsible for enforcement of the provisions of this Section as follows: (Amended by Ord. No. 181,930, Eff. 12/11/11.)

#### (a) First Complaint. (Amended by Ord. No. 181,930, Eff. 12/11/11.)

1. Upon receiving a written complaint involving a whining, barking, howling, or similar dog noise, the Department shall issue a written notice to the owner or person having charge, care, or custody (hereinafter in this Section referred to as the owner) of the dog or dogs advising that person of the noise complaint and requesting immediate abatement of any excessive noise.

2. Complaints to the Department must be submitted in writing, and shall include the name, address and telephone number of the complainant(s) as well as the address of the dog owner and a description of the noise.

#### (b) Second Complaint. (Amended by Ord. No. 181,930, Eff. 12/11/11.)

1. If, within 15 days from the issuance of the written notice pursuant to (a) above, a second complaint is received from the complainant along with a written complaint from an additional complainant residing in a separate residence within reasonable proximity to the dog(s), the Department shall, by written notice, require the complainant or complainants and the owner of the dog or dogs to appear at a meeting before a Department representative to discuss possible ways and means to resolve the problem. The Department may proceed with a meeting based on a second complainant. If the problem remains unresolved, the matter shall be set for hearing as provided by Section 53.18.5.

2. If the owner fails to appear before the Department representative, and there is evidence that the dog or dogs have emitted excessive noise, the problem shall be deemed unresolved, and the matter set for hearing as provided by Section 53.18.5.

(c) New License Prohibited. (Amended by Ord. No. 165,507, Eff. 3/25/90.) Any person whose dog license has been revoked pursuant to this section shall not have the privilege to own, possess, control or be in charge of any dog for a period of one (1) year from the date the decision becomes final and the Department shall not issue, reissue or renew any license except as provided by Section 53.18.5(r).

(d) Notice Requirements. Notice required pursuant to this section shall be given in the manner provided by Section 53.18.5(g)

(e) **Exemption.** (Added by Ord. No. 172,735, Eff. 9/9/99.) This section shall not apply to any person using guard and/or sentry dogs on lots zoned CCS, M1, M2, MR1, and MR2, as long as that person, at the time when the complaint of excessive noise is lodged with the Department, is in full compliance with the requirements of Sections <u>53.64</u> and <u>53.66</u> of this Code.

## SEC. 53.64. REGULATION OF SENTRY DOG SERVICES.

#### (Title and Section amended by Ord. No. 157,093, Eff. 11/6/82.)

**Purpose of Section** – The need for technical skill, training and experience, and other fundamental qualities and qualifications in persons engaged in the business of providing sentry dog services, of training sentry dogs, and of handling sentry dogs having been established and demonstrated, and in order to safeguard the health and safety or the general public, of persons who acquire such dogs and of the dogs themselves, it is the purpose of the City of Los Angeles, in enacting this ordinance, to make appropriate provision for the licensing and regulation of sentry dog businesses, trainers, handlers, and owners.

#### A. Definitions.

(1) **"Sentry Dog"** means any dog trained to guard, protect, patrol or defend any premises, area or yard, or any dog trained as a sentry or to protect, defend or guard any person or property or any dog which is schutzhund or any similar classification.

(2) **"Trainer"** means any person who engages in the practice of training a sentry dog in or for placement in the City of Los Angeles.

(3) **"Handler"** means any person who has custody of sentry dogs for transportation, placement, drop-off, or pickup to or at a location within the City of Los Angeles as part of a sentry dog service.

(4) **"Sentry Dog Service"** means engaging in the business of providing sentry dogs in the City of Los Angeles.

(5) "**Person**" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

(6) **"Owner"** means any person who has purchased or obtained legal custody of a sentry dog.

(7) "Licensee" means any person licensed pursuant to the provisions of this section.

B. Licensing.

## BOARD OF ANIMAL SERVICES COMMISSIONERS DAVID ZAFT PRESIDENT

ALANA YAÑEZ VICE PRESIDENT

COMMISSIONERS

JENNIFER BRENT

ROGER WOLFSON



ERIC GARCETTI MAYOR DEPARTMENT OF ANIMAL SERVICES 221 North Figueroa Street 5<sup>th</sup> Floor Los Angeles, CA 90012 (888) 452-7381 FAX (213) 482-9511

BRENDA F. BARNETTE GENERAL MANAGER

JOHN D. CHAVEZ ASSISTANT GENERAL MANAGER

DR. JEREMY PRUPAS CHIEF VETERINARIAN

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

## COMMISSION MEETING DATE: July 22, 2014

**REPORT BY:** John Chavez

REPORT DATE: July 18, 2014

TITLE: Asst. General Manager

## SUBJECT: REQUEST FOR PROPOSALS FOR WEST LOS ANGELES AND HARBOR SHELTERS SPAY/NEUTER CLINICS

# **BOARD ACTIONS RECOMMENDED:**

- 1. AUTHORIZE the Department to release a Request for Proposals (RFP), substantially in the form attached, for the operation of spay/neuter clinics at the West Los Angeles and the Harbor shelters, subject to approval of the City Attorney as to form and legality.
- 2. DIRECT the Department to report back to the Board with the recommended proposer(s) and a draft three-year agreement(s), each with three one-year renewal options.

## SUMMARY:

In 2008, the Department issued contracts for the operation of spay/neuter clinics at the West Los Angeles and Harbor shelters. Both contracts have been extended to the full length allowed by the City and will expire in January 2015. The Department seeks to continue spay/neuter clinic services at both shelters. Approval is requested to initiate the process to select new vendors to assume operation of these clinics without any gap in service.

AN EQUAL OPPORTUNITY EMPLOYER

# REQUEST TO RELEASE RFPS FOR THE WEST LOS ANGELES AND HARBOR SHELTERS SPAY/NEUTER CLINICS

The Department requires that dogs and cats adopted from its shelters be spayed or neutered, with certain specific exceptions. To accomplish this, the Department contracts with private veterinarians to spay or neuter animals to be adopted. These veterinarians are paid from the Department's Animal Sterilization Fund.

Sending soon-to-be-adopted animals to private veterinarians strains the City's resources by using staff time and vehicles for the daily transport of these animals to various veterinarians. Additionally, when the public needs to pick up their recently sterilized animals, they need to drive to the veterinarian – rather than the shelter.

To streamline the spay/neuter process for adopted animals, each of the shelters built using Proposition F bond funding has a spay/neuter clinic. Free-standing equipment and tools are purchased by the private veterinarians. Once obtained, the clinics serve as self-contained veterinary medical facilities within our shelters.

Having a fully functioning spay/neuter clinic at each shelter reduces the City's transportation and staffing costs, reduces the administrative costs of processing payments, and allows adopters to pick up their pets from the same shelters from which the animals are adopted. These in-shelter clinics promote responsible pet ownership by making it easier to sterilize animals.

While the Department employs several veterinarians and veterinary technicians to treat and care for animals under its control, current workloads preclude City staff from performing all the spay/neuter surgeries needed. As the Department transitions into "no-kill" shelters, a long-term contract with private veterinarians to occupy the Harbor and West Los Angeles clinics will ensure that residents are provided with the necessary veterinary services for their companion animals.

## SIGNIFICANT TERMS AND CONDITIONS:

#### <u>Term</u>

The initial term of the agreement shall be for three (3) years, with a renewal option of up to three (3) additional years, exercisable at the City's sole discretion.

#### Standard Terms and Conditions

The Contractor will be required to comply with the City's Standard Terms and Conditions.

#### Permits and Licenses

The Contractor will be required to obtain, at its sole expense, all necessary insurance, permits and licenses to operate the clinic.

#### Days and Hours of Operation

The Contractor shall provide spay and neuter services, at minimum, five days per week, preferably seven days per week.

#### Prices of Services

Spay/neuter costs may not exceed fees approved by the Board of Animal Services Commissioners. Prices to be charged to the Department reflect Board-approved pricing less a discount. The percentage discount and the services provided for the health and welfare of the City's companion animals shall be considered adequate compensation to the City for the use of the facility.

#### Equipment

The Department will not provide any equipment to the Contractor; the Contractor will be required to purchase and maintain all equipment and medical supplies necessary to provide services.

#### Cost of Operations

The cost of staffing, maintaining, and performing related services under the Agreement shall be the sole responsibility of the Contractor. No charges shall be paid by the Department beyond those stated in the Agreement for spay/neuter surgeries.

#### **Quality Assurance**

The Department will evaluate the Contractor's performance by using such procedures as may be necessary to ascertain compliance with the Agreement including, but not limited to, WOOFSTAT reports, on-site inspections and written reports. The Contractor shall be required to immediately correct all deficiencies found by the Department.

#### Utilities

The City shall provide electricity, water, heating and air conditioning, and maintain the delivery systems thereof. The Contractor will be responsible for all additional utilities, including telephone service and data.

#### Improvements

No improvements to the premises shall be made without prior written approval of the Department and General Services.

#### FISCAL IMPACT:

There is no impact to the General Fund. Funds will be used from the Animal Sterilization Fund.

#### Approved:

#### Brenda Barnette, General Manager

Attachment

**BOARD ACTION:** 

Passed

Disapproved \_\_\_\_\_

Page 3 of 4

 Passed with noted modifications	Continued
 Tabled	New Date



# City of Los Angeles Department of Animal Services

# REQUEST FOR PROPOSALS

To Operate the Department of Animal Services' Spay/ Neuter Clinics At the West Los Angeles and Harbor Shelters



RFP Release Date Deadline to Submit Proposals:

TBD

TBD

Attention: John Forland Department of Animal Services 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 qualified veterinary medical clinic operators to operate the Department's spay/neuter clinics at the West Los Angeles and Harbor shelters. The operators will primarily provide high-volume spay and neuter services for shelter dogs, cats, and rabbits. Services will also be rendered to the public who may bring their pets for sterilization and related veterinary medical assistance.

The clinic is located within the West Los Angeles and Harbor shelters. The operator will need only bring their equipment, materials, supplies, medicines and controlled substances, and staff to begin operations as a self-contained, fully-equipped spay/neuter clinic. Floor plans for each clinic are attached here as Attachment X.

#### Award of Contract

To be considered, interested parties must respond to this RFP according to the instructions and guidelines stated herein. The Department intends to award a three-year contract to the person or entity who is the top-ranked proposer for each clinic, renewable at the City's sole discretion for up to three additional years, for a period of up to six years.

The proposer who demonstrates it is the most qualified to provide the required services, 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 Contract execution and start of services.

## Scope of Services

Contractors will be expected to provide spay and neuter services, along with other veterinary medical services enumerated in the draft personal services contract which, along with its exhibits, is included as Attachment X.

## **Estimated Value of Contract**

Payments to the contractor are expected to be up to \$500,000 for each clinic.

# No guarantee is given or implied as to the total amount to be paid to the Contractor during the term of the Contract(s).

## 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.
- "Clinic" means only that spay/neuter clinic to be operated by a Contractor awarded an agreement.

- "Contract" is synonymous with "Agreement" and means the agreement executed as a result of this RFP.
- "Contractor" means the veterinarian, individual, foundation, partnership, corporation, or other entity to which an agreement is awarded.
- "Department" means the Department of Animal Services.
- "GSD" means the City of Los Angeles Department of General Services
- "Proposer" means any veterinarian, individual, foundation, partnership, corporation, or other entity who submits a proposal in response to this RFP.

Draft RFP for West Los Angeles and Harbor shelters spay-neuter linics for July 22, 2014 Board meeting

## II. ABOUT THE 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, foster programs, volunteer programs, permits, prevention of animal cruelty, and community outreach programs, among others. Most of our services and programs are offered through our Animal Care Centers located throughout Los Angeles. At the care centers, 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

With the passage of the City's Proposition F, the Fire and Animal Facilities Bond, Los Angeles voters signaled their support for new, expanded, and modern facilities for animal care and human interaction. Seven new or expanded facilities 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, and misting systems for hot days, 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.

Additional information is available online at: <u>www.laanimalservices.com</u> .

## III. DEPARTMENT EVENTS

The Contractor's workload may increase in the days before or after the Department's various adoption events; the Contractor will be expected to make a reasonable effort to accommodate increased workloads. Following is a sampling of some of the pet-adoption events held by the Department:

#### **Mobile Pet Adoptions**

Each month, the Department organizes approximately Mobile Pet Adoptions, typically one-day events held on a Saturday or Sunday, and held in a variety of locations in Los Angeles. Usually about 30 to 40 animals are adopted at these events, and hundreds of people are provided with information and messages about animal issues, including spay/neuter information.

#### Pet Fairs

The Department holds pet fairs throughout the year at which free rabies vaccinations are given. Typically held in lower-income neighborhoods, these events help save animals' lives in communities in which residents may not otherwise be able to afford vaccinations for their pets.

#### Super Adoption Events

Super Adoption events are held two to three times a year, are high profile events that are held through partnerships between the Department and rescue organizations. These all-day and multi-day events attract thousands of current and potential pet owners.

## IV. PERSONAL SERVICES AGREEMENT

The proposed Personal Services Agreement is attached as Attachment X, and will be the Agreement, substantially in the form as attached, to operate the Clinic. Portions of the top-ranked proposal may be incorporated into and made part of the final executed Agreement. Attached to the Agreement are the License to Use the Premises of Spay and Neuter Clinic (Exhibit X of the Agreement), and the City's Standard Provisions for City Contracts (Rev. XX/XX; Exhibit X of the Agreement).

# V. REQUIREMENTS FOR SUBMITTING A PROPOSAL

#### A. Deadline for Submission

To be considered, proposals must be received on or before **TBD**, 4:00 p.m. Pacific Time, at the address listed below.

## B. Where to Submit your Proposal

Proposals must be for a single location. If proposing for both clinics, submit a separate proposal for each location. Submit your proposal or proposals in a sealed envelope or box labeled "Proposal to Operate the Spay/ Neuter Clinics at the West Los Angeles and Harbor Shelters." Indicate your name and address on the outside and deliver to:

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

## C. Number of Copies

Please provide one (1) original, one (1) reproducible copy, and three (3) photocopies and plainly identify the respective documents. (A reproducible copy is one which can readily be reproduced through a photocopier.)

## D. Administrative Requirements for Submittal

All proposals must 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.
- 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 end of the submission deadline may not be withdrawn after the submission deadline for a period of ninety (90) days following the deadline for submission of proposals specified in this RFP.
- 6. Timeliness of Proposals: 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 scheduled closing time for receipt of proposals.
- 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 John Forland at (213) 482-6980, or via email at john.forland@lacity.org.

# VI. CONTENTS OF SUBMITTED PROPOSALS

# ALL information requested must be included in your submitted proposal. The proposal must include:

- A cover letter
- Evidence of financial capability
- Description of your qualifications and experience
- Proposed services
- A business plan
- Proposed compensation to the City
- Additional information, if any
- Completed administrative requirements forms.

## For each of the above sections of your proposal, provide, 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 bank statements, letters of credit, etc., to demonstrate sufficient financial capability to cash flow the operation during the initial period and through the entire term of the Contract, including sufficient resources to equip the clinic, provide adequate staffing, and to provide required bonds.

## C. Qualifications and Experience

Contractor must have a licensed staff including veterinarians and registered veterinarian technicians that are licensed by the California Board of Veterinary Examiners, and will be required to maintain current licenses from the Board of Consumer Affairs, the Drug Enforcement Administration (DEA), and any other regulatory agencies requiring licensure. Include in your proposal:

- A detailed description of the veterinarian's qualifications and credentials, as well as the qualifications and credentials of key staff (for each location)
- Copies of licenses currently held
- Provide a list of at least three references for the last five years
- Include resumes of key staff

Proposer must have at least <u>five</u> years of recent experience; or, must have on staff a California-licensed veterinarian, with at least <u>five</u> years of recent experience, in high volume (average 40 surgeries per day or more) spay and neuter clinics. Describe your experience in operating a spay/neuter veterinary clinic:

• How many clinics have you operated? How many years in each?

- Describe the medical services provided (surgeries, procedures, etc.)
- Describe the volume of services (number of surgeries, types of animals, etc.)
- Describe experience in performing prepubescent sterilizations on dogs and cats

## D. Services to be Provided

In addition to spay/neuter services, indicate which of the optional services listed in the attached Agreement you will provide, if any. Include:

- List of services
- Price of each service
- Any additional services

For <u>all</u> services to be provided, indicate:

- Target volume of work
- How you expect to meet that target

# E. Business Plan

Submit a proposed operation plan. This must reflect an understanding of the overall goals of the Department and should demonstrate an interest in assisting with the Departments' goals to promote and protect the health, safety and welfare of animals and people in Los Angeles, including achievement of a permanent "no-kill" policy. The plan should include:

- Number of staff, and categories of each (veterinary, vet technician, clerical, etc.)
- Description of equipment to be used (indicate whether new, used, etc)
- A plan to track surgeries and other services; describe any software to be used for such tracking
- Methods of accounting
- Community outreach plans
- A projected financial statement, preferably in the form of a spreadsheet, for the operation of the proposed business for three years, showing projected operating expenses and projected revenues. You may indicate categories of services in your projected revenues, as well as categories of projected expenses (e.g. salaries, supplies, fees and insurance, etc.). You do not need to disclose proprietary or confidential information, but you should demonstrate realistic expectations of revenues and all expenses, and show that you are able to plan a financially viable operation.

# F. Compensation

City shall pay Contractor for spay/neuter surgeries for dogs, cats, and rabbits (males and females) from the shelter and those brought in by the public in connection with any of the Department's various sterilization programs, according to the Boardapproved fee schedule indicated in the attached Agreement. Of this payment, Contractor shall reimburse Department a percentage discount each month following receipt of the payment. Indicate your proposed discount: \_\_\_\_%. Additionally, Contractor shall pay the Department a percentage of gross revenues for all other services provided under the Agreement. Indicate your proposed percentage: \_\_\_\_\_%.

# G. Additional Information (if any)

Provide any additional information which you feel will further demonstrate your 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, depending on location being proposed
- Additional services which are available in addition to those listed in the Agreement (additional methods of accomplishing the Department's goals)
- Bilingual capabilities
- Explanations of any disciplinary actions, suspensions of license, claims, etc., if any
- Any other information which further demonstrates your firm's ability to achieve the Department's goals

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

# H. 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 <u>www.laanimalservices.com</u>, or by contacting the RFP administrator indicated on the cover of this RFP.

Documents to be included with each proposal are:

- 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

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

## VII. ADDITIONAL REQUIREMENTS OF SELECTED CONTRACTOR

After award of the Contract, and prior to execution, the selected Contractor shall 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
- Form W-9

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

- Copy of Los Angeles Business Tax Registration Certificate (BTRC) for the Clinic
- Proof of Insurance, subject to City approval
- Copy of Veterinary Premise Permit for the Clinic

# VIII. REVIEW, EVALUATION, AND AWARD

Evaluation of proposals and award will be made on a clinic-by-clinic basis; proposals for a particular clinic will be ranked only against proposals for that same clinic, and not against those of other clinics.

## 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 that it has sufficient financial capability to cash flow the operation during the initial period and through the entire term of the Contract.

Proposers who fail to meet the minimum requirements stated herein, or who fail to demonstrate sufficient financial capability, 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 may be convened to evaluate proposals, may interview proposers whose proposals have met the minimum requirements, and may be asked by the Department to recommend an award of a Contract. Said selection panel may be comprised of Department staff and/or appropriate experts.

Proposals will be rated according to the following criteria. Each category will be rated based on a point scale as shown below. Proposals will be ranked based on their respective aggregate scores with a perfect score being 100.

Experience and Qualifications (25 points):

- Relevant experience of proposer
- Proven ability to provide similar, top quality services to the City of Los Angeles, demonstrated through previous City experience, references, license history, and other facts; <u>or</u> proven ability to provide similar, top quality services in the private sector.
- Meets or exceeds required qualifications.

Proposed Services (25 points):

- Proposed fees for services to the public
- Demonstrated interest in public outreach and marketing
- Services are appropriate, reasonably-priced, varied.

Business Plan (25 points):

- Clarity and thoroughness of addressing all aspects of the proposed operation
- Demonstrates ability to accomplish the Scope of Services described in the attached Agreement
- Demonstrated willingness and ability to provide services to clientele of all income levels, or at levels appropriate for the community surrounding the proposed Clinic.

Compensation to City (25 points):

- Proposed discount to the City for sterilizations
- Proposed payment to City for additional services
- Payments are appropriate, feasible.

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 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/her recommendation to the Board in a Board Report. The Board will consider the General Manager's recommendation during a public Board meeting and may accept or reject the General Manager's recommendation in making their decision as to the selection, stating publicly the reasons for their action. The proposed Contract is subject to review by the Office of the Mayor, and the City Council's approval or rejection pursuant to Charter Section 373.

# C. Award of Contract

The General Manager of the Department recommends Contract awards to the Board of Animal Services Commissioners. The Department will notify all proposers of the General Manager's recommendation. Once the contract or contracts are approved by the Board, the selected proposer will complete and submit the additional documents as required by City Ordinance, State, or Federal laws, after which the Contract or Contracts will be forwarded to the Los Angeles City Council for final approval.

Contracts are deemed to be executed upon the date of signature, or as otherwise stipulated in 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 proposal to this RFP, the Department reserves the right to terminate the Contract.

# IX. ATTACHMENTS

Attachment A: Clinic Floor Plan

Attachment B: Personal Services Agreement

Exhibit A: License to Use Premises of Animal Spay/ Neuter Clinic

Exhibit B: Standard Provisions for City Contracts

Exhibit C: Premises Map (floor plan of the specific Clinic operated by

Contractor)

Attachment C: Number of Adoptions and Intakes

# Administrative Requirements and Forms

These are contained in a separate, companion booklet available at <u>www.laanimalservices.com</u> 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

#### BOARD OF ANIMAL SERVICES COMMISSIONERS

DAVID ZAFT PRESIDENT

ALANA YANEZ

JENNIFER BRENT

LARRY GROSS

ROGER WOLFSON

# **City of Los Angeles**

CALIFORNIA



# ERIC GARCETTI MAYOR

#### DEPARTMENT OF ANIMAL SERVICES

221 North Figueroa Street 5<sup>th</sup> Floor Los Angeles, CA 90012 (888) 452-7381 FAX (213) 482-9511

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: July 22, 2014

**REPORT DATE:** July 18, 2014

PREPARED BY: John Chavez

TITLE: Asst. General Manager

## SUBJECT: RECOMMENDATION TO INCREASE RABBIT ADOPTION FEES

#### **BOARD ACTIONS RECOMMENDED:**

- 1. APPROVE the increase in the rabbit adoption fees from \$56 to \$71;
- 2. AUTHORIZE funds generated from microchip sales be deposited into the Electronic Animal Identification Device Revolving Fund (Fund 41-C);
- 3. DIRECT staff to transmit the proposed action to the Office of the Mayor and to the City Council, requesting the City Council to direct the City Attorney to prepare an ordinance to amend Los Angeles Municipal Code Section 53.12 consistent with the above actions.

#### SUMMARY

Rabbits are currently adopted for **\$56**, which is made up of a \$16 adoption fee and \$40 spay/neuter deposit.

The Department recommends adding \$15 to the cost of the adoption to pay for the microchip; therefore total adoption fees would be **\$71** (\$16 adoption + \$40 sterilization cost + \$15 for the microchip).

#### BACKGROUND

The Department has had a number of rabbit-related issues on its recent agendas. In the course of these discussions, some rabbit advocates have suggested that the Department make rabbit microchipping mandatory.

Mandatory microchipping would assist the Department in finding the owners when rabbits are found in hoarding situations, abandoned, or in poor living conditions. The Department's standard operating procedure is to scan all animals brought into its shelters. Since most rabbits are not microchipped, the Department has very little success in reuniting rabbit and owner. However, mandatory microchipping will help getting rabbits back to their former homes.

AN EQUAL OPPORTUNITY EMPLOYER

Recommendation to Increase Rabbit Adoption Fee July 22, 2014

Today, when including the cost of the spay and neuter surgery, it costs \$56 to adopt a rabbit. Mandatory microchipping will increase the cost of the adoption, sterilization and chip to \$71.

#### **FISCAL IMPACT**

Funds generated by the sale of microchips are deposited into the Electronic Animal Identification Device Revolving Fund. At the end of each fiscal year, the Fund's balance is transferred into the City's General Fund. Last year, 918 rabbits were adopted. Any rabbit microchip revenues expected to revert to the General Fund would be negligible.

#### Approved:

Brenda Barnette, General Manager

**BOARD ACTION:** 

\_ Passed

Passed with noted modifications

Tabled

New Date \_\_\_\_\_

Disapproved \_\_\_\_\_

Continued