



County of Los Angeles CHIEF EXECUTIVE OFFICE OPERATIONS CLUSTER

SACHI A. HAMAI
Chief Executive Officer

DATE: January 31, 2019
TIME: 1:00 p.m. – 2:30 p.m.
LOCATION: Kenneth Hahn Hall of Administration, Room 830

AGENDA

Members of the Public may address the Operations Cluster on any agenda item by submitting a written request prior to the meeting.
Two (2) minutes are allowed for each item.

1. **Call to order / Introductions – Mark Baucum/Gevork Simdjian**
2. **Public Comment**
(2 minutes each speaker)
3. **INFORMATIONAL ITEM(S):**
(5 minutes total) [Any Information Item is subject to discussion and/or presentation at the request of two or more Board offices]:
None available at this time
4. **PRESENTATION/DISCUSSION ITEMS:**
 - A) MASSAGE ESTABLISHMENT ORDINANCE (20 minutes)
County Counsel – Judy Whitehurst, Assistant County Counsel and Nicole Davis Tinkham, Assistant County Counsel
 - B) Board Letter:
AMENDMENT NO. 7 TO eCAPS CONTRACT WITH CGI (10 minutes)
A-C – Karen Loquet, Assistant Auditor-Controller
 - C) Board Memo:
INTENT FOR A SOLE SOURCE AMENDMENT FOR MAINTENANCE AND SUPPORT OF THE JAIL INFORMATION MANAGEMENT SYSTEM (10 minutes)
LASD – Angelo Faiella, Administrative Services Manager III and Scott Goodwin, I.T. Manager III
5. **Adjournment**

FUTURE AGENDA TOPICS

CALENDAR LOOKAHEAD:

(5 minutes)

A) Board Letter:

DEVELOPMENT AGREEMENT AND GROUND LEASE WITH SEED FOUNDATION, INC. AND/OR ITS SUBSIDIARIES OR AFFILIATES FOR THE DEVELOPMENT OF THE SEED LOS ANGELES SCHOOL
CEO SIB – Fesia Davenport, Asst. CEO

**BOARD LETTER/MEMO – FACT SHEET
OPERATIONS CLUSTER**

OPS CLUSTER AGENDA REVIEW DATE	1/31/2019	
BOARD MEETING	2/26/2019	
SUPERVISORIAL DISTRICT AFFECTED	All Five Supervisorial Districts	
DEPARTMENT	County Counsel, TTC, PH, Regional Planning	
SUBJECT	Los Angeles County Massage Establishment Ordinance	
PROGRAM	Code Enforcement/Human Trafficking Prevention	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input type="checkbox"/> X No	
	If Yes, please explain why:	
DEADLINES/ TIME CONSTRAINTS	Must be delivered to Exec. Office for recording in the newspaper by 2/4 in order to be heard on 2/26/19	
COST & FUNDING	Total cost: \$	Funding source: Fees are proposed in the Ordinance
	TERMS (if applicable):	
	Explanation:	
PURPOSE OF REQUEST	Board Motion November 21, 2017	
BACKGROUND (include internal/external issues that may exist)	There are some indicators that public groups in support of victims of human trafficking will attend the Board meeting to ask the County to do more for the victims.	
DEPARTMENTAL AND OTHER CONTACTS	Name, Title, Phone # & Email: <ul style="list-style-type: none"> Nicole Davis Tinkham, Assistant County Counsel, 213-972-5720, ntinkham@counsel.lacounty.gov 	

ANALYSIS

This Ordinance establishes the Los Angeles County Massage Establishment Ordinance which improves administration and implementation of existing and new business licensing requirements for Massage Establishments in Title 7 – Business Licenses; adds a Public Health Permit requirement in Title 8 – Consumer Protection, Business and Wage Regulations, and Title 11- Health and Safety; and amends Title 22 – Planning and Zoning - to replace terminology for consistency. This Ordinance also amends or adds fees for the reasonable regulatory costs for issuing the license or permit.

MARY C. WICKHAM
County Counsel

By

JUDY WHITEHURST
Assistant County Counsel

STC:eb

Requested: 11/21/17
Revised: 01/23/19

ORDINANCE NO. _____

An ordinance amending and adding various sections to Titles 7, 8, 11, and 22, of the Los Angeles County Code, relating to the regulation of Massage Establishments.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 7.06.040 is hereby amended to read as follows:

7.06.040 - Application—Hearing required for certain activities.

Except as otherwise provided in Section 7.06.260 or 7.30.270 of this ~~§~~Title, the commission or referee shall hold a public hearing on every application for a new license required for:

...

10. ~~Massage parlors~~establishments, Section 7.54.010;

...

SECTION 2. Section 7.06.070 is hereby amended to read as follows:

7.06.070 - Valid license required to operate—Businesses designated.

A valid license other than the receipt described in Section 7.06.050 must be in the possession of the applicant in advance of the operation of the following businesses or activities:

...

Massage parlorestablishment

...

SECTION 3. Section 7.06.261 is hereby amended to read as follows:

7.06.261 - Renewals—Hearings for certain businesses which

exclude minors. Notwithstanding Section 2.06.260, the commission shall set for public hearing applications for renewals of licenses for escort bureaus; massage ~~parlors~~establishments; model studios; adult businesses; and further, for picture arcades, bookstores, theaters and entertainment licenses, when the licensed activity is not customarily open to the general public because minors are excluded as a prevailing business practice. The public hearing shall be held in accordance with the provisions of this ~~title~~.

SECTION 4. Section 7.10.110 is hereby amended to read as follows:

7.10.110 - Hearing by commission—Public notice requirements—

For certain businesses.

In addition to the notice required by Section 7.10.100, not less than five (5) days before a hearing on an application for a license for a public billiard room, billiard club, bookstore, bowling alley, card club, entertainment, growth center, off-the-road vehicles, (Section 7.90.570), outdoor festival, traveling show, motion picture theater, massage ~~parlor~~establishment, skating rink, model studio, figure studio, picture arcade, adult business or dance (except a dance for which pursuant to Section 7.30.210 a fee is not required), the business license commission shall:

A. Serve notice of the time and place of such hearing on the applicant and upon all persons whose names and addresses appear upon the latest available assessment roll as owners of the whole or any portion of the property on the block where the business is to be operated; and

B. Post such notice on the public street or highway in at least five (5) places on the block where it is proposed to conduct, maintain or operate such business. The notice shall be entitled "Notice of Hearing to Conduct a (activity)," which shall be printed in letters not less than one inch in height.

SECTION 5. Section 7.14.010 is hereby amended to read as follows:

7.14.010 - Fee schedule.

The license fees required to be paid to perform, carry on, conduct or engage in any businesses, occupations or activities set forth in this Title 7, the license ordinance codified in this ~~§~~Title, are as stated in this ~~e~~Chapter.

	FEES	
	First Year	Annual Renewal
...		
<u>MASSAGE PARLOR ESTABLISHMENT</u>	2,254.00 <u>1,896.00</u>	243.00 <u>1,119.00</u>
...		

SECTION 6. Section 7.47.020 is hereby amended to read as follows:

7.47.020 - License required—Exceptions.

Every person conducting a health club shall first procure a license, and for each of such places pay an annual license fee in the amount set forth in Section 7.14.010 of

this Title. This requirement does not apply to any location licensed as a massage parlor establishment.

PART 1 – MESSAGE PARLOR ESTABLISHMENTS.

SECTION 7. Section 7.54.005 is hereby added to read as follows:

7.54.005 – Short Title and Findings.

The ordinance codified in this Title, together with the additions and amendments to Titles 8, 11 and 22, are collectively referred to as the Los Angeles County Massage Establishment Ordinance. The Los Angeles County Massage Ordinance should be read together to understand an applicant and permittee's legal obligations and the Board of Supervisors' intent in implementing these provisions.

In enacting the Los Angeles County Massage Establishment Ordinance, the Board of Supervisors finds that preventing and addressing human trafficking is a top priority for the County of Los Angeles. Violations of law in the areas of public health, wage and labor, and general public safety often are an integral part of human trafficking. The Board of Supervisors also recognizes that, when operated professionally and in accordance with law, Massage Establishments provide valuable health and therapeutic services to the public. However, Massage Establishments have a history of abuse in prostitution and are prone to vice and other violations often with links to human trafficking.

This ordinance, and its various provisions, collectively seeks to curb and prevent the potential for human trafficking and other abuses in Massage Establishments through a combination of enhanced business licensing and public health requirements, including

but not limited to inspections, reporting requirements and other operational restrictions, as well as existing law enforcement review and coordination.

SECTION 8. Section 7.54.010 is hereby amended to read as follows:

7.54.010 - Definitions.

~~As used in this chapter:~~ As used in Title 7:

A. "CAMTC" means the California Massage Therapy Council, created pursuant to the Massage Therapy Act (California Business and Professions Code section 4600 et seq.), "California Massage Therapy Council" or "CAMTC" means the massage therapy organization authorized to issue certifications to massage technicians pursuant to the California Business and Professions Code Section 4600 et seq, the Massage Therapy Act and which is authorized to issue certifications to massage practitioners and massage therapists, massage technicians satisfying the requirements for certification. ~~who have satisfied the requirements for certification.~~

B. "Massage parlor" Establishment" means any premises where "massage" or "massage services" are given business that offers "massage," "massage services," or "massage therapy", including, but not limited to, reflexology, fomentations, shiatsu, alcohol rubs, Russian, Swedish, Turkish baths, or acupressure or any combination thereof in exchange for compensation at a fixed place of business and may include out-call massage services. Any business that offers any combination of massage and bath facilities - including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs - shall be deemed a Massage Establishment under this Chapter. "Out-call massage service" means providing massage for compensation at a location designated by the client rather than on the Massage Establishment premises.

~~"Massage" and "massage services" mean and shall include any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations.~~

~~"Massage" and "massage services" shall further include any bath, facial massage, fomentations, massage, electric or magnetic treatment, acupuncture, shiatsu, alcohol rubs, and Russian, Swedish, or Turkish baths.~~

C. "Massage" means the scientific manipulation of the soft tissues or as otherwise defined in Division 2 Chapter 10.5 of the Business and Professions Code.

SECTION 9. Section 7.54.020 is hereby amended to read as follows:

7.54.020 - License—Required.

Every person as defined in Title 7 Division 1 Chapter 7.02.260, ~~conducting or managing a mMassage parlor~~ Establishment, ~~or any other place where facial massages, fomentations, massage, electric or magnetic treatment, acupuncture, shiatsu, alcohol rubs, Russian, Swedish or Turkish baths are administered or given, or any school of massage which performs any such activity for any member of the public for any form of consideration or gratuity, shall first procure a license and pay for each of such places~~ pay an a annual license fee in the amount set forth in ~~Section 7.14.010 of this title,~~ under the appropriate heading pursuant to Title 7 Division 1. This requirement Part ~~does shall~~ not apply to any location licensed as a health club, provided only one massage table is used at such location and provided such use is incidental to the operation of the health club the following classes of persons or entities and no Massage

Establishment business license shall be required of such persons while engaged in the performance of the duties of their respective professions:

A. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the State of California, and persons working at the place of business and under the supervision of a licensed physician, surgeon, chiropractor, osteopath, or physical therapist;

B. Nurses who are registered as such under the laws of the State of California;

C. Hospitals and medical centers;

D. Barbers and beauticians, estheticians, and cosmetologists who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp, hands or feet of the clients;

E. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment;

F. Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event;

G. Acupuncturists who are duly certified to practice their profession in the State of California;

H. Staff of any location licensed as a health club/gym, provided only one massage table is used at such location and provided such use is incidental to the operation of the health club/gym;

I. Persons administering massages or health treatment at a single-occurrence athletic, recreational or festival event, such as health fairs, road races, track meets, triathlons and other similar events; provided that all of the following conditions are satisfied:

1. The massage services are made equally available to all participants in the event;
2. The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations;
3. The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event;
4. The sponsors of the event have been advised of and have approved the provision of massage services;
5. Persons providing massage services are not the primary sponsors of the event.

J. Persons administering any treatment in good faith in the course of the practice of any healing art who are licensed to practice in any such art or profession under the provisions of the Business and Professions Code or any other statute of this state.

SECTION 10. Section 7.54.030 is hereby amended to read as follows:

7.54.030 - Employee Massage technician reporting requirement.

The holder of a license required by Section 7.54.020 shall notify the treasurer and tax collector in writing of the name and address of each person employed as an

acupressurist, masseuse, massage technician as defined in Section 7.54.200 within five (5) business days of that person being employed performing massages at the Massage Establishment.

SECTION 11. Section 7.54.040 is hereby deleted in its entirety.

~~7.54.040. ————— Exceptions to chapter applicability.~~

~~This Part 1 does not apply to any treatment administered in good faith in the course of the practice of any healing art personally by any person licensed to practice any such art or profession under the provisions of the Business and Professions Code of the state of California or any other statute of this state.~~

SECTION 12. Section 7.54.050 is hereby amended to read as follows:

7.54.050 - License—Hearing on application Prerequisites to license issuance, denial, suspension, or revocation:

~~Except as provided in Section 7.06.260, the business license commission shall hold a public hearing on every application for a license required by this Part 1, and shall give notice of such hearing as required by Sections 7.10.100, 7.10.110, 7.10.120 and 7.10.130 of this title.~~

Prior to issuance of a license required by this Chapter:

- A. The Sheriff shall conduct a criminal background check.
- B. Based on the background check results a license may be denied,

suspended, or revoked if:

1. The applicant is required to register under the provisions of California Penal Code Section 290 or register as a sex offender in any state of the United States;

2. The applicant for license has convictions, except for minor traffic violations under Penal Code Sections for 266h (pimping); 266i (pandering); 314 (indecent exposure, obscene exhibitions; and bawdy and other disorderly houses); 315 (keeping or residing in a house of ill-fame); 316 (keeping disorderly house); 318 (prevailing upon person to visit a place for prostitution); 647 (b) (engaging in or soliciting prostitution); 653.22 (loitering with intent to commit prostitution); or 653.23 (supervision of a prostitute);
3. The applicant had a business permit or license denied suspended, restricted or revoked by any agency, board, city, county, territory, or state;
4. The applicant, Massage Establishment or any business owned by the applicant that are or were subject to an injunction for nuisance pursuant to Penal Code Sections 11225-11235 (red light abatement);
5. The applicant was convicted of a felony offense involving the sale of a controlled substance; was convicted of any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or is convicted in any other state of an offense which, if committed in this State, was punishable as one or more referenced offenses in this subdivision; or

6. Within the last five (5) years a license or permit held by the license holder, governing Massage Establishments in any city, county or state was denied, suspended or revoked.

C. The business license commission shall hold a public hearing on every application or renewal for a license as required by this Part 1, consistent with 7.06.040, 7.06.260 and 7.06.261. Notice shall be given pursuant to Chapter 7.10 of this Title. Following a public hearing on the application for Massage Establishment licensing the business license commission shall determine whether the license is granted; conditionally granted; or denied.

D. Applicants for a Massage Establishment license must also obtain a Public Health Permit pursuant to Division 1 Public Health License Chapter 8.04 and Health and Safety Code Title 11, Chapter 11.36.

E. A Massage Establishment may only operate if it is in possession of both a valid business license and Public Health Permit pursuant to 7.54.050 of this Chapter.

SECTION 13. Section 7.54.060 is hereby amended to read as follows:

7.54.060 - Employment of Unlicensed Massage Technicians and Non-CAMTC-Certified Massage Technicians Prohibited.

After the effective date of this ordinance, A-a licensee or person required by this Part 1 to obtain a license shall not hire or employ a massage technician unless such massage technician possesses a valid and current CAMTC certification, as defined in 7.54.210 of this Chapter, ~~subsisting license required by Part 2 of this Chapter, or unless such massage technician possesses a valid and current CAMTC certification.~~ Massage technicians in possession of a valid license issued by the tax collector as of the effective

date of this ordinance shall be entitled to renew such license and operate as a massage technician in the unincorporated area of the County until the second anniversary of the effective date of this ordinance, at which time it shall be unlawful for any person to operate as a massage technician in the unincorporated area of the County without a valid and current CAMTC certification.

SECTION 14. Section 7.54.070 is hereby amended to read as follows:

7.54.070 - Inspection.

A license shall not be issued or renewed pursuant to this Part 1 unless an inspection reveals that the establishment complies with each of the following minimum requirements of this Part 1- and of all other applicable provisions of this Code. The tax collector may conduct inspections or utilize the Department of Public Health, Sheriff, or other County officials responsible for the health, safety and welfare of the public to conduct the foregoing inspections.

SECTION 15. Section 7.54.080 is hereby amended to read as follows:

7.54.080 - Site Establishment operating requirements.

All Massage Establishments shall comply with the following operating requirements:

~~No massage or massage services shall be given in a business or premises licensed pursuant to this Chapter, or in an establishment providing acupuncture, shiatsu, skin care, body wrap or the like within any cubicle, room, booth, or other area which is fitted with a door capable of being locked. The premises' exterior doors and the doors separating the waiting or reception area from the remainder of the premises shall remain unlocked during business hours (including electric locking devices), unless~~

~~the massage parlor is a business entity owned by one individual with one or no employees or independent contractors.~~

A. Massage, or massage services are not permitted in rooms, booths, or other areas with doors capable of being locked.

B. The exterior doors and the doors separating the waiting or reception area from the remainder of the Massage Establishment shall remain unlocked during business hours (including electric locking devices), unless the Massage Establishment is a business entity owned by one person with one or no employees or independent contractors.

C. The windows of the Massage Establishment may not be completely obstructed.

D. Massage Establishments shall not be used as a sleeping room or for any other residential purpose.

E. A recognizable and readable sign shall be posted at the main entrance identifying the establishment. Such sign shall comply with all requirements of all County ordinances, municipal codes and State laws.

F. Massage Establishment clients shall enter and exit exclusively through the front door of the Massage Establishment. The front door shall be the door facing the street or, if no such door exists, the door that is most visible to members of the public passing by the establishment.

G. Massage Establishments shall be in compliance with the local building code for lighting and ventilation.

H. The licensee shall not conduct business or operate a Massage Establishment between the hours of 10:30 p.m. and 7:00 a.m. of any day, and shall deny customers, patrons and visitors entry during those hours.

I. A list of the services available, minimum duration of the service and the cost of such services shall be displayed in a conspicuous place in the reception area within the massage premises. A list for out-call massage services shall be available to clients in advance of performing any service. No owner, operator, manager or certified massage technician shall offer or perform any service other than those on the list of services available and displayed in the reception area or provided to the client in advance of any out-call services.

J. All payments including tip/gratuity for massage services at a Massage Establishment shall be made in the designated reception area exclusively regardless of form of payment.

K. No alcohol, cannabis or illegal drugs are permitted on premises. No alcoholic beverages, cannabis or illegal drugs may be sold, served, used, consumed, or possessed on the business premises.

L. For each massage service provided, every Massage Establishment shall keep a complete and legible written or electronic record of the following information: (1) the date and hour that service was provided; (2) the service received; (3) the name or initials of the employee entering the information; and (4) the name of the massage technician administering the service. These records shall be open to inspection and copying by the Sheriff, tax collector, or other County officials charged with enforcement of this Chapter. These records may not be used by any certified massage technician or

establishment operator for any purpose other than as records of service provided and may not be provided to other parties by the certified massage technician or establishment operator unless otherwise required by law. Such records shall be retained on the premises of the Massage Establishment for two (2) years and be immediately available for inspection during business hours.

SECTION 16. Section 7.54.090 is hereby amended to read as follows:

7.54.090 – Signs ~~Notice~~ - human trafficking prohibited.

~~A recognizable and readable sign shall be posted at the main entrance, identifying the establishment. Such signs shall comply with all requirements of all county ordinances.~~

Massage Establishments must comply with the requirements of California Civil Code Section 52.6 which requires the posting of notices concerning human trafficking and slavery in a public and conspicuous place.

SECTION 17. Section 7.54.095 is hereby added to read as follows:

7.54.095 – Prohibited Advertising.

No Massage Establishment shall place, publish, or distribute or cause to be placed, published, or distributed, including on the internet, any advertising that would reasonably suggest to prospective clients that any service is available other than those services listed as an available service pursuant to Section 7.54.080 I, nor shall any Massage Establishment employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this Chapter. No person providing massage services shall advertise in any manner or form that massage is

provided for compensation unless a valid license is possessed as required by Title 7 – Business Licenses, or is CAMTC certified as applicable. No Massage Establishment shall advertise in any manner or form that it provides massage for compensation unless the Massage Establishment possesses a valid Public Health Permit.

SECTION 18. Section 7.54.100 is hereby amended to read as follows:

7.54.100 - Building code Posting requirements.

~~A. Minimum lighting shall be provided in accordance with the building code, and, in addition, at least one artificial light of not less than 40 watts shall be provided in each enclosed room or booth where massage services are being performed on a patron.~~

~~B. Minimum ventilation shall be provided in accordance with the building code.~~

A. Each Massage Establishment shall post, in a conspicuous, public place, each License issued pursuant to this Chapter, each Public Health Permit issued pursuant to Chapter 8.04 and 11.36, and each CAMTC certificate issued to each massage technician performing massage services within the Massage Establishment.

B. A copy of the CAMTC certificate of each and every massage technician employed in the business shall be displayed in the reception area or similar open public place on the premises. CAMTC certificates of former employees and or independent contractors shall be removed as soon as those massage technicians or independent contractors are no longer employed by or offering services through the massage.

SECTION 19. Section 7.54.110 is hereby deleted in its entirety.

7.54.110 - ~~Cleanliness.~~

~~A. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.~~

~~B. Hot and cold running water shall be provided at all times.~~

~~C. Separate closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen," "Soiled Linen."~~

~~D. All walls, ceilings, floors, pools, showers, bathtubs, steamrooms, and all other physical facilities, shall be in good repair.~~

SECTION 20. Section 7.54.120 is hereby deleted in its entirety.

~~**7.54.120 - Separate rooms for customers required when.**~~

~~In any establishment in which massage services are rendered only to members of the same sex at any one time, such persons of the same sex may be placed in a single separate room; or the operators of the massage establishment may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed.~~

SECTION 21. Section 7.54.130 is hereby amended to read as follows:

~~**7.54.130 - Bathing, dressing and toilet facilities.**~~
Compliance with consumer protection, business and wage regulations, public health.

~~Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one toilet and one washbasin, shall be provided in every massage establishment; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room or~~

~~rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.~~

The licensee at all times must be in compliance with Massage Establishment requirements in this Code pursuant to Title 8 – Consumer Protection, Business and Wage Regulations, and Title 11 – Health and Safety. Any violation of these titles is a violation under Title 7 Section 7.04.320-7.04.380.

SECTION 22. Section 7.54.140 is hereby deleted in its entirety.

~~**7.54.140 - Washbasins for employees.**~~

~~A minimum of one separate washbasin shall be provided in each massage establishment of the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times, and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary towels placed in permanently installed dispensers.~~

SECTION 23. Section 7.54.150 is hereby deleted in its entirety.

~~**7.54.150 - Operation requirements generally.**~~

~~Every establishment for which this Part 1 requires a license shall be maintained and operated in conformity with the following sections.~~

SECTION 24. Section 7.54.160 is hereby deleted in its entirety.

~~**7.54.160 - Hours of operation.**~~

~~The licensee shall not conduct or operate a massage parlor between the hours of 10:30 p.m. and 7:00 a.m. of any day, and shall exclude all customers, patrons and visitors therefrom between those hours.~~

SECTION 25. Section 7.54.170 is hereby amended to read as follows:

7.54.170 - Recording of activities prohibited.

No building or part thereof of an establishment where massage or massage services are being conducted shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping, for monitoring the activities, conversation, or other sounds in the treatment room or room used by customers, except in the designated reception areas.

SECTION 26. Section 7.54.180 is hereby deleted in its entirety.

~~**7.54.180 - Maintenance of premises and equipment.**~~

~~A. All walls, ceilings, floors, pools, showers, bathtubs, steamrooms and all other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition.~~

~~B. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.~~

~~C. Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.~~

~~D. Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof material as a covering. Foam pads more than four inches thick or more than four feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage.~~

SECTION 27. Section 7.54.190 is hereby deleted in its entirety

~~**7.54.190 - Persons using alcohol or drugs prohibited.**~~

~~A person shall not enter, be or remain in any part of a massage parlor or premises licenses as such while in the possession of, consuming or using any alcoholic beverage or drugs. The licensee, manager, and every supervising employee, shall not permit any such person to enter or remain upon such premises.~~

PART 2 – MASSAGE TECHNICIANS.

SECTION 28. Section 7.54.200 is hereby amended to read as follows:

7.54.200 - Massage Technician Defined.

A. As used in Part 1 and Part 2 of this Chapter, "massage technician" means any of the following:

1. Any persons, ~~male or female~~, who administers to any person, for any form of consideration or gratuity, a "massage" or "massage services" as defined in Section 7.54.010 of this Chapter. A "massage technician" includes a student at an approved school of massage who administers a massage or massage services to any person who pays for or gives a gratuity for such, whether the payment or gratuity is to such student or to the school;. As used in this Chapter, approved school means any school or institution of learning approved pursuant to Section 4601 (a) of the Business and Professions Code, or
2. A massage ~~practitioner~~therapist who is certified by the CAMTC pursuant to ~~under s~~Section 4604.24604 of the Business and Professions Code, and who administers massage for compensation, or

3. A ~~massage therapist~~practitioner who is certified by the CAMTC underpursuant to s~~Section 4604~~4604.2 of the Business and Professions Code, and who administers massage for compensation.

~~B. As used in this Part 2 "recognized school" means any school or institution of learning, which school or institution of learning has been approved pursuant to section 29025 of the Education Code of the State of California, and which has for its purpose the teaching of the theory, method, profession, practice or work of a massage technician.~~

SECTION 29. Section 7.54.210 is hereby amended to read as follows:

7.54.210 - License—Required.

Every massage technician shall first procure a license and pay a license fee in the amount set forth in Section 7.14.010 of this Title, under the appropriate heading, unless the massage technician possesses a valid and current CAMTC certificate. On and after the second anniversary of the effective date of this ordinance, it shall be unlawful for any individual to operate as a massage technician within the unincorporated areas of the County unless that individual possesses a valid and current CAMTC certification.

SECTION 30. Section 7.54.230 is hereby amended to read as follows:

7.54.230 - License—Information required in application.

In addition to the requirements of Section 7.06.020, an application for a license required by this Part 2 also shall show:

A. The two previous addresses, if any, immediately prior to the present address of the applicant;

~~B. Written statements of at least five persons that the applicant is of good moral character;~~

~~CB.~~ Written proof that the applicant is over the age of 18 years;

~~DC.~~ Applicant's height, weight, color of eyes and hair;

~~ED.~~ Two portrait photographs at least two inches by two inches;

~~FE.~~ Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of the application;

~~GF.~~ The license history of the applicant; whether the applicant has had a license for any business or similar activity issued by this or any other county, by any city, or by the state revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;

~~HG.~~ All convictions, except for minor traffic violations, ~~and the reasons therefor;~~

~~I.~~ A certificate from a medical doctor stating that the applicant has, within 30 days immediately prior thereto, been examined and found to be free of any contagious or communicable disease;

~~JH.~~ Such other identification and information necessary to discover the truth of the matters herein above specified as required to be set forth in the application;

~~KI.~~ Nothing contained herein shall be construed to deny the sSheriff the right to take fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of the sSheriff to confirm the height and weight of the applicant.

SECTION 31. Section 7.54.240 is hereby amended to read as follows:

**7.54.240 - License—Applicant qQualifications for massage
technician applicants—Verification.**

A. The applicant shall:

1. Furnish with ~~his~~each application a diploma or certificate of graduation from an ~~recognized~~approved school ~~wherein the method, profession and work of a massage technician is taught as defined in Business and Professions Code Section 4601 ; or~~
2. Furnish with his ~~each~~ application a diploma or certificate from a school outside of the State of California which substantially complies with the educational requirements of ~~Section 29025 of the Education Code of this state~~Business and Professions Code Section 4600 et seq. Applicants presenting educational credentials from outside the United States must show a diploma or certificate of graduation from a school within that country which has substantially similar educational requirements as an approved school within the United States or its territories; or
3. ~~Have had not less than~~ a minimum of five (5) years' experience as a practicing massage technician and furnish proof thereof.

B. Any department which has as one of its duties the investigation of this licensed activity or enforcement of this Title shall have the right to verify for authenticity the information supplied pursuant to this Section.

SECTION 32. Section 7.54.250 is hereby amended to read as follows:

7.54.250 - License—Limitations.

No massage technician licensed pursuant to this ~~e~~Chapter may perform any massage or massage services in any location other than ~~that~~the location specified on the license or as permitted out-call massage from a licensed establishment.

SECTION 33. Section 7.54.260 is hereby amended to read as follows:

7.54.260 - Clothing—Required.

No massage or massage services may be administered unless the patron's genitalia, and if the patron is female, the breasts, are covered. ~~to the extent permitted by Government Code s~~Section 51034(c)(4)(5). The massage technician shall at all times while on the premises of the establishment, be clean, and wear nontransparent outer garments covering the body in a manner that does not violate Business and Professions Code section 4609(a)(10).

SECTION 34. Section 7.54.270 is hereby amended to read as follows:

7.54.270 - Issued identification—Required.

All massage technicians must wear a picture I.D. issued by the treasurer and tax collector while working in a massage parlor. Documentary proof of CAMTC certification or a picture identification issued by the tax collector shall be worn and clearly visible by all persons providing massages during working hours and at all times when inside a Massage Establishment or providing out-call massage dispatched from a licensed Massage Establishment.

SECTION 35. Section 7.54.280 is hereby amended to read as follows:

7.54.280 - Manager—Required.

All Massage eEstablishments licensed under this ~~s~~Section shall at all times the establishment is open have a responsible person licensed under Section 7.54.210

~~acting as manager on the premises at the Massage Establishment at all times when open to the public for business. The manager must be familiar with the requirements of this Chapter and be capable of communicating the provisions of this Chapter to employees and patrons of the establishment. "Manager" means the person(s) designated by the owner or operator of the Massage Establishment to act as the representative or agent of the owner or operator in managing day-to-day operations. The manager must be familiar with the requirements of Los Angeles County Code Titles 7, 8, and 11, and State laws related to massage therapy, and be capable of communicating the provisions of State law and County Code related to massage therapy to employees and patrons of the establishment.~~

SECTION 36. Section 7.54.290 is hereby amended to read as follows:

7.54.290 - License—Revocation**Operating without a business license prohibited.**

~~The business license commission shall revoke any license issued pursuant to Part 1 and Part 2 of this chapter upon receiving satisfactory evidence that either:~~

- ~~A. The licensee has been convicted of or entered a plea of guilty or nolo contendere to any violation of Penal Code Section 647(b), 266(h), 266(i), 315, or 316; or~~
- ~~B. The licensee has violated any provision of chapter 7.54 of the county code on two separate occasions within a 12-month period.~~

~~Whenever a license has been revoked, the former licensee, whether a person, partnership, or corporation, shall not be granted a new license for a period of one year from the date of revocation.~~

To operate as a Massage Establishment in the unincorporated areas of the County, the business must have a valid business license and a valid Public Health Permit in addition to any other licenses, permits, or certifications required by applicable County ordinances, municipal codes and State laws. If the business license is revoked or suspended for any period of time, the Public Health Permit shall be automatically revoked or suspended for the same period.

SECTION 37. Section 7.54.300 is hereby added to read as follows:

7.54.300 – License—Revocation.

The business license commission shall revoke any license issued pursuant to Part 1 and Part 2 of this Chapter upon receiving satisfactory evidence that either:

- A. The licensee has been convicted of any violation of the Penal Code as referenced in 7.54.050 of this Chapter and all other violations listed under Section 11.36.330 B. 5. and B. 6. of the Health and Safety Code; or
- B. The licensee has violated any provision of Chapter 7.54 of the County Code on two (2) separate occasions within a 12-month period; or
- C. The Public Health Permit for the Massage Establishment issued pursuant to Title 8, Chapter 8.04 and Title 11, Chapter 11.36 of this Code is terminated, revoked, or otherwise no longer valid.

Whenever a license has been revoked, the former licensee, whether a person, partnership, or corporation, shall not be granted a new license for a period of one (1) year from the date of revocation.

SECTION 38. Section 8.04.288 is hereby added to read as follows:

8.04.288 – Massage Establishments.

“Massage Establishment” means any business that offers massage therapy, including, but not limited to, reflexology, fomentations, shiatsu, alcohol rubs, Russian, Swedish, Turkish baths, or acupressure, in exchange for compensation at a fixed place of business and may include out-call massage services. Any business that offers any combination of massage therapy and bath facilities – including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs – shall be deemed a Massage Establishment under this Chapter. Excluded from the definition of “Massage Establishment” shall be any commercial sex venue as defined in Section 11.04.310 A.

SECTION 39. Section 8.04.720 is hereby amended to read as follows:

8.04.720 - Fee Schedule.

Business Classification	Permit Fee
...	
Laundry (self-service):	
Less than 4,000 square feet of work rooms	186.00
4,000 square feet or more of work rooms	254.00
<u>Massage establishment</u>	<u>409.00</u>
Motion picture catering operation	1,160.00
...	

SECTION 40. Section 8.04.728 is hereby amended to read as follows:

8.04.728 - Service Charges—Basis—Payment.

A. Whenever another government jurisdiction requires a person to secure an inspection, evaluation, report or approval by the County Health Officer, necessitating the County Health Officer to provide a service, such person shall pay a fee to offset the costs incurred by the County Health Officer as set forth in this Section.

B. Any person who voluntarily seeks to secure, from the County Health Officer, an inspection, evaluation, report, approval, or other service not listed in Section 8.04.720 shall pay a fee to offset the costs incurred by the County Health Officer as set forth in this Section.

C. Requests for special services described in Subsections A and B of this Section shall be made on forms provided for that person by the County Health Officer. Services provided by the County Health Officer that are not listed in Section 8.04.720 and that are not detailed in the Schedule of Service Charge in Subsection F, shall be charged in accordance with the following Standard Billing Hourly Rate Schedule. All applicable fees, as provided in this Chapter, shall be paid at the time of application or request.

Position Classification	Rate (\$/hr)
Chief Environmental Health Specialist	196.00
Clerical—Blended	87.00
Environmental Health Specialist II	148.00
Environmental Health Specialist III/IV Environmental Health Staff	167.00
Environmental Health Technician	99.00

Epidemiologist	189.00
Industrial Hygienist	180.00
Senior Radiation Protection Specialist	178.00
Community Worker	90.00

D. The County Health Officer, upon request and in his discretion, may provide to a party requesting plan review an Expedited Construction Inspection. The initial Expedited Construction Inspection shall be completed within forty-eight (48) hours from receipt of payment of the fee. The fee charged shall be one-half (0.5) of the appropriate plan check fee and shall cover the cost of the initial and, if the County Health Officer deems it necessary, a final construction inspection. If a final construction inspection is deemed necessary, the party shall submit a separate request for such final construction inspection which shall be completed within forty-eight (48) hours from the time said request is received. Any additional construction inspections will be charged according to the Standard Billing Hourly Rate Schedule in Subsection C above.

E. The County Health Officer, upon request and in his discretion, may provide to a party requesting an Expedited Plan Check Review Process. An Expedited Plan Check Review Process shall consist of the initial plan review to be completed within ten (10) working days from receipt of payment of the fee and one follow-up plan review, and upon separate request, an initial and, if the County Health Officer deems it necessary, a final construction inspection to be completed within forty-eight (48) hours from the time said request is received. A fee shall be charged at the rate of one and a half times the appropriate plan check fee and shall cover the cost of the expedited initial

and follow-up plan review and the expedited initial and final construction inspections. Any additional reviews or inspections will be charged according to the Standard Billing Hourly Rate Schedule in Subsection C above.

F. Following is the Schedule of Service Charges for services provided by the County Health Officer. Failure to pay said fees constitutes a violation of this section and may be prosecuted as such.

...	
Entomology:	
Specimen identification	41.00
Massage parlor <u>Establishment</u> :	
Massage Parlor Inspection <u>Site evaluation</u>	201.00-164.00
Mountain cabin site:	
County Health Officer inspection (per United States Forest Service requirements)	Standard Billing Hourly Rate
...	

SECTION 41. Section 8.04.1400 is hereby added to read as follows:

Part 8. Message Establishments.

8.04.1400 Purpose of Massage Establishment Public Health

Permit.

A. The ordinance codified in this Title, together with the additions and amendments to Titles 7, 11 and 22, are collectively referred to as the Los Angeles County Massage Establishment Ordinance. The Los Angeles County Massage

Ordinance should be read together to understand an applicant and permittee's legal obligations and the Board of Supervisors' intent in implementing these provisions.

B. The purpose of Part 8 of Chapter 8.04 is to establish a Public Health Permit and fee system for Massage Establishments that are subject to State and local laws and regulations relating to public health and safety and Los Angeles County Code, Title 11, Chapter 11.36, Massage Establishment to ensure that County expenses resulting from the County's inspection and enforcement of public health requirements of Massage Establishments are offset by the fees collected.

C. The authority for this Part 8 and Los Angeles County Code, Title 11, Chapter 11.36 is contained in the California Government Code Section 51030 et seq., which expressly provides for the local regulation of Massage Establishments.

SECTION 42. Section 8.04.1410 is hereby added to read as follows:

8.04.1410 – Definitions.

A. "Business" includes, but not by way of limitation, everything about which a person can be employed, and means that which occupies the time, attention, and labor of men and women for the purpose of producing a livelihood or profit, and connotes the efforts of men and women by varied and diverse methods of dealing with each other, to improve their individual economic conditions, and for the purposes of this Chapter shall include, without limitation, the advertising and soliciting of massages. The term "business" includes, but is not limited to, a massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship, as well as a Massage Establishment which employs massage practitioners.

B. "California Massage Therapy Council" or "CAMTC" means the Massage Therapy Organization formed pursuant to Business and Professions Code Section 4600, et seq. ("The Massage Therapy Act").

C. "Certified Massage Practitioner" means any individual certified by the California Massage Therapy Council as a Certified Massage Therapist or as a Certified Massage Practitioner pursuant to Business and Professions Code Sections 4600 et seq. or has a valid Los Angeles County Business License.

D. "Client" means the customer or patron who pays for or receives massage services.

E. "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of monetary value.

F. "Employee" means any person employed by a Massage Establishment owner who may render any service to the business, and who receives any form of compensation from the establishment.

G. "Inspection Notification" means a public notification that may be posted by the County Health Officer at a Massage Establishment upon inspection of the establishment. The notice shall have the office's contact information.

H. "Manager" means the person(s) designated by the owner or operator of the Massage Establishment to act as the representative or agent of the owner or operator in managing day-to-day operations. The manager must be familiar with the requirements of Los Angeles County Code, Titles 7, 8, and 11 and state laws related to massage therapy, and be capable of communicating the provisions of state law and

County Code related to massage therapy to employees and patrons of the establishment.

I. “Massage,” “Massage Services,” and “Massage Therapy” means the scientific manipulation of the soft tissues, or as otherwise defined in Division 2, Chapter 10.5 of the Business and Professions Code.

J. “Massage Technician” as used in this Chapter means the following:

- 1) Any persons who administers to any person, for any form of consideration or gratuity, a "massage" or "massage services" as defined in Section 8.04.1410 (I) of this Chapter. A "massage technician" includes a student at a school of massage who administers a massage or massage services to any person who pays for or gives a gratuity for such, whether the payment or gratuity is to such student or to the school. As used in this Chapter approved school means any school or institution of learning approved pursuant to Division 2 Chapter 10.5 of the Business and Professions Code, or
- 2) A massage therapist who is certified by the CAMTC under section 4604 of the Business and Professions Code, and who administers massage for compensation, or
- 3) A massage practitioner who is certified by the CAMTC pursuant to section 4604.2 of the Business and Professions Code, and who administers massage for compensation.

K. "Out-call Massage Service" means providing massage for compensation at a location designated by the client rather than at the Massage Establishment.

L. "Owner" means a person with ownership interest in a business. An ownership interest shall be deemed to exist when a person has a five percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt.

M. "Reception area" means an area immediately inside the front door of the Massage Establishment dedicated to the reception and waiting of patrons of the Massage Establishment and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

N. "Reflexology" means the application of specific pressure by the use of the practitioner's hands, thumb, and fingers to reflex points in the client's hands, feet, or ears.

O. "Sole proprietorship" means a Massage Establishment where the owner is a Certified Massage Practitioner and is the only person employed by that business to provide massage services. A sole proprietorship does not include a single practitioner operating out of their own personal residence.

P. "Solicit" means to request, ask, demand or otherwise arrange for the provision of services.

Q. "Vermin" means cockroaches, mice, rats, and similar pests that carry disease.

R. "Vermin infestation" means the presence of vermin within the Massage Establishment as evidenced by actual live bodies, fresh droppings or vomitus, urine

stains, or gnaw marks, that could result in contamination of premises, massage equipment, linens, and massage tables.

SECTION 43. Section 8.04.1420 is hereby added to read as follows:

8.04.1420 – Public Health Permit – Required.

A. Any owner of a Massage Establishment shall procure a Public Health Permit, comply with this Part, Los Angeles County Code, Title 11, Chapter 11.36, state laws, and pay an annual permit fee in the amount set forth in Title 8, Section 8.04.720.

B. It shall be unlawful for any business to provide massage services for compensation within the unincorporated area of Los Angeles County without obtaining a Public Health Permit as provided in this Chapter.

SECTION 44. Section 8.04.1430 is hereby added to read as follows:

8.04.1430 – Application Requirements for Massage Establishment Public Health Permit.

A. The Public Health Permit application shall include all the following information:

- 1) Legal name of the Massage Establishment;
- 2) Address (no P.O. Box) and telephone number of the Massage Establishment;
- 3) Legal names of all owners of the Massage Establishments;
- 4) Any other names used by the owner in the last five (5) years;
- 5) For all owners, number of the valid and current driver's license and/or identification issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal

- by a foreign government;
- 6) Written evidence that the applicant is at least 18 years of age;
 - 7) A list of all the Massage Establishment employees and independent contractors who are performing massage and their CAMTC certification or if non-certified, a copy of their valid Los Angeles County Business License;
 - 8) Residence address and telephone number of all owners of the Massage Establishment;
 - 9) Business address and telephone number of all owners of the Massage Establishment;
 - 10) The form of business under which the Massage Establishment will be operating (i.e., corporation, general or limited partnership, limited liability company, or other form);
 - 11) For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the establishment, employees or independent contractors providing massage services; and acknowledging that failure to comply with the Business and Professions Code sections 4600 et seq., any local, state, or federal law, or the provisions of this Chapter may result in revocation of the permit.
 - 12) If applicable, provide a copy of their Los Angeles County Business License or the receipt for application for a Los Angeles County

Business License.

- 13) All convictions, except for minor traffic violations.
- 14) Any and all violations within the last five years, including revocation, suspensions or denials of any licenses or permits, of any city, county or state laws governing Massage Establishments.

B. The applicant shall be notified in writing if the application is incomplete and shall have sixty (60) days from the date of the notification to supply the information or documentation that is required for the application to be deemed complete. If the applicant does not provide such information within sixty (60) days, the application will be deemed abandoned and will not receive further consideration.

SECTION 45. Section 8.04.1440 is hereby added to read as follows:

8.04.1440 – Public Health Permit – Display Required.

Every Public Health Permit issued in accordance with this Chapter shall be displayed in a conspicuous place in plain sight of patrons in the business establishment for which the permit is issued.

SECTION 46. Section 8.04.1450 is hereby added to read as follows:

8.04.1450 – Massage Services – Payment.

All payments including tip/gratuity for massage services at a Massage Establishment shall be made at the designated reception area exclusively regardless of form of payment.

SECTION 47. Section 8.04.1460 is hereby added to read as follows:

8.04.1460 – Site Evaluation – When Required.

A. A site evaluation shall be conducted for compliance with this Part and Los Angeles County Code, Title 11, Chapter 11.36, Massage Establishments, as

applicable. When a site evaluation is required, a Public Health Permit shall be issued after the Massage Establishment is in compliance with the site evaluation.

- B. A site evaluation shall be required when:
1. There is new construction or a remodeling of the facility that increases the size or type of business or services provided;
 2. There is a change of ownership or a new Public Health Permit is required;
 3. Deemed necessary by the County Health Officer for the protection of public health and safety.

SECTION 48. Section 8.04.1470 is hereby added to read as follows:

8.04.1470 – Approval or Denial of Massage Establishment Public Heath Permits.

A Massage Establishment Public Health Permit will be issued unless:

- A. The applicant has not complied with the site evaluation and thus not in compliance with this Part and the Los Angeles County Code Title 11, Chapter 11.36 Massage Establishments, as applicable.
- B. The application is incomplete.
- C. The applicant has falsified information on the application.
- D. The applicant or any owner of the Massage Establishment has been required to register under the provisions of Penal Code Section 290 or within ten (10) years immediately preceding the date of the application committed a violation of an offense or crime as listed in section 11.36.330 B. 6.

SECTION 49. Section 8.04.1480 is hereby added to read as follows:

8.04.1480 – Public Health Permit – Exemptions.

This Part shall not apply to the following classes of persons or entities, and no Massage Establishment Public Health Permit shall be required, while engaged in the performance of the duties of their respective professions:

A. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the State of California, and persons working at the place of business and under the supervision of a licensed physician, surgeon, chiropractor, osteopath, or physical therapist;

B. Nurses who are registered as such under the laws of the State of California;

C. Hospitals and medical centers;

D. Barbers and beauticians, estheticians, and cosmetologists who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp, hands or feet of the clients;

E. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment;

F. Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event;

G. Acupuncturists who are duly certified to practice their profession in the State of California;

H. Staff of any location licensed as a health club/gym, provided only one massage table is used at such location and provided such use is incidental to the operation of the health club/gym; and

I. Persons administering massages or health treatment at a single-occurrence athletic, recreational or festival events, such as health fairs, road races, track meets, triathlons and other similar events; provided that all of the following conditions are satisfied:

1. The massage services are made equally available to all participants in the event;
2. The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations;
3. The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event;
4. The sponsors of the event have been advised of and have approved the provision of massage services; and
5. The persons providing the massage services are not the primary sponsors of the event.

SECTION 50. Section 8.04.1490 is hereby added to read as follows:

8.04.1490 – Operating Without a Business License - Prohibited.

A. To operate as a Massage Establishment in the unincorporated areas of the county, the business must have a valid Public Health Permit and a Los Angeles County Business License to the extent that the Massage Establishment is required to

obtain a Los Angeles County Business License. If ~~Treasurer~~ tax collector revokes or suspends the business license for any period of time, the Public Health Permit shall be automatically revoked or suspended for the same period.

B. To operate as a Massage Establishment in the incorporated cities, the business must have a valid Public Health Permit and city business license or permit, as applicable. If the city revokes or suspends the business license for any period of time, the Public Health Permit shall be automatically revoked or suspended for the same period.

SECTION 51. Section 8.04.1500 is hereby added to read as follows:

8.04.1500 – Signs.

A recognizable and readable sign shall be posted at the main entrance, identifying the establishment. Such sign shall comply with all requirements of all county ordinances and municipal codes, as applicable.

SECTION 52. Section 8.04.1510 is hereby added to read as follows:

8.04.1510 – Inspection Notification – Display Required.

Upon issuance by the County Health Officer, the health officer shall post at every Massage Establishment the inspection notification as determined by the County Health Officer, so as to be clearly visible to the general public and to patrons entering the facility. "Clearly visible to the general public and to patrons" means:

1. Posted in the front window of the facility within five (5) feet of the front door or;
2. Posted in a location as directed and determined in the discretion of the County Health Officer to ensure proper notice to the general public and to patrons.

SECTION 53. Section 8.04.1520 is hereby added to read as follows:

8.04.1520 – List of Services.

A list of the services available, minimum duration of the service and the cost of such services shall be displayed in a conspicuous place within the reception area of the Massage Establishment. A list for out-call massage services shall be available to clients in advance of performing any service. No owner, operator, or manager shall permit, and no Certified Massage Practitioner or massage technician under Title 7 7.54.200 shall offer or perform, any service other than those displayed or listed as required herein, nor shall owner, operator or a Certified Massage Practitioner request or charge a fee for any service other than those on the list of services available and displayed in the reception area or provided to the client in advance of any out-call services.

SECTION 54. Section 8.04.1530 is hereby added to read as follows:

8.04.1530 – Prohibited Advertising.

A. No massage business shall place, publish or distribute, or cause to be placed, published or distributed any advertising that would reasonably suggest to prospective clients that any service is available other than those services listed as an available service pursuant to Section 8.04.1520, nor shall any massage business employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this Chapter. No person providing massage services shall advertise in any manner or form that massage is provided for compensation unless a valid license is possessed as required by Title 7 – Business Licenses, or is CAMTC certified as applicable. No Massage Establishment shall advertise in any manner or

form that it provides massage for compensation unless the Massage Establishment possesses a valid Public Health Permit.

B. No Massage Establishment shall publish or distribute, or cause to be published or distributed, including on the internet, any advertising or services that would violate this Chapter.

SECTION 55. Section 8.04.1540 is hereby added to read as follows:

8.04.1540 Notice - Human Trafficking Prohibited.

Massage Establishments must comply with the requirements of Civil Code Section 52.6, which requires the posting of notices concerning Human Trafficking and Slavery in a public and conspicuous place.

SECTION 56. Section 11.36.010 is hereby added to read as follows:

Chapter 11.36 Massage Establishments.

Part 1 General Provisions.

11.36.010 Purpose and Intent.

The ordinance codified in this Title, together with the additions and amendments to Titles 7, 8, and 22, are collectively referred to as the Los Angeles County Massage Establishment Ordinance. The Los Angeles County Massage Ordinance should be read together to understand an applicant and permittee's legal obligations and the Board of Supervisors' intent in implementing these provisions.

SECTION 57. Section 11.36.020 is hereby added to read as follows:

11.36.020 Definitions.

Definitions contained within Title 8 Chapter 8.04 of the Consumer Protection, Business and Wage Regulations shall pertain to this Chapter.

SECTION 58. Section 11.36.030 is hereby added to read as follows:

11.36.030 Referral of Massage Establishment Public Health Permit

Applications and Police Department Notification.

A. The County Health Officer, or his or her designee, within ten (10) days of receiving an application for a Public Health Permit to operate a Massage Establishment shall refer the applicant to the tax collector or the incorporated city agency to obtain the applicable business license.

B. The County Health Officer, or his or her designee, shall notify the local Sheriff or Police Department of all approved and denied Massage Establishment Public Health Permit applications.

SECTION 59. Section 11.36.100 is hereby added to read as follows:

Part 2 General Requirements of Massage Establishments.

11.36.100 Employment of Minors Prohibited.

It shall be unlawful to employ in a Massage Establishment any individual who is not at least 18 years of age.

SECTION 60. Section 11.36.110 is hereby added to read as follows:

11.36.110 Maintenance of Premises and Equipment.

A. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities for the Massage Establishment shall be in good repair and maintained in a clean and sanitary condition.

B. The Massage Establishment's windows may not be completely obstructed.

C. Pools, showers, wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned

each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

D. Clean and sanitized towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.

E. Separate, adequate, closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen," "Soiled Linen." Linen includes, but is not limited to, sheets, towels, and apparel. Soiled towels, linens and sheets shall be laundered and dried on the premises of suitable laundry facilities or at a commercial laundry service.

F. Standard or portable massage tables with a durable, washable plastic or other waterproof material as a covering shall be used. Foam pads more than four (4) inches thick or more than four (4) feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage.

G. The facility shall be free of vermin, including but not limited to cockroaches, mice, rats, and other pests that carry disease.

H. A room, enclosure, or designated area that is separate from the toilet, massage room(s), steam room, or other common areas shared by the clients shall be designated and made available to employees at all times. The employee area(s) shall be furnished with individual lockers having adequate storage space for employees' personal belongings. Clients and members of the public may not have access to the employee area.

I. Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system.

SECTION 61. Section 11.36.120 is hereby added to read as follows:

11.36.120 Draping the Client – Required.

No massage or massage services may be administered unless the patron's genitalia, and female breasts, are covered.

SECTION 62. Section 11.36.130 is hereby added to read as follows:

11.36.130 Attire Requirements.

All Certified Massage Practitioners shall meet the attire requirements specified in the California Business and Professions Code section 4609, subdivision (a)(10). All other employees, contractors, and owners of the Massage Establishment shall remain fully clothed in clean outer garments while on the premises of the Massage Establishment. At a minimum, such clothing shall be made of non-transparent material and shall cover the entirety of the torso area from the chest to mid-thigh.

SECTION 63. Section 11.36.150 is hereby added to read as follows:

Part 3 Operational Requirements of Massage Establishments.

11.36.150 Hours of Operation and Other Restrictions.

The permittee shall not conduct business or operate a Massage Establishment between the hours of 10:30 p.m. and 7:00 a.m. of any day, and shall exclude all customers, patrons and visitors therefrom between those hours.

SECTION 64. Section 11.36.160 is hereby added to read as follows:

11.36.160 Certified Massage Practitioner – Required.

A. It shall be unlawful for any individual to practice massage therapy for compensation at a Massage Establishment unless that individual is a Certified Massage Practitioner or Massage Technician, as defined in subsection (J) of Section 8.04.1410.

B. CAMTC-certification or a picture identification issued by the tax collector shall be worn by and clearly visible on the Certified Massage Practitioner's person during working hours and at all times when the Certified Massage Practitioner is inside a massage business or providing out-call massage services.

C. Certified Massage Practitioners shall not engage in lewd conduct on business premises, including locations designated by the client through an out-call Massage Service. A lewd act means touching the genitals, buttocks, or female breast of either the massage technician or customer with some part of the other person's body for the purpose of sexual arousal or gratification.

SECTION 65. Section 11.36.170 is hereby added to read as follows:

11.36.170 Manager – Required.

All establishments licensed under section 8.04.288 shall at all times the establishment is open have a manager as defined in subsection (H) of Section 8.04.1410 on the premises. The manager must be familiar with and capable of communicating with employees and patrons of the establishment on the requirements of this Chapter and state law as it relates to massage therapy.

SECTION 66. Section 11.36.180 is hereby added to read as follows:

11.36.180 Entry and Exit.

All ~~m~~Massage Establishment clients shall enter and exit exclusively through the front door of the Massage Establishment. The front door shall be the door facing the

street or, if no such door exists, the door that is most visible to members of the public passing by the Massage Establishment.

SECTION 67. Section 11.36.190 is hereby added to read as follows:

11.36.190 Cleanliness.

A. Instruments used for massage shall be disinfected prior to each use by a reasonable method approved by the County Health Officer or his or her designee. Where such instruments for massage are employed, adequate quantities of supplies for disinfection shall be available during all hours of operation.

B. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.

C. Hot (100°F) and cold running water shall be provided at all times.

SECTION 68. Section 11.36.200 is hereby added to read as follows:

11.36.200 Contamination Prevention.

A. Skin products, such as oil, lotions, and creams, shall be dispensed from single-use containers. Skin products stored multi-use containers shall be dispensed in a manner to prevent contamination.

B. Sponges used to rub the skin must be single use, disposed of after each use.

SECTION 69. Section 11.36.210 is hereby added to read as follows:

11.36.210 Operating Requirements.

A. No alcohol, cannabis or illegal drugs shall be permitted on premises. No alcoholic beverages, cannabis or drugs may be sold, served, used, consumed or possessed on business premises during business hours.

B. A person shall not enter, be or remain in any part of a Massage Establishment or premises licensed as such while in the possession of, consuming or using any alcoholic beverage or drugs. The owner, operator, manager, and every supervising employee shall not permit any such person to enter or remain upon such premises.

C. Massage Establishment owners or operators shall provide all employees with culturally and linguistically appropriate educational materials regarding employee rights, and information on a variety of resources, including linkages to health services, victim assistance services, and emergency numbers and hotlines to call for information and assistance.

D. Massage Establishment premises shall not be used as a sleeping room or for any other residential purpose.

E. A Massage Establishment owner shall notify the County Health Officer, or his or her designee, of any changes to the owner's addresses and/or phone number.

F. A Massage Establishment owner shall report to the County Health Officer, or his or her designee, any of the following within ninety-six (96) hours of the occurrence:

1. Arrests of any employees or owners of the Massage Establishment for an offense other than a misdemeanor traffic offense;
2. Any event involving the Massage Establishment owner or a Certified Massage Practitioner employed therein that constitutes a violation of this ordinance or state or federal law;
3. Any provision which requires reporting to the County Health Officer

or his or her designee even if the Massage Establishment owner believes that the County Health Officer or his or her designee has or will receive the information from another source.

G. Massage, or massage services are not permitted in rooms, booths, or other areas with doors capable of being locked.

H. The exterior doors and the doors separating the waiting or reception area from the remainder of the establishment shall remain unlocked during business hours (including electric locking devices). This subdivision shall not apply to sole proprietorship Massage Establishments as defined in subsection (P) of Section 8.04.1410.

I. A copy of the CAMTC certificate of each and every massage practitioner employed in the business shall be displayed in the reception area or similar open public place on the premises. CAMTC certificates of former employees and/or independent contractors shall be removed as soon as those massage practitioners are no longer employed by or offering services through the massage business.

J. For each massage service provided, every massage business shall keep a complete and legible written or electronic record of the following information: (1) the date and hour that service was provided; (2) the service received; (3) the name or initials of the employee entering the information; and (4) the name of the massage practitioner administering the service and the CAMTC certificate number. Such records shall be open to inspection and copying by the Sheriff, or other officials charged with enforcement of this Chapter. These records may not be used by any Certified Massage Practitioner or operator for any purpose other than as records of service provided and

may not be provided to other parties by the Certified Massage Practitioner or operator unless otherwise required by law. Such records shall be retained on the premises of the massage business for a period of two (2) years and be immediately available for inspection during business hours.

K. Condoms are prohibited on or within the premises of a Massage Establishment.

SECTION 70. Section 11.36.220 is hereby added to read as follows:

11.36.220 Lighting and Ventilation.

Massage Establishments shall be in compliance with the local building code for lighting and ventilation.

SECTION 71. Section 11.36.230 is hereby added to read as follows:

11.36.230 Toilet Facilities, Dressing and Lockers.

A. A minimum of one toilet and one washbasin, shall be provided in every Massage Establishment as per local building code for patrons and employees. Hand wash sinks shall be provided with approved, sanitary drying method(s), which includes single-use paper towels, and soap placed in permanently installed dispensers. A trash receptacle shall be provided in each toilet room.

B. Adequate dressing rooms shall be provided for patrons. Dressing rooms will be used only by patrons of the same sex at the same time. Dressing rooms need not be separate from the room in which the massage is being performed. If the massage takes place without disrobing of patrons, then separate dressing rooms are not required for each patron. A location for each patron served to safely store their valuables shall be provided such as a locker or other approved methods as approved by

the Health Officer or his/her designee.

SECTION 72. Section 11.36.240 is hereby added to read as follows:

11.36.240 Hand Wash Sink for Employees.

A minimum of one separate hand wash sink shall be provided in each Massage Establishment for the use of employees. The hand wash sink shall have liquid hand soap and hot (100°F) and cold running water at all times, and shall be located within or as close as practical to the area devoted to performing massage services. In addition, there shall be provided at each hand wash sink, single-use wall mounted disposable paper towels and soap placed in permanently installed dispensers.

SECTION 73. Section 11.36.250 is hereby added to read as follows:

11.36.250 Recoding of Activities Prohibited.

No part of an establishment where massage or massage services are being conducted shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping, for monitoring the activities, conversation, or other sounds in the treatment room or room used by customers, except in the designated reception areas.

SECTION 74. Section 11.36.300 is hereby added to read as follows:

Part 4 Inspection of Massage Establishments and Enforcements.

11.36.300 Inspection By Officials.

The County of Los Angeles, including but not limited to Los Angeles County Sheriff or local law enforcement, Health Officer, Director of Environmental Health, and Director of Building and Planning for the County of Los Angeles, or their designees,

shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this Chapter.

SECTION 75. Section 11.36.310 is hereby added to read as follows:

11.36.310 Abatement.

Any Massage Establishment operated or maintained in a manner contrary to the requirements of this Chapter or as deemed by the County Health Officer, is hereby declared to be unlawful and a public nuisance.

SECTION 76. Section 11.36.320 is hereby added to read as follows:

11.36.320 Hearing Process.

A. Any Massage Establishment Public Health Permit issued to a permittee may be suspended or revoked by the Department for a violation of the requirements of Titles 7, 8 or 11 or State and local laws or regulations. Any Massage Establishment for which the Public Health Permit has been suspended or revoked shall close and cease doing business and remain closed until the permit has been reinstated or reissued by the Department.

B. Whenever the Department finds that a Massage Establishment is not in compliance with the requirements of Titles 7, 8 or 11 or State and local laws or regulations, a report that contains a required compliance date shall be issued to the permittee. If the permittee fails to correct the violation by the compliance date, the Department shall issue to the permittee a written notice setting forth the permit

violations found by the Department. The notice shall inform the permittee of a right to compliance review and if applicable, why the permittee's Public Health Permit should be suspended or revoked. A permittee must make a written request to the Department for a compliance review within ten (10) calendar days of service of the notice, or correct the violation. A failure to request a compliance review within ten (10) calendar days after service of the notice shall be deemed a waiver of the right to a compliance review, and may subject the permittee's permit to immediate suspension by the Department.

C. The compliance review shall be held within fifteen (15) calendar days of the Department's receipt of the permittee's written request for a compliance review. Upon written request by the permittee, the compliance review officer may postpone any compliance review date, if circumstances warrant such action, or cancel the compliance review if the permittee's violations are corrected as verified by the Department.

D. At the compliance review, the Department's compliance review officer shall hear testimony, and read and consider documents submissions from the permittee and Department representatives.

E. The compliance review officer shall issue and serve a written decision to the permittee within fifteen (15) calendar days following the compliance review. In the event of suspension or revocation, the decision shall specify the permit violations that were found to exist and/or continue that were the basis of the suspension or revocation, the time period of the suspension of the permit, and the actions required for the correction of the continuing violations.

F. The failure to appear at the compliance review shall constitute an abandonment of the compliance review request.

G. Notwithstanding any other provision of this Chapter, if any immediate danger to the public health or safety is found or is reasonably suspected, unless the danger is immediately corrected, the Department may immediately suspend the permittee's Public Health Permit and order the Massage Establishment immediately closed, pending the determination of a compliance review. Immediate danger to the public health or safety shall include any condition, based upon inspection findings or other evidence, that can cause or is reasonably suspected of causing, infection, illness or disease transmission, lewd conduct, human trafficking, or any known or reasonably suspected hazardous condition.

H. Whenever a Public Health Permit is suspended as the result of an immediate danger to the public health or safety, the Department shall issue to the permittee a notice setting forth the violations that have caused the immediate danger, specifying the sections of this Chapter, or State or local laws or regulations, allegedly violated, and informing the permittee of the right to a compliance review and why the permittee's Public Health Permit should be suspended.

I. The Department may, after providing opportunity for a compliance review, modify, suspend, modify, or revoke a Public Health Permit for serious or repeated violations of the requirements of this Chapter or State and local laws and regulation, or for interference in the performance of the inspection and investigation duties of the Department.

J. A Public Health Permit may be reinstated, or a new Public Health Permit issued, if the Department determines that the conditions which prompted the suspension or revocation no longer exist.

SECTION 77. Section 11.36.330 is hereby added to read as follows:

11.36.330 Suspension or Revocation of Massage Establishment

Public Health Permit.

A. Any Massage Establishment Public Health Permit issued under this Chapter may be suspended pending an Office Review when, in the opinion of the County Health Officer or his or her designee, the public health or safety requires such suspension. A written notice of such suspension shall be provided to the permit holder by hand delivery or registered mail.

B. A Massage Establishment Public Health Permit may be revoked or suspended after an Office Review, if the County Health Officer or his or her designee finds:

1. Facts sufficient to support denial of a Massage Establishment Public Health Permit on any ground set forth in Section 8.04.1470.
2. The Massage Practitioner has violated the conduct requirements in Section 11.36.160 C.
3. That there is good cause to suspend or revoke the Public Health Permit in accordance with Chapter 8.04 – Public Health Licenses.
4. The Certified Massage Practitioner has violated any of the provisions of this Chapter or a rule or regulation adopted by the County Health Officer or his or her designee related to the practice of massage.

5. The owner of the Massage Establishment is required to register under the provisions of Penal Code Section 290 or register as a sex offender in any state of the United States.
6. The owner has been convicted of Penal Code Sections 266h (pimping), 266i (pandering), 314 (indecent exposure, obscene exhibitions, and bawdy and other disorderly houses,) 315 (keeping or residing in a house of ill-fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit a place for prostitution), 647(b) (engaging in or soliciting prostitution), 653.22 (loitering with intent to commit prostitution), or 653.23 (supervision of prostitute); has a business permit or license denied, revoked, restricted, or suspended by any agency, board, city, county, territory, or state; is subject to an injunction for nuisance pursuant to Penal Code Sections 11225—11235 (red light abatement); is convicted of a felony offense involving the sale of a controlled substance; is convicted of any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or is convicted in any other state of an offense which, if committed in this state, would have been punishable as one or more referenced offenses in this subdivision.
7. The overflow or backup of toilets, sinks, floor sinks/drains resulting in the accumulation of sewage/wastewater on or within the premises.

8. The presence of a vermin infestation within the Massage Establishment.
9. The lack of available water or hot water (100°F) at all faucets within the facility.
10. The city or county business license has been revoked or suspended.

C. Whenever a Public Health Permit has been revoked, the former permittee, whether a person, partnership, or corporation, shall not be granted a new Public Health Permit for a period of one (1) year from the date of revocation.

SECTION 78. Section 22.08.130 – M is hereby amended to read as follows:

22.08.130 - M.

— "Major highway" means a road so designated on the Highway Plan which is a heavily traveled route, requiring four or more traffic lanes and a standard right-of-way of 100 feet.

— "Marijuana" See Cannabis.

— "Massage" and "massage services" means ~~and should include any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations~~ the scientific manipulation of the soft tissues, or as otherwise defined in Division 2, Chapter 10.5 of the Business and Professions Code.

— "Massage ~~parlor~~Establishment" means any premises where "massage" or "massage services" are given.

— "May" is permissive.

— "Medical cannabis" means cannabis and any cannabis product, including but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, and edibles intended to be used by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), pursuant to section 11362.5 of the California Health and Safety Code. Medical cannabis does not include industrial hemp as defined by section 81000 of the California Food and Agricultural Code or section 11018.5 of the California Health and Safety Code.

— "Medical marijuana." See Medical cannabis.

— "Meteorological tower, temporary." "Temporary meteorological tower" means a temporary wind-measuring system consisting of a tower and related wind-measuring devices, which is used to measure winds prior to the construction of a small-scale wind energy system.

— "Microwave station" means a building housing equipment necessary for the receiving, amplifying or transmitting of microwave signals, including necessary antenna systems, along a communications route or system which employs microwave frequencies assigned by the Federal Communications Commission.

— "Mined lands" means the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or

other materials on property which result from or are used in surface mining operations, are located.

— "Minerals" means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

— "Mixed use development," unless otherwise specified, shall mean a development that combines residential and commercial uses.

— "Mobilehome" means a domicile transportable in one or more sections, designed and equipped to contain not more than two dwelling units, to be used with or without a permanent foundation system. "Mobilehome" does not include a recreational vehicle.

— "Mobilehome park" means any area or tract of land where two or more sites are rented or leased, or held out for rent or lease, to accommodate mobilehomes, as defined in this Title 22, and/or factory-built houses as defined in the Health and Safety Code of the state, which bear an insignia of approval pursuant to the Health and Safety Code of the state, used for human habitation. "Mobilehome park" also includes:

- A. A tract of land owned by a single individual or entity, and any form of ownership in which the land and/or the facilities are owned in common by the residents of such park, including a division of land for mobilehome purposes, as defined in Title 21 of this code, or a condominium as defined in the Civil Code of the state; and

- B. Facilities established under the terms "trailer court" and "trailer park."

— "Motel" means a group of attached or detached buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage attached or automobile parking space conveniently located on the lot or parcel of land, and which is designed, used or intended to be used wholly or in part for the accommodation of automobile transients. Motels include auto courts, motor lodges and tourist courts.

SECTION 79. Section 22.20.020 is hereby amended to read as follows:

22.20.020 - Home-based occupations—Regulations.

A. Home-based occupations may be established in order that a resident may carry on a business activity which is clearly incidental and subordinate to a dwelling unit in a residential zone. The establishment of a home-based occupation shall be compatible with the surrounding neighborhood and uses, and shall not adversely change the character of the dwelling unit or detract from the character of the surrounding neighborhood. Every home-based occupation shall be subject to the following standards:

1. The home-based occupation shall be demonstrably secondary and incidental to the primary dwelling unit and shall not change the character and appearance of the dwelling unit.
2. The home-based occupation shall not be conducted in any attached or unattached structure intended for the parking of automobiles.

3. The home-based occupation shall not create or cause noise, dust, vibration, odor, gas, fumes, smoke, glare, electrical interferences, hazards or nuisances. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit, as permitted by this Title 22. No noise or sound shall be created which exceeds the levels contained in Chapter 12.08 (Noise Control) of the Los Angeles County Code.
4. There shall be only one home-based occupation per dwelling unit.
5. The use shall be conducted only by persons residing within the dwelling unit, except that no more than one person not residing on the premises may be employed, either for pay or as a volunteer, to work on the premises as part of the home-based occupation carried on in the dwelling unit. One on-site standard sized parking space shall be provided for such employee or volunteer in addition to other required parking set forth in this Title 22.
6. Signage, in any form, that indicates, advertises, or otherwise draws attention to the home-based occupation is prohibited.
7. No stock in trade, inventory or display of goods or materials shall be kept or maintained on the premises, except for incidental storage kept entirely within the dwelling unit.
8. No mechanical equipment is permitted in connection with the home-based occupation, other than light business machines, such

as computers, facsimile transmitting devices and copying machines.

9. The home-based occupation shall not involve the use of commercial vehicles for delivery of materials and products to or from the premises in excess of that which is customary for a dwelling unit or which has a disruptive effect on the neighborhood. Such delivery services can include, but are not limited to, United States mail, express mail and messenger services. No tractor trailer or similar heavy duty delivery or pickup shall be permitted in connection with the home-based business.
10. Activities conducted and equipment or material used shall not change the type of construction of the residential occupancy and shall be subject to all required permits.
11. The home-based occupation shall not generate pedestrian or vehicular traffic in excess of that which is customary for a dwelling unit, or which would have a disruptive effect on the neighborhood.
12. No more than one client visit or one client vehicle per hour shall be permitted, and only from 8:00 a.m. to 8:00 p.m., Monday through Friday, in connection with the home-based occupation.
13. The home-based occupation shall cease when the use becomes detrimental to the public health, safety and welfare, or constitutes a nuisance, or when the use is in violation of any statute, ordinance, law or regulation.

B. The following uses are prohibited:

- ...
- Gunsmith.
- Massage ~~therapist~~technician, unless the ~~therapist~~technician has procured a massage technician's business license and a ~~massage parlor~~Establishment business license, as needed.
- Medical physician (nonpsychiatric), except as a secondary office which is not used for the general practice of medicine, but may be used for consultation and emergency treatment as an adjunct to a principal office located elsewhere.
- ...

SECTION 80. Section 22.28.210 is hereby amended to read as follows:

22.28.210 - Uses Subject to Permits.

Premises in Zone C-3 may be used for:

- A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:
- ...
 - Live entertainment, accessory, in a legally established bar, cocktail lounge or restaurant having an occupant load of less than 200 people where the conditions of Section 22.56.1754 have not or cannot be met. This provision shall not be construed to authorize the modification of development standards required for establishment of such bar, cocktail lounge or restaurant, except as otherwise provided by Part 2 of Chapter 22.56.
 - Massage parlorsEstablishments.

- Miniature golf courses.
- ...

SECTION 81. Section 22.28.260 is hereby amended to read as follows:

22.28.260 - Uses Subject to Permits.

Premises in Zone C-M may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

- ...
- Live entertainment, accessory, in a legally established bar, cocktail lounge or restaurant having an occupant load of less than 200 people, where the conditions of Section 22.56.1754 have not or cannot be met. This provision shall not be construed to authorize the modification of development standards required for establishment of such bar, cocktail lounge or restaurant, except as otherwise provided by Part 2 of Chapter 22.56.
- ~~Massage parlors~~ Establishments.
- Miniature golf courses.
- ...

SECTION 82. Section 22.28.320 is hereby amended to read as follows:

22.28.320 - Uses Subject to Permits.

Premises in Zone C-R may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit for:

- ...
- Living quarters for persons employed and deriving a major portion of their income on the premises, if occupied by such persons and their immediate families.
- ~~Massage parlors~~ Establishments.
- Menageries, zoos, animal exhibitions or other facilities for the keeping or maintaining of wild animals.
- ...

SECTION 83. Section 22.28.390 is hereby amended to read as follows:

22.28.390 - Uses Subject to Permits.

A. Premises in Zone C-RU may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

- ...
- Live entertainment, accessory, in a legally established bar, cocktail lounge, or restaurant having an occupational load of less than 200 people, where the conditions of Section 22.56.1754 have not, or cannot, be met. This provision shall not be construed to authorize the modification of development standards required for establishment of such bar, cocktail lounge, or restaurant, except as otherwise provided by Part 2 of Chapter 22.56.
- ~~Massage parlors~~ Establishments.
- Menageries, zoos, animal exhibitions, or other facilities for the keeping or maintaining of wild animals, except as otherwise provided in Section 22.24.160.
- ...

SECTION 84. Section 22.28.450 is hereby amended to read as follows:

22.28.450 - Uses Subject to Permits.

A. Premises in Zone C-MJ may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

— . . .

— Live entertainment, accessory, in a legally established bar, cocktail lounge, or restaurant having an occupant load of less than 200 people, where the conditions of Section 22.56.1754 have not been, or cannot be, met. This provision shall not be construed to authorize the modification of development standards required for establishment of such bar, cocktail lounge, or restaurant, except as otherwise provided by Part 2 of Chapter 22.56.

— ~~Massage parlors~~ Establishments.

— Microwave stations.

...

SECTION 85. Section 22.32.070 is hereby amended to read as follows:

22.32.070 - Uses Subject to Permits.

A. Premises in Zone M-1 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

— . . .

— Live entertainment, accessory, in a legally established bar, cocktail lounge, or restaurant having an occupant load of less than 200 people, where the conditions of Section 22.56.1754 have not been, or cannot be, met. This provision shall not be construed to authorize the modification of development standards required for establishment of such bar, cocktail lounge, or restaurant, except as otherwise provided by Part 2 of Chapter 22.56.

— ~~Massage parlors~~ Establishments.

— Miniature golf courses.

— . . .

SECTION 86. Section 22.32.140 is hereby amended to read as follows:

22.32.140 - Uses Subject to Permits.

A. Premises in Zone M-1.5 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

— . . .

— Land reclamation projects.

— ~~Massage parlors~~ Establishments.

— Nightclubs.

— . . .

SECTION 87. Section 22.32.190 is hereby amended to read as follows:

22.32.190 - Uses Subject to Permits.

A. Premises in Zone M-2 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56,

and while such permit is in full force and effect and in conformity with the conditions of such permit:

— . . .

— Manufacturing of:

- a. Ammonia.
- b. Bleaching powder.
- c. Byproducts or scrap from the handling or utilization of fish, meat or animals.
- d. Brick.
- e. Caustic soda, by electrolysis.
- f. Celluloid.
- g. Cellulose.
- h. Cement.
- i. Chlorine gas.
- j. Coal tar product, including the distillation of coal tar.
- k. Creosote.
- l. Explosives.
- m. Fertilizer.
- n. Fireworks.
- o. Gas.
- p. Gelatin.
- q. Glue.
- r. Grease.

- s. Guncotton products.
- t. Gypsum.
- u. Hydrocyanic acid products.
- v. Lamp black.
- w. Lard.
- x. Lime.
- y. Phenol.
- z. Potash.
- aa. Pyroxylin plastic materials.
- bb. Rubber.
- cc. Size.
- dd. Soda ash.
- ee. Tallow.
- ff. Tar products and byproducts.
- gg. Terra cotta.
- hh. Tile (with outdoor kiln).
- ii. Tobacco, chewing tobacco.
- jj. Vinegar.

— ~~Massage parlors~~ Establishments.

— Meat packing plants.

— . . .

SECTION 88. Section 22.40.475 is hereby amended to read as follows:

22.40.475 - Uses Subject to Permits.

Premises in Zone MXD may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

A. The following uses may be in either a mixed use or a commercial-only development:

— . . .

B. The following uses are limited to commercial-only development projects or properties:

— . . .

— Laundries, self-service.

— ~~Message parlors~~ Establishments.

— Motels.

— . . .

SECTION 89. Section 22.40.620 is hereby amended to read as follows:

22.40.620 - Prohibited Uses.

In addition to uses prohibited in Section 22.32.032, premises in Zone ()-IP shall not be used for the following uses:

— . . .

— Lodge halls.

— ~~Message parlors~~ Establishments.

— Millinery shops.

— . . .

SECTION 90. Section 22.40.820 is hereby amended to read as follows:

22.40.820 - Uses Subject to Permits.

A. Premises in Zone MXD-RU may be used for the following uses, provided that a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

— . . .

— Live entertainment, accessory, in a legally established bar, cocktail lounge, or restaurant having an occupant load of less than 200 people, where the conditions of Section 22.56.1754 have not, or cannot, be met. This provision shall not be construed to authorize the modification of development standards required for establishment of such bars, cocktail lounges, or restaurants, except as otherwise provided by Part 2 of Chapter 22.56.

— ~~Massage parlors~~ Establishments.

— Menageries, zoos, animal exhibitions, or other facilities for the keeping or maintaining of wild animals, except as otherwise provided in Section 22.24.160.

— . . .

SECTION 91. Section 22.44.1490 is hereby amended to read as follows:

22.44.1490 - Home-based Occupations.

A. Regulations. Home-based occupations may be established so that a resident may carry on a business activity which is clearly incidental and subordinate to a dwelling unit in a residential zone. The establishment of a home-based occupation shall be compatible with the surrounding neighborhood and uses, and shall not adversely change the character of the dwelling unit or detract from the character of the

surrounding neighborhood. Every home-based occupation shall be subject to the following standards:

1. The home-based occupation shall be demonstrably secondary and incidental to the primary dwelling unit and shall not change the character and appearance of the dwelling unit.
2. The home-based occupation shall not be conducted in any attached or unattached structure intended for the parking of automobiles.
3. The home-based occupation shall not create or cause noise, dust, vibration, odor, gas, fumes, smoke, glare, electrical interferences, hazards or nuisances. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit, as permitted by this Title 22. No noise or sound shall be created which exceeds the levels contained in Chapter 12.08 (Noise Control) of the County Code.
4. There shall be only one home-based occupation per dwelling unit.
5. The use shall be conducted only by persons residing within the dwelling unit, except that no more than one person not residing on the premises may be employed, either for pay or as a volunteer, to work on the premises as part of the home-based occupation carried on in the dwelling unit. One on-site standard sized parking space shall be provided for such employee or volunteer in addition to other required parking set forth in this LIP.

6. Signage, in any form, that indicates, advertises, or otherwise draws attention to the home-based occupation is prohibited.
7. No stock in trade, inventory or display of goods or materials shall be kept or maintained on the premises, except for incidental storage kept entirely within the dwelling unit.
8. No mechanical equipment is permitted in connection with the home-based occupation, other than light business machines, such as computers, facsimile transmitting devices and copying machines.
9. The home-based occupation shall not involve the use of commercial vehicles for delivery of materials and products to or from the premises in excess of that which is customary for a dwelling unit or which has a disruptive effect on the neighborhood. Such delivery services can include, but are not limited to, United States mail, express mail and messenger services. No tractor trailer or similar heavy duty delivery or pickup shall be permitted in connection with the home-based business.
10. Activities conducted and equipment or material used shall not change the type of construction of the residential occupancy and shall be subject to all required permits.
11. The home-based occupation shall not generate pedestrian or vehicular traffic in excess of that which is customary for a dwelling unit, or which would have a disruptive effect on the neighborhood.

12. No more than one client visit or one client vehicle per hour shall be permitted, and only from 8:00 a.m. to 8:00 p.m., Monday through Friday, in connection with the home-based occupation.
13. The home-based occupation shall cease when the use becomes detrimental to the public health, safety and welfare, or constitutes a nuisance, or when the use is in violation of any statute, ordinance, law or regulation.

B. The following uses are prohibited:

- ...
- Gunsmith
- ~~Massage therapist~~technician, unless the ~~therapist~~technician has procured a massage technician's business license and a ~~massage parlor~~Establishment business license, as needed.
- Medical physician (nonpsychiatric), except as a secondary office which is not used for the general practice of medicine, but may be used for consultation and emergency treatment as an adjunct to a principal office located elsewhere.
- ...

SECTION 92. Section 22.46.3005 is hereby amended to read as follows:

22.46.3005 - Definitions of Uses and Terms.

The following definitions shall apply in this Form-Based Code.

A. Definitions of Uses.

1. Alcoholic Beverage Sales: Alcoholic Beverage Sales means a place of business selling alcoholic beverages for on-site or off-site consumption, and where the sale of food may be incidental to the

sale of such beverages. This includes any establishment that has a valid alcoholic beverage license from the State. Alcoholic beverage sales businesses may include, but are not limited to, restaurants, bars, taverns, liquor stores, cocktail lounges, nightclubs, and supper clubs.

2. **Artisan/Craft Product Manufacturing:** Artisan/Craft Product Manufacturing means an establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery, and other ceramics, as well as small glass and metal art and craft products, where any retail sales, if any, are incidental to the manufacturing activity.
3. **Auto-Related, Commercial:** Auto-Related, Commercial means a place of business serving auto-related needs including, but not limited to, car rental; car wash; gas station; mechanic offering routine minor maintenance, such as fluid replacement, wiper blade replacement, flat tire repair, or similar activities that produce minimal noise, vibration, or fumes and that exclude activities listed under the definition of "auto-related industrial establishment" in this subsection; consumer retail auto parts; and indoor vehicle sales. Excluded from this definition are auto-related commercial storage facilities and drive-through establishments.
4. **Auto-Related, Industrial:** Auto-Related, Industrial means a facility conducting activities associated with: the repair or maintenance of

motor vehicles, trailers, and similar large mechanical equipment; paint and body work; major overhaul of engine or engine parts; vehicle impound or wrecking yard; outdoor vehicle sales, storage, or repair; and government vehicle maintenance facilities. This definition includes auto-related uses not otherwise allowed within the Auto-Related, Commercial category.

5. Commercial, General: Commercial, General means a use where the place of business provides the sale and display of goods or sale of services directly to the consumer with goods available for immediate purchase and removal by the purchaser. General commercial goods include, but are not limited to, clothing, food, furniture, pharmaceuticals, books, antiques, and art. General commercial service includes, but is not limited to, a barber/beauty shop, bicycle rental, travel agency, retail store, bank, retail dry cleaning with limited equipment, express delivery service, photo studio, repair service establishment, employment office, and a veterinary clinic. Excluded from this definition are drive-through establishments.
6. Commercial, Restricted: Commercial, Restricted means a use which, because of its characteristics or location, may be suitable only in specific locations and only if such uses are designed or arranged on the site in a particular manner. For such uses, the Hearing Officer may impose conditions to ensure the purpose and

intent of this Form-Based Code are satisfied including conditions related to, but not limited to, location, construction, maintenance, operation, site planning, traffic control, and time limits for the use. Restricted Commercial may include, but not be limited to, a tobacco shop, cigar bar, hookah bar, nail salon, dry cleaning plant, mortuary, tattoo and body piercing, ~~Massage parlor~~ Establishment, check-cashing store, bail bond, pawn shop, and a food and beverage processing use.

7. Community Facility: Community Facility means a non-commercial facility established primarily for the benefit and service of the general public of the community in which it is located. Such facilities may include, but are not limited to, community centers, County field offices, police and fire stations, and cultural facilities, such as libraries and museums.

8. Community Residence: A Community Residence includes, but is not limited to, the following:

- Adult day care facility.
- Adult residential facility.
- Child care center.
- Dormitory.
- Family child care home, large.
- Family child care home, small.
- Foster family home.

- Group home, children, having seven or more children.
- Group home, children, limited to six or fewer children.
- Homeless shelter.
- Juvenile hall.
- Small family home, children.

9. Community Support Facility: Community Support Facility means a facility providing basic services for the benefit and service of the population of the community in which it is located. Such facilities may include, but not be limited to, extended care facilities, nursing homes, convalescent homes, continuing care facilities, and assisted living facilities.

10. Designated Historic Landmark: Designated Historic Landmark is a property that is either of the following:

a. Listed in the National Register of Historic Places as defined in section 1.191-2(b) of Title 26 of the Code of Federal Regulations; or

b. Listed in any State or County official register of historical or architecturally significant sites, places, or landmarks.

11. Entertainment, Major: Entertainment, Major means a place of business serving the amusement and recreational needs of the community with an occupant load of 200 people or more. This category may include, but not be limited to, cinemas, billiard parlors, cabarets, teen clubs, dance halls, or game arcades.

12. Entertainment, Minor: Entertainment, Minor, means a place of business serving the amusement and recreational needs of the community with an occupant load of less than 200 people. This category may include, but not be limited to, cinemas, billiard parlors, cabarets, teen clubs, dance halls, or game arcades.
13. Food Service: Food Service means a place of business dedicated to the preparation and sale of food and beverage for immediate consumption on or off-site.
14. Infrastructure and Utilities: Infrastructure and Utilities means facilities or structures related to the provision of roads, transit facilities, water and sewer lines, electrical, telephone and cable transmission, wireless telecommunication facilities, and all other utilities and communication systems necessary to the functioning of a community.
15. Learning Center: Learning Center means a facility offering training, tutoring, or instruction to students in subjects including, but not limited to, languages, music, fine arts, or dance. Instruction may include the provision of electronic testing and distance learning.
16. Major Facility: Major Facility means a facility of an institutional nature including, but not limited to, a hospital, public health and social service facility, medical clinic, research facility, shelter, judicial building, jail, juvenile hall, detention facility, cemetery,

mausoleum, ambulance service, pharmaceutical laboratory, human testing, animal husbandry, and an incinerator.

17. **Manufacturing and Processing Facility:** Manufacturing and Processing Facility means a facility primarily engaged in the manufacturing, processing, repair, or assembly of goods.
18. **Office:** Office means a building or portion thereof used for conducting a business, profession, service, or government function. This category may include, but not be limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices. A facility for manufacturing activities shall be excluded from this definition.
19. **Place of Assembly:** Place of Assembly means a facility for public assembly including, but not limited to, arenas, auditoriums, banquet halls, conference facilities, convention centers, exhibition halls, major sports facilities, theaters, and performing arts centers.
20. **Products and Services Facility:** Products and Services Facility means a public or private facility providing industrial and other services to individuals or businesses. This category may include, but is not limited to, laundry/dry cleaning plants, and metal, machine, or welding shops. This category may also include special services such as, but not limited to, pharmaceutical laboratories,

animal kennels, government maintenance facilities, and solid waste facilities.

21. **Public Parking:** Public Parking means a non-accessory parking facility available to the general public for parking motor vehicles, including parking lots or parking structures. This use does not include parking located in the public right-of-way.
22. **Recreational, Commercial:** Recreational, Commercial means a place of business providing group leisure activities, often requiring equipment, and open to the public with or without entry or activity fees. This category may include, but not be limited to, game courts, skating rinks, bowling alleys, and commercial golf facilities, gyms, or sports rooms.
23. **Recreational, Non-Commercial:** Recreational, Non-Commercial means a non-commercial facility, primarily an open space, serving the recreational needs of the general public. This category may include, but not be limited to, golf courses, parks, playfields, and playgrounds.
24. **Religious Facility:** Religious Facility means a facility used for regular organized religious worship and related activities.
25. **Research Facility:** Research Facility means a facility used primarily for research and development that does not involve the use of human testing, animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, processing, or sale of products.

26. Schools: Schools means any public, parochial, private, charitable or non-profit school, college, or university, other than trade or business schools, which may include instructional or recreational uses, living quarters, dining rooms, restaurants, heating plants, or other incidental facilities for students, teachers and employees. Examples of schools include: boarding schools, charter schools, pre-schools, elementary schools, middle schools, high schools, colleges, and universities.
27. Special Training/Vocational: Special Training/Vocational means a facility offering instruction or training in trades or occupations such as secretarial, paralegal, business, beauty, barber, bartender, acupuncture, massage, or other similar vocations. This category excludes training or education for any activity that is not otherwise allowed in the zone.
28. Storage and Distribution Facility: Storage and Distribution Facility means a facility providing long-term or short-term storage, and the selling or distribution of merchandise. This category includes, but is not limited to, container yards, crating, packing and shipping service, heavy equipment sales, service and storage, warehousing or distribution establishments, public storage facilities, commercial storage facilities, or outdoor storage of building materials.

B. Definitions of Terms.

1. Attic: Attic means the space between the ceiling joists and roof rafters of a structure. Attics may be accessible by a staircase or other means.
2. Arcade: See Frontage Type Standards for Arcade (Section 22.46.3011).
3. Awning Sign: See Sign Standards for Awning Sign (Section 22.46.3012).
4. Bulkhead: Bulkhead means a low partition wall located between the grade and window opening(s) used for the display of merchandise.
5. Cabinet Sign: Cabinet Sign means a sign in which a removable sign face (usually with translucent sign graphics) is enclosed on all edges by a metal cabinet. A Cabinet Sign may also be multi-sided.
6. Civic Space: Civic Space means an open area dedicated for public use, typically for community gatherings.
7. Clearly Visible From the Street: When a project is "clearly visible from the street," the street includes its sidewalks, squares, plazas, civic greens, parks, and all public space except alleys. A building element more than 30 feet from the building line or street is considered not Clearly Visible From the Street. A common wall is considered not Clearly Visible From the Street.
8. Colonnade: Colonnade means a series of columns similar to an arcade but spanned by straight lintels rather than arches, linked together, usually as an element of a building.

9. Compatible: Compatible means that the characteristics of different uses or activities or designs, allow them to be located near or adjacent to each other so as to be in harmony and to avoid abrupt or severe differences. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other elements affecting compatibility include pedestrian or vehicular traffic routes, circulation, access, parking impacts, landscaping, lighting, noise, odor, and architecture. Compatible does not mean "the same as," but rather, refers to the sensitivity of development proposals in maintaining the character of existing development.
10. Court: See Building Type Standards for Court (Section 22.46.3010).
11. Creative Sign: Creative Sign means a sign that meets the requirements of Section 22.46.3012.F of this Form-Based Code and has a Creative Sign permit.
12. Curb, Curb Line: Curb, Curb Line means a stone, concrete, or other improved boundary, marking the edge of the roadway or paved area.
13. Drive-through Establishment: Drive-through Establishment means a retail or service business where services may be obtained by motorists without leaving their vehicles. Examples include automated teller machines (ATMs), banks, pharmacies, and food service establishments.

14. Duplex/Triplex: See Building Type Standards for Duplex/Triplex (Section 22.46.3010).
15. Facade: Facade means the exterior wall of a building that is set along a frontage line that supports the public realm, and is subject to frontage requirements.
16. Flex Block: See Building Type Standards for Flex Block (Section 22.46.3010).
17. Flex Space: Flex Space means a ground-level floor area that is structurally built to accommodate both residential and non-residential uses, such as that in a live-work building.
18. Forecourt: See Frontage Type Standards for Forecourt (Section 22.46.3011).
19. Front Yard/Porch: See Frontage Type Standards for Front Yard/Porch (Section 22.46.3011).
20. Gallery: See Frontage Type Standards for Gallery (Section 22.46.3011).
21. Half-Story: Half-Story means a partial story located above a full story and underneath a sloping roof, where the roof planes intersect two opposite exterior walls at a height of no more than three feet above the half-story floor level.
22. House: See Building Type Standards for House (Section 22.46.3010).

23. Hybrid Court: See Building Type Standards for Hybrid Court (Section 22.46.3010).
24. I-710: I-710 refers to Interstate Highway 710, also known as the Long Beach Freeway.
25. Lined Block: See Building Type Standards for Lined Block (Section 22.46.3010).
26. Main Entrance: A main building entrance is the widest entrance to a building and the one that most pedestrians are expected to use. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or ground level interior circulation space, there shall be no main entrance for purposes of this definition. In single-tenant buildings, main entrances typically open directly into lobby, reception, or sales areas.
27. Neighborhood Market: Neighborhood Market means a neighborhood-serving retail store with merchandise, oriented to daily convenience shopping needs, and sell items such as fresh foods and produce. A Neighborhood Market shall not sell used merchandise.
28. Projecting Sign: See Sign Standards for Projecting Sign (Section 22.46.3012).

29. Relief: Relief means an architectural element in which forms or figures are distinguished from a surrounding plane surface or wall. Typical relief may include projecting detail or carved or molded ornamentation that projects from a flat surface.
30. Rowhouse: See Building Type Standards for Rowhouse (Section 22.46.3010).
31. Setback, Setback Line: Setback, Setback Line means the area of a lot measured from a lot line to a building facade or elevation that must be maintained clear of permanent structures except for an encroachment allowed by an encroachment permit issued in compliance with Title 16 and Title 26 of the Los Angeles County Code.
32. Shared Parking: Shared Parking means parking space that is available to more than one use.
33. Shop Front: See Frontage Type Standards for Shop Front (Section 22.46.3011).
34. Stoop: See Frontage Type Standards for Stoop (Section 22.46.3011).
35. Story: Story means a habitable level within a building from finished floor to finished ceiling. Attics and raised basements are not considered part of a story for purposes of determining building height when measured in stories.

36. Street, Front: Street, Front means a street that is predominately bordered by front lot lines and which the front facade of a structure would normally face.
37. Street, Side: Street, Side means a street or right-of-way that is not a front street or an alley.
38. Terrace: See Frontage Type Standards for Terrace (Section 22.46.3011).
39. Transect Zone: Transect Zone means a designated area governed by the regulations set forth in this Form-Based Code.
40. Wall Sign: See Sign Standards for Wall Sign (Section 22.46.3012).
41. Yard Sign: See Sign Standards for Yard Sign (Section 22.46.3012).

[706040STCCC]

**BOARD LETTER/MEMO – FACT SHEET
OPERATIONS CLUSTER**

OPS CLUSTER AGENDA REVIEW DATE	1/31/2019	
BOARD MEETING	2/19/2019	
SUPERVISORIAL DISTRICT AFFECTED	Applies to All Districts	
DEPARTMENT	Auditor Controller	
SUBJECT	CGI Contract - Amendment 7, Phase 6	
PROGRAM	eCAPS/eHR Enterprise System	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	If Yes, please explain why:	
DEADLINES/ TIME CONSTRAINTS	March 2019	
COST & FUNDING	Total cost: \$4,700,000.00	Funding source: Existing Funding
	TERMS (if applicable): \$3,000,000.00 for the remainder of the contract and \$1,700,000.00 for Sub-Project 17.	
	Explanation: To extend contingency and additional Sub-Project 17 for the remainder of the original contract.	
PURPOSE OF REQUEST	The purpose of the recommendation is to replenish contingency dollars for the eCAPS/eHR Enterprise project for unforeseen needs, which are mandated by Federal/State Legislation. Additionally, to provide funding for specific projects, in the HR area, for the remainder of the original contract.	
BACKGROUND (include internal/external issues that may exist)	<p>Since 2004 the eCAPS and eHR Applications have been established as the County's Integrated Administrative Applications for Human Resources, Financial, Budget, and Procurement. As federal and State mandates continue to change the County's Integrated Applications must remain compliant. The need for software customization is needed for:</p> <ul style="list-style-type: none"> • FLSA and HR needs – federal mandate • Leave Enhancements – customization • ePAR Upgrade – customization <p>These modifications will benefit the County in staying in compliance with our Administrative Systems.</p>	
DEPARTMENTAL AND OTHER CONTACTS	<p>Name, Title, Phone # & E-mail:</p> <ul style="list-style-type: none"> • Karen Loquet, Assistant Auditor-Controller, 213.974.0385, KLoquet@auditor.lacounty.gov 	



JOHN NAIMO
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-3873
PHONE: (213) 974-8301 FAX: (213) 626-5427

February 19, 2019

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**APPROVE REQUEST FOR A CONTRACT AMENDMENT NUMBER
SEVEN WITH CGI TECHNOLOGIES AND SOLUTIONS INC. FOR
eCAPS/eHR SOFTWARE AND PROJECT IMPLEMENTATION AND
INCREASE THE CONTINGENCY ALLOCATION FOR AS-NEEDED
SERVICES**

(ALL SUPERVISORY DISTRICTS) (3 VOTES)

CIO RECOMMENDATION: APPROVE (X)

SUBJECT

The Department of Auditor-Controller (A-C), Department of Human Resources (DHR), Chief Executive Office (CEO), Internal Services Department (ISD), and Chief Information Officer (CIO) recommend the approval of Amendment Number Seven (Amendment) to the Auditor-Controller's Services and License Agreement with CGI Technologies and Solutions Inc. (CGI) to enhance the functionality of the enterprise financial and human resources software applications and related services.

JOINT RECOMMENDATION BY THE DEPARTMENT OF AUDITOR-CONTROLLER, DEPARTMENT OF HUMAN RESOURCES, CHIEF EXECUTIVE OFFICE, INTERNAL SERVICES DEPARTMENT, AND CHIEF INFORMATION OFFICER, THAT THE BOARD OF SUPERVISORS (BOARD):

1. Increase the Auditor-Controller's authorization to execute change orders utilizing the contingency funds outlined in the Amendment, of the Auditor-

Controller's Services and License Agreement Number 74797 (SLA) with CGI in the amount of \$3,000,000 for the purchase of as needed services, based on previous contingency spent over the past three years. The proposed allocation of the \$3,000,000 County contingency for the Amendment shall be \$300,000 for Fiscal Year (FY) 2018-19; \$1,000,000 for FY 2019-20; \$1,000,000 for FY 2020-21; and \$700,000 for FY 2021-22. Any amount not used in any fiscal year shall be carried forward to the following fiscal year, not to exceed the total contract Amendment amount of \$3,000,000.

2. Delegate the authority to the Auditor-Controller to execute the attached Amendment to the Auditor-Controller's SLA with CGI to enhance the functionality of the Enterprise Financial and Human Resources software applications (eCAPS and eHR). The development and implementation services portion of the Amendment is on a fixed-price, deliverable basis in the amount of \$1,748,250, and becomes effective upon execution by the Board.

This Amendment provides authority for additional expenses for the development and implementation services, which shall be \$424,830 for FY 2018-19; and \$1,323,420 for FY 2019-20. Any amount not used in either fiscal year shall be carried forward to the following fiscal year, not to exceed the total contract Amendment amount of \$1,748,250.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Since the original Board approved contract, in April 2004, the contract agreement has included the Administrative systems development and implementation needs. Between 2004 and 2018, eCAPS and eHR web-based enterprise applications have been established as the integrated core financial and human resources management systems for all County departments. These enterprise systems have proven to successfully deliver the critical financial, budget, procurement, inventory, capital assets, debt, contract, payroll and human resources management functionality to support the daily operations of all County departments.

The eCAPS/eHR Project (Project) has successfully completed the major events and milestones associated with the established goals and objectives of the Project on time and within budget. The prior Amendment Six covers the maintenance agreement, for the duration of the contract, ending September 2022.

The success of the Project has provided a solid foundation for the County's integrated financial and human resources administrative systems. This proposed Amendment will build upon that strong foundation by implementing the required human resource management enhancements to support the County's business requirements.

Contingency Allocation for eCAPS/eHR Project (Board Action #1 - \$3,000,000)

The Contingency Allocation is to be used to support unforeseen future enhancements to existing processes. Uses of the Contingency Allocation may be triggered by new federal and/or State regulations, collective bargaining agreements authorized by the Board, and other required enhancements needed to optimize financial and human resource processes.

As needs arise and additional services are required, the Contingency Allocation provides the eCAPS/HR Advisory Committee the flexibility to meet the County's business needs rapidly in order to avoid disruption to critical County services through the Change Notice process provided for in the SLA.

Implementation of one additional Subproject for eCAPS/eHR Project (Board Action #2 - \$1,748,250)

Under the Amendment, new software enhancements will be implemented in the eHR application to support the County's business requirements changes to streamline the County's business processes. These enhancements are detailed in the following Subproject:

- **eHR Customizations & Personnel Action Request (PAR) Upgrade (\$1,748,250)** – includes software enhancements to the eHR application to support the County's additional business requirements for payroll and leave processing, and streamline the security administration processes for PAR processing.

Software Customizations:

In addition to implementing the new and updated business processes in eCAPS and eHR, the Subproject includes the following software modifications to provide additional functionality required to address the County's business requirements:

- **Taxable Cash Cap** – This modification is required due to the approved 2018 collective bargaining agreements. It will support the business requirements by providing the County with the ability to limit Choices and Options benefit plans, such that County employees enrolled in those plans will be limited to the maximum amount of allowable taxable cash; and capture the taxable cash amount limits for the selected benefit plans offered by the County to its employees.
- **Fair Labor Standards Act (FLSA) Compensatory Time Off (CTO)** – This customization is necessary to comply with a recent court decision that requires employers to include taxable cash from cafeteria plans in the calculation of overtime for FLSA covered employees.

- **Leave Processing Customizations** – These customizations will expand the leave processing functionality in eHR to allow multiple event codes for leave payout processing, automatically calculate the number of elective annual leave months for employees that have pay rate changes prior to termination, automatically create leave triggers upon employee termination, and prevent the creation of over/under leave balances resulting from multiple leave conversions.

PAR Upgrade – This initiative will include the implementation of the security administration redesign to streamline the administration of the personnel action requests and implementation of new functionality available in the product solution.

Implementation services under the Amendment cover deliverables for the new Subproject, scheduled from the effective date of the Agreement to the proposed completion dates for the new Subproject. The specific Subproject deliverables, implementation services, payment schedules, and due dates are identified in each of the Subproject Statement of Work (SOW) projects plans, including business requirements, deliverables, and tasks.

The SOWs follow similar project management approach and methodologies successfully used in the earlier phases and subprojects of the Project. Improvements have been made to the Project approach in several areas including more involvement of County staff to reduce cost and improve the knowledge transfer and analysis of previously developed business processes and procedures.

Implementation of Strategic Plan Goals

The proposed Amendment promotes the Board-approved County Strategic Plan Goals of Service Excellence, Workforce Excellence, Organizational Effectiveness, and Fiscal Responsibility. In addition, the Amendment enhances the development and capabilities of the County's enterprise financial and human resources applications in a manner that provides a solid foundation for improved management information and efficiencies in the County's business operations.

FISCAL IMPACT/FINANCING

This eCAPS/eHR Project Amendment totals \$4,748,250 and will be budgeted over a four year period, from FY 2018-19 through FY 2021-22. Detailed amounts for each fiscal year are described in Table 3. The FY 2018-19 Adopted Integrated Applications Budget includes sufficient funding (\$724,830) to fund current year costs. Funding for the remaining term of the Amendment (\$4,023,420) will be funded with obligated fund balance committed for financial systems and will be appropriated through the annual budget process.

The ongoing ISD operating costs for server hosting and storage expenses for FY 2018-19 thru FY 2021-22, estimated for all four FYs at a total of \$249,055, are not included in this Board Letter and are projected to be covered under the Auditor-Controller's Integrated Applications Budget.

The projected cost under the Amendment for the new Subproject, the hosting and long-term maintenance agreement, and other operating charges through September 30, 2022 are described below:

I. Services and License Agreement (SLA) Amendment Number Seven - \$4,748,250

The Amendment is comprised of the following components listed in Table 1: Requested Amendment Number Seven (Board Actions #s 1 and 2). See Attachment I, List of Tables.

The Amendment, in the amount of \$4,785,250, increases the contract total to \$259,264,490, as set forth in Table 2: CGI Services and License Agreement. See Attachment I, List of Tables.

II. Financing

Additionally, ISD costs for server hosting and storage through September 30, 2022 contemplated under this Amendment are shown below. The total annual funding requirement for this Amendment is listed in Table 3: Amendment Number Seven Budget Authorization by Fiscal Year. See Attachment I, List of Tables.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Amendment Seven follows the same contractual structure as the existing eCAPS contract and Amendments Numbers One through Six.

Amendment Seven includes the revised contract language, appendices, and exhibits for the Subproject consisting of fixed-price deliverables-based services identified in the Statement of Work (SOW).

All other provisions of the SLA remain intact and unaffected by the proposed Amendment.

CONTRACTING PROCESS

To determine the cost estimate for the scope of the Amendment, the A-C, DHR, and ISD provided CGI with the County's business requirements to support the Subproject area. Based on the County's requirements, CGI submitted proposals and a SOW for the Subproject. Upon receipt of the CGI proposals, the County entered into contract

negotiations with CGI, who is the only provider of the Advantage® products and provider of the maintenance services. County Counsel provided direction on the Amendment and reviewed all proposed documents. The CIO reviewed this request and recommends approval. The CIO Analysis is attached.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the proposed Amendment will continue to enhance the County's financial and human resources management enterprise systems administered and operated by the A-C, DHR, ISD, and CEO. It also provides for policy and procedures standardization across the County departments, and ensures fiscal and personnel compliance with the Board adopted guidelines. Lastly, it promotes process efficiency and effectiveness by bringing the County to a level of stability to support the expansion of the County's enterprise-wide system in the event of future changes to the County's business requirements.

Respectfully Submitted,

Reviewed by:

JOHN NAIMO
Auditor-Controller

William S. Kehoe
Chief Information Officer

Attachments

- c: Chief Executive Office
- Executive Office, Board of Supervisors
- County Counsel
- IT Board Deputies
- Department of Human Resources
- Internal Services Department
- Countywide Communications

**eCAPS/eHR Software and Project Implementation and Increase in the
Contingency Allocation for As-Needed Services
Department of Auditor-Controller/CGI Technologies and Solutions, Inc.
Amendment Number Seven**

List of Tables

Table 1: Requested Amendment Number Seven
(Board Actions #s 1 and 2)

Category	Estimates	Amount
CGI Implementation Services		
a. Contingency (Board Action # 1)	\$3,000,000	
Contingency	Sub-total	\$3,000,000
b. Implementation Services (Board Action # 2)	\$1,748,250	
• Subproject - eHR Customizations & PAR Upgrade		
Development and Implementation Services	Sub-total	\$1,748,250
CGI Amendment Number Seven Total		\$4,748,250

Table 2: CGI Services and License Agreement

	Original Contract Plus Amendments 1-6 and Change Notices 1 - 92 (April 2004 – Sept. 2022)	Amendment # 7 (March 2019 – Sept. 2022)	Total SLA Contract April 2004 – Sept. 2022
Implementation Services	\$191,990,624	\$1,748,250	\$193,738,874
Maintenance	\$61,759,118	\$0	\$61,759,118
County Contingency	\$766,498	\$3,000,000	\$3,766,498
Total Services and License Agreement	\$254,516,240	\$4,748,250	\$259,264,490

Table 3: Amendment Number Seven Budget Authorization by Fiscal Year

	A-C/DHR CGI Contract Amendment # 7	ISD Charges	Annual Funding Requirement
FY 2018-19	\$724,830	\$ 0	\$724,830
FY 2019-20	\$2,323,420	\$83,019	\$2,406,439
FY 2020-21	\$1,000,000	\$83,018	\$1,083,018
FY 2021-22	\$700,00	\$83,018	\$783,018
Total	\$4,748,250	\$249,055	\$4,997,305

**BOARD LETTER/MEMO – FACT SHEET
OPERATIONS CLUSTER**

OPS CLUSTER AGENDA REVIEW DATE	1/31/2019	
BOARD MEETING	Not applicable.	
SUPERVISORIAL DISTRICT AFFECTED	All districts	
DEPARTMENT	Sheriff	
SUBJECT	Advance notification of intent to enter into negotiations for a sole source Amendment to extend Agreement No. 74666 with Syscon Justice Systems Canada Ltd. and Syscon Justice Systems, Inc. (collectively, Syscon)	
PROGRAM	Jail Information Management System (JIMS) maintenance and support services	
SOLE SOURCE CONTRACT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	If Yes, please explain why: The JIMS software is proprietary to Syscon, and these services are only available through this vendor. Syscon does not authorize, license, or otherwise certify any third party to maintain, support, and/or modify its proprietary software.	
DEADLINES/ TIME CONSTRAINTS	Agreement No. 74666 expires on August 17, 2019.	
COST & FUNDING	Total cost: \$1,800,000 estimated	Funding source: Inmate Welfare Fund
	TERMS (if applicable): Three years, plus three additional one-year option terms	
	Explanation:	
PURPOSE OF REQUEST	To provide continued maintenance and support for the Sheriff Department's JIMS.	
BACKGROUND (include internal/external issues that may exist)	JIMS is a mission-critical inmate identification, movement and location tracking system application customized by Syscon to meet the specific needs of the County's jail environment. The Sheriff's Department operates JIMS to manage an average daily population of approximately 18,000 inmates; the continued maintenance and support of JIMS will avoid overtime and training costs in the event of a JIMS breakdown.	
DEPARTMENTAL AND OTHER CONTACTS	Name, Title, Phone # & Email: <ul style="list-style-type: none"> • Angelo Faiella, ASM III (213) 229-3259 afaiell@lasd.org • Scott Goodwin, I.T. Manager III (562) 345-4149 srgoodwi@lasd.org 	

December 4, 2018

To: Supervisor Sheila Kuehl, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Janice Hahn
Supervisor Kathryn Barger

From: Alex Villanueva
Sheriff

**ADVANCE NOTIFICATION OF INTENT TO ENTER INTO NEGOTIATIONS
FOR A SOLE SOURCE AMENDMENT TO AGREEMENT NUMBER 74666
WITH SYSCON JUSTICE SYSTEMS CANADA LTD. AND SYSCON JUSTICE
SYSTEMS, INC. FOR THE MAINTENANCE AND SUPPORT OF THE
JAIL INFORMATION MANAGEMENT SYSTEM**

This letter provides advance notification to the Board of Supervisors (Board), in accordance with Board Policy 5.100, that the Los Angeles County (County) Sheriff's Department (Department) intends to enter into negotiations for a Sole Source Amendment (Amendment) to extend Agreement Number 74666 (Agreement) with Syscon Justice Systems Canada Ltd. and Syscon Justice Systems, Inc. (collectively, Syscon) for a term of three years, plus three additional one-year option terms, to provide continued maintenance and support for the Department's Jail Information Management System (JIMS). The estimated cost of the Amendment is \$1.8 million.

BACKGROUND

During Fiscal Year 2001-02, the Department solicited for commercial off-the-shelf (COTS) software solution(s) through the County's Internal Services Department (ISD) to update the Department's inmate management system. Five vendors submitted responses. The Department and ISD conducted a detailed evaluation of their products and associated costs. Syscon Justice Systems Limited (the predecessor to Syscon) (1) offered the lowest cost product with the best functional and technical fit of all the jail management software vendors that responded, and (2) was the only vendor that offered

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a complete web-based product. Syscon Justice Systems Limited was accordingly selected as the highest rated vendor. On December 2, 2003, the County entered into a Sole Source Agreement with Syscon Justice Systems Limited to provide additional modules to the core product as well as continued maintenance of the solution. The Department advised the Board of the development of a phased implementation plan for JIMS to enhance and integrate various legacy stand-alone systems of the Department's Custody Division. Phase 1 of this project was successfully implemented on May 23, 2008, and Phase 2 of JIMS was accepted on July 3, 2013.

The Agreement has been amended on ten prior occasions to, among other things, exercise the term extension options, include funds for continued maintenance and support of the solution, and modify the statement of work to consolidate work contemplated under previously scheduled phases. The Board last extended the Agreement on August 5, 2014 for two years, and delegated authority to the Sheriff to exercise up to three (3) additional one-year extension options.

At the direction of the Chief Information Officer (CIO), the Department will engage a consultant to perform a custody operations business process review (BPR) and bring recommendations to Custody Division. The outcome of the BPR is a prerequisite to the planned modernization of Custody Division's information technology infrastructure.

JUSTIFICATION

JIMS is a mission critical prisoner identification, movement and location tracking system application customized by Syscon to meet the specific needs of the County's jail environment. The Department operates JIMS to manage an average daily population of approximately 18,000 inmates.

The COTS software and customized modules that provide the core functionality for JIMS are proprietary to Syscon. Syscon does not authorize, license, or otherwise certify any third party to maintain, support, and/or modify its proprietary software.

The CIO has reviewed and concurs with this Sole Source approach.

CONCLUSION

Pursuant to Board policy, the Department will proceed with Sole Source negotiations in four weeks, unless otherwise instructed by the Board.

Should you have any questions, please contact Assistant Director David Culver, Fiscal Administration Bureau, at (213) 229-3260.

SOLE SOURCE CHECKLIST

Department Name: _____

New Sole Source Contract

Existing Sole Source Contract Date Sole Source Contract Approved: _____

Check (✓)	JUSTIFICATION FOR SOLE SOURCE CONTRACTS Identify applicable justification and provide documentation for each checked item.
	➤ Only one bona fide source (monopoly) for the service exists; performance and price competition are not available. A monopoly is an “ <i>Exclusive control of the supply of any service in a given market. If more than one source in a given market exists, a monopoly does not exist.</i> ”
	➤ Compliance with applicable statutory and/or regulatory provisions.
	➤ Compliance with State and/or federal programmatic requirements.
	➤ Services provided by other public or County-related entities.
	➤ Services are needed to address an emergent or related time-sensitive need.
	➤ The service provider(s) is required under the provisions of a grant or regulatory requirement.
	➤ Additional services are needed to complete an ongoing task and it would be prohibitively costly in time and money to seek a new service provider.
	➤ Services are needed during the time period required to complete a solicitation for replacement services; provided services are needed for no more than 12 months from the expiration of an existing contract which has no available option periods.
	➤ Maintenance and support services are needed for an existing solution/system during the time to complete a solicitation for a new replacement solution/ system; provided the services are needed for no more than 24 months from the expiration of an existing maintenance and support contract which has no available option periods.
	➤ Maintenance service agreements exist on equipment which must be serviced by the original equipment manufacturer or an authorized service representative.
	➤ It is more cost-effective to obtain services by exercising an option under an existing contract.
	➤ It is in the best economic interest of the County (e.g., significant costs to replace an existing system or infrastructure, administrative cost savings and excessive learning curve for a new service provider, etc.) In such cases, departments must demonstrate due diligence in qualifying the cost-savings or cost-avoidance associated with the best economic interest of the County.

_____ Chief Executive Office

_____ Date

SOLE SOURCE REQUEST

DOCUMENTATION FOR SOLE SOURCE JUSTIFICATION FOR AN AMENDMENT TO AGREEMENT NUMBER 74666 WITH SYSCON JUSTICE SYSTEMS CANADA LTD. AND SYSCON JUSTICE SYSTEMS, INC. MUST INCLUDE RESPONSES TO THE FOLLOWING QUESTIONS WHEN APPLICABLE:

1. What is being requested?

Continued maintenance and support services are being requested of Syscon Justice Systems Canada Ltd. and Syscon Justice Systems, Inc. (Syscon) for the Los Angeles County Sheriff's Department's (Department) mission-critical Jail Information Management System (JIMS).

2. Why is the product needed? – How will it be used?

JIMS software is composed of three major modules: Inmate Trust Accounting, Inmate Property Tracking, and Inmate Case Jacket Tracking. The Trust Accounting module interfaces with other jail and contractor applications such as Jail Health Information System (JHIS), Inmate Trust Deposit System (ITDS), and Inmate Commissary Purchasing System (ICPS). JIMS has been deployed in the Department for over a decade. Syscon has customized the JIMS application to meet specific business rules for the County's large jail environment.

3. Is this brand of product the only one that meets the user's requirements? If yes, what is unique about the product?

Yes, Syscon provided the commercial off-the-shelf (COTS) software to create JIMS. This jail software package was initially selected on a competitive bid basis through the County's Internal Services Department. It provided both the lowest cost as well as the best technical and functional fit of the available COTS jail packages. This software is proprietary to Syscon.

4. Have other products/vendors been considered? If yes, which products/vendors have been considered and how did they fail to meet the user's requirements?

Syscon is the only vendor that can provide support for their proprietary software.

5. Will purchase of this product avoid other costs, e.g. data conversion, training, purchase of additional hardware, etc.?

Yes. As part of the everyday operations of the County Jails, JIMS is a mission-critical application. A JIMS failure would affect, at a minimum, seven jail software modules (Inmate Trust Accounting, Inmate Property, Inmate Case Jacket, Medical Co-Pay, Commissary, Central Housing, and XML Interface) and result in a return to paper processing. The Department does not have adequate staffing to process the paperwork in a timely manner. The continued maintenance and support of JIMS will avoid overtime and training costs in the event of a JIMS breakdown.

6. Is the product proprietary or is it available from various dealers? Have you verified this?

The JIMS software is proprietary to Syscon. These requested services are only available through this vendor. Syscon does not authorize, license, or otherwise certify any third party to maintain, support, and/or modify its proprietary software.

7. Reasonableness of Price. Does the County obtain a special or pricing not available to the private sector? How does County pricing compare with other governmental entities?

Syscon only provides software and services to the public sector (i.e., correctional agencies). Syscon does not have a private sector rate that can be used for comparison purposes. The ongoing maintenance and support costs are comparable to the rates charged to other customers of Syscon.

8. If this purchase is an upgrade of existing equipment, what is the dollar value of existing equipment and the purchase order number for the existing equipment?

Not applicable.