

ANALYSIS

This ordinance amends Title 2 – Administration of the Los Angeles County Code
by:

- Amending the Chapter 2.62 title and Sections 2.62.010 and 2.62.020 to reflect the name change of the Department of Consumer Affairs to the Department of Consumer and Business Affairs;
- Adding Section 2.62.025 to specify the general powers and duties of the Director of the Department of Consumer and Business Affairs ("Director");
- Amending Section 2.62.030 to specify additional duties of the Director;
- Amending Section 2.204.050 to transfer the verification and certification of local small businesses to the Department of Consumer and Business Affairs;
- Amending Section 2.204.080 to include the Department of Consumer and Business Affairs in the notification requirements of a small business change in status; and
- Amending Sections 2.204.090 and 2.211.090 to allow the Department of Consumer and Business Affairs to investigate complaints of eligibility received by the County concerning the existing Local Business Enterprise and Disabled Veteran Business Enterprise Preference Programs.

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EDI:mv

11/26/14 (Requested)
12/5/14 (Revised)

HOA.1119430.1

ORDINANCE NO. _____

An ordinance amending Title 2 – Administration of the Los Angeles County Code, relating to the name change of the Department of Consumer Affairs to the Department of Consumer and Business Affairs, and adding and changing the powers and duties of the Director of the Department of Consumer and Business Affairs.

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

SECTION 1. The title of Chapter 2.62 is hereby amended to read as follows:

Chapter 2.62 - DEPARTMENT OF CONSUMER AND BUSINESS AFFAIRS

SECTION 2. Section 2.62.010 is hereby amended to read as follows:

2.62.010 Director—Position eCreated.

The position of eDirector of the eDepartment of eConsumer and Business aAffairs is created. Hereafter in this chapter the eDirector of the eDepartment of eConsumer and Business aAffairs will be referred to as "eDirector."

SECTION 3. Section 2.62.020 is hereby amended to read as follows:

2.62.020 Department eCreated—Director aAuthority.

The eDirector is the head of the eDepartment of eConsumer and Business aAffairs, which eDepartment is created.

SECTION 4. Section 2.62.025 is hereby added to read as follows:

2.62.025 Director—Powers and Duties Generally.

The Director shall perform those general duties as are prescribed by this code and other applicable laws or as directed by the Board of Supervisors regarding consumer and business affairs.

SECTION 5. Section 2.62.030 is hereby amended to read as follows:

2.62.030 Director—~~Powers and~~Additional ~~Duties~~.

In addition to the duties generally prescribed by Section 2.62.025, the additional duties of ~~the~~ the Director shall include:

- A. Receive and respond to telephone, written or walk-in inquiries and complaints related to consumer and business affairs;
- B. Conduct field investigations and prepare referrals to enforcement agencies, as necessary, to resolve consumer and/or business complaints regarding allegations of business violations;
- C. Inform consumers and ~~merchants~~ businesses on applicable consumer-~~affairs~~ regulations and the ~~public and private~~ agency as well as additional resources available to them;
- D. Conduct consumer/~~merchant~~ business mediation sessions regarding a variety of disputes including, but not limited to, quality of service, billing, and other issues arising between consumers and businesses;
- E. Coordinate referrals and relationships with other public and private agencies which offer consumer and business related services;
- F. Represent the County and the Department in speaking engagements and media contact on issues regarding consumer and business ~~affairs~~ issues;
- G. At the direction of the Board, represent the County at legislative hearings and inquiries concerning consumer and business affairs;

H. Conduct public hearings-forums concerning consumer and business affairs problems-when necessary;

I. Provide consumer education material to the public;

J. Initiate studies which will improve the standards of conduct for business and consumers-;

K. Provide small and community business enterprises with technical assistance and information on contracting opportunities and small business programs with the County, regional cities, and the State and federal governments;

L. Provide a forum for small business outreach, education, and advocacy in regard to government contracting;

M. Provide assistance to small businesses in navigating the County's permitting and procedural requirements to start a new business;

N. Compile data and statistics from County agencies to evaluate the effectiveness of County programs and Board policies relating to small businesses.

SECTION 6. Section 2.204.050 is hereby amended to read as follows:

2.204.050 Certification as a local small business enterprise.

~~ISD~~The Department of Consumer and Business Affairs shall be responsible for verifying that a local small business is already certified as a small business by the ~~s~~State of California and that the business has its principal office located in Los Angeles County. ~~ISD~~The Department of Consumer and Business Affairs shall certify local small business enterprises and maintain records of the certified businesses and their participation in County purchasing and contracting.

SECTION 7. Section 2.204.080 is hereby amended to read as follows:

2.204.080 Violations and sSanctions.

...

C. No person or business shall willfully and knowingly make a false statement with the intent to defraud, whether by affidavit, report, or other representation, to a eCounty official or employee for the purpose of influencing the certification or denial of certification of any entity as a local small business enterprise.

D. A business which has obtained certification as a local small business enterprise by reason of having furnished incorrect supporting information or by reason of having withheld information, and which knew, or should have known, the information furnished was incorrect or the information withheld was relevant to its request for certification, and which by reason of such certification has been awarded a contract to which it would not otherwise have been entitled, shall:

1. Pay to the County any difference between the contract amount and what the County's costs would have been if the contract had been properly awarded;

2. In addition to the amount described in subdivision 1 of subsection D of this sSection, be assessed a penalty in an amount of not more than ten percent (10%) of the amount of the contract involved; and

3. Be subject to the provisions of Chapter 2.202 of the County Code (Determinations of Contractor Non-responsibility and Contractor Debarment).

E. The above penalties shall also apply to any business that has previously obtained proper certification, however, as a result of a change in their status would no

longer be eligible for certification, and fails to notify the ~~s~~State, Department of Consumer and Business Affairs and ISD of this information prior to responding to a solicitation or accepting a contract award.

SECTION 8. Section 2.204.090 is hereby amended to read as follows:

2.204.090 Appeals for reconsideration of local small business enterprise certification.

~~ISD~~The Department of Consumer and Business Affairs will investigate any complaint of eligibility received by the County concerning the local small business enterprise preference program.

SECTION 9. Section 2.211.090 is hereby amended to read as follows:

2.211.090 Review of eligibility of disabled veteran business enterprise certification.

~~ISD~~The Department of Consumer and Business Affairs will investigate any complaint of eligibility received by the County concerning the Disabled Veteran Business Enterprise Preference Program.

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