



AGENDA
REGULAR CITY COUNCIL
TUESDAY, FEBRUARY 9, 2016, 7:00 P. M
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebiner

1. CALL TO ORDER AND FLAG SALUTE

2. ANNOUNCEMENTS

- Community Open House on February 20, 2016 from 9 AM to Noon to view the Walnut Creek Open Space Project – West Phase Improvements
- Downtown Specific Plan Charrette – February 22-25, 2016 – Sheriff’s Community Room

3. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time and ask to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

4. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

- 1) **RESOLUTION 2016-06, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JANUARY AND FEBRUARY, 2016**
- 2) Approve Two-year Extension of Speed Zone Study to 2018

RESOLUTION 2016-11, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING A TWO-YEAR EXTENSION OF THE 2011 SPEED ZONE STUDY (ENGINEERING AND TRAFFIC SURVEY) TO 2018

- 3) Adopt Resolutions authorizing the City Manager to amend the authorized signatures for various banking and investment institutions to add the Administrative Services Manager

RESOLUTION 2016-07, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AGREEMENT WITH *BANK OF AMERICA/MERRILL LYNCH* FOR CERTIFICATION OF THE INDIVIDUAL AUTHORIZED SIGNER FOR THE PURPOSE OF *DEPOSIT ACCOUNT & TREASURY MANAGEMENT SERVICES*, AND TO DESIGNATE AUTHORIZED SIGNERS ON THE CITY OF SAN DIMAS ACCOUNTS.

RESOLUTION 2016-08, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDMENT WITH *F & A FEDERAL CREDIT UNION* TO DESIGNATE AUTHORIZED SIGNERS ON THE CITY OF SAN DIMAS ACCOUNTS.

RESOLUTION 2016-09, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AGREEMENT WITH *US BANK* FOR THE PURPOSE OF *DEPOSIT ACCOUNT & TREASURY MANAGEMENT SERVICES*, AND TO DESIGNATE AUTHORIZED SIGNERS ON THE CITY OF SAN DIMAS ACCOUNTS.

RESOLUTION 2016-10, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AGREEMENT WITH *TIME VALUE INVESTMENTS* FOR THE PURPOSE OF INVESTMENT OF IDLE FUNDS AND TO DESIGNATE AUTHORIZED SIGNERS ON THE CITY OF SAN DIMAS ACCOUNTS.

- b. **ORDINANCE 1241**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, HEREBY ADOPTING A PLAN AND INTENT TO CONSOLIDATE CITY ELECTIONS WITH THE STATEWIDE ELECTION BY NO LATER THAN THE NOVEMBER 8, 2022, STATEWIDE ELECTION (**SECOND READING AND ADOPTION**)
- c. Approval of January 26, 2016 City Council meeting minutes.
- d. Construction Management Services on the Foothill Boulevard Bridge Widening Project (CC 2014-01, BHLS-5367-013, EA 07-9338
- Approve Change Order 2 for Southstar Engineering and Consulting Inc. in the amount not to exceed \$45,000.00 for additional services for the management of the construction contract
- e. Arbor Day 2016

END OF CONSENT CALENDAR

5. PUBLIC HEARING

- a. Introducing Ordinance 1243 to Reflect the Correct Recommended Miles Per Hour Speed Limit for San Dimas Avenue Loop Junction to 30.

ORDINANCE 1243, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA INTRODUCING ORDINANCE 1243 TO REFLECT THE CORRECT RECOMMENDED MILES PER HOUR SPEED LIMIT FOR SAN DIMAS AVENUE (LOOP JUNCTION) TO 30 MPH (FIRST READING AND INTRODUCTION)

6. PLANNING MATTERS

- a. Municipal Code Text Amendment 15-05- Amendment to Chapters 5.28, 5.32 and 5.77. to provide regulatory authority over massage uses consistent with State Law (Assembly Bill 1147)

ORDINANCE 1242, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA ADOPTING MUNICIPAL CODE TEXT AMENDMENT 15-05 WHICH WILL AMEND CHAPTERS 5.77, 5.28 AND 5.32 TO COMPLY WITH ASSEMBLY BILL 1147 RELATING TO HOW MASSAGE BUSINESSES ARE ALLOWED TO BE PROCESSED, OPERATED AND INSPECTED WITHIN THE CITY (FIRST READING AND ADOPTION)

7. OTHER BUSINESS

- a. Mandatory Organics Recycling Plan

8. ORAL COMMUNICATIONS

- a. Members of the Audience (Speakers are limited to five (5) minutes or as may be determined by the Chair.)
- b. City Manager
- c. City Attorney
- d. Members of the City Council
 - 1) Councilmembers' report on meetings attended at the expense of the local agency.
 - 2) Individual Members' comments and updates

9. ADJOURNMENT

Preliminary 2015-16 Budget Study Session February 23, 2016 5:00 p.m. followed by the regular City Council meeting at 7:00 p.m.



Notice Regarding American with Disabilities Act: In compliance with the ADA, if you need assistance to participate in a city meeting, please contact the City Clerk's Office at (909) 394-6216. Early notification before the meeting you wish to attend will make it possible for the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

Copies of documents distributed for the meeting are available in alternative formats upon request. Any writings or documents provided to the City Council regarding any item on this agenda will be made available for public inspection at the Administration Counter at City Hall and at the San Dimas Library during normal business hours. In addition most documents are posted on the City's website at cityofsandimas.com.

Posting Statement: On February 5, 2016, a true and correct copy of this agenda was posted on the bulletin board at 245 East Bonita Avenue (San Dimas City Hall), 145 North Walnut Avenue (Los Angeles County Library), 300 East Bonita Avenue (United States Post Office), Von's Shopping Center (Puente/Via Verde Avenue) and the City's website www.cityofsandimas.com/minutes.cfm

RESOLUTION 2016-06

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTHS JANUARY
AND FEBRUARY 2016**

WHEREAS, the following listed demands have been audited by the Director of Finance;
and

WHEREAS, the Director of Finance has certified as to the availability of funds for
payment thereto; and

WHEREAS, the register of audited demands have been submitted to the City Council for
approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San
Dimas does hereby approve Prepaid Warrant Register 01/31/2016 (25443-25487) in the amount
of \$2,254,284.18; and Warrant Register 02/16/2016 (154201-154301 in the amount of
\$460,317.57.

PASSED, APPROVED AND ADOPTED this 9th, day of February 2016.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Debra Black, Assistant City Clerk

I, DEBRA BLACK, ASSISTANT CITY CLERK, HEREBY CERTIFY that
Resolution 2016-06 was approved by vote of the City Council of the City of San Dimas at its
regular meeting of February 9th, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Debra Black, Assistant City Clerk

01/31/2016

PREPAID

WARRANT REGISTER

Ck#'s 25443-25487

Total: \$2,254,284.18

Disbursement Journal

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F	S	ACCOUNT
BANK OF AMERICA										
25443	01/31/16	SAN DIMAS PAYROLL/CI	16050 P/E 1/02/16	159,092.40				N	M	001.110.004
25444	01/31/16	CA-STATE DISBURSEMEN	11611 BI-WKLY CHILD SUP.P/E	567.69				N	M	001.210.004
25445	01/31/16	EMPLOYMENT DEVELOPME	12343 SIT P/E 1/02/16	8,545.33				N	M	001.210.004
25446	01/31/16	FRANCHISE TAX BOARD	11251 W/HOLD ORDER S.FARMER	538.79				N	M	001.210.004
25447	01/31/16	LINCOLN NATIONAL LIF	14286 EMP DED P/E 1/02/16	565.00				N	M	001.210.004
25447	01/31/16	LINCOLN NATIONAL LIF	14286 CITY PORTION P/E 1/	1,569.16				N	M	001.212.001
*CHECK TOTAL										
25448	01/31/16	NATIONWIDE RETIREMNT	14735 EMP DED P/E 1/02/16	7,622.47				N	M	001.210.004
25448	01/31/16	NATIONWIDE RETIREMNT	14735 CITY PORTION P/E 1/	7,976.69				N	M	001.212.001
*CHECK TOTAL										
25449	01/31/16	PERS RETIREMENT CONT	15639 EMP PORTION 7.00%P	12,469.52				N	M	001.210.004
25449	01/31/16	PERS RETIREMENT CONT	15639 CITY PORTION P/E 1/	14,256.17				N	M	001.212.001
25449	01/31/16	PERS RETIREMENT CONT	15639 SURVIVOR BENE P/E 1/02	59.52				N	M	001.210.004
25449	01/31/16	PERS RETIREMENT CONT	15639 PAYPACK P/E 1/02/16	48.87				N	M	001.210.004
25449	01/31/16	PERS RETIREMENT CONT	15639 OPTIONAL BENE P/E 1/02	0.01				N	M	001.4190.200.002
25449	01/31/16	PERS RETIREMENT CONT	15639 EMP CONTRI P/E 1/2/	1,354.61				N	M	001.210.004
25449	01/31/16	PERS RETIREMENT CONT	15639 CITY PORTION P/E 1/	9.30				N	M	001.212.001
25449	01/31/16	PERS RETIREMENT CONT	15639 SURVIVOR BENE P/E 1/02	9.30				N	M	001.210.004
25449	01/31/16	PERS RETIREMENT CONT	15639 OPTIONAL BENE P/E 1/02	552.60				N	M	001.4190.200.002
25450	01/31/16	SAN DIMAS EMPLOYEES	15995 SDEA DUES JANUARY2016	399.00				N	M	001.210.004
25451	01/31/16	U.S. BANK	10590 EMP DED P/E 1/02	554.26				N	M	001.210.014
25451	01/31/16	U.S. BANK	10590 CITY PORTION P/E 1/02	671.34				N	M	001.212.014
*CHECK TOTAL										
25452	01/31/16	VANTAGEPOINT TRANSFE	17090 EMP DED P/E 1/02/16	2,455.00				N	M	001.210.004
25452	01/31/16	VANTAGEPOINT TRANSFE	17090 CITY PORTION P/E 1/02	2,300.00				N	M	001.212.001
*CHECK TOTAL										
25453	01/31/16	WAGE WORKS INC	10677 UNREIMB.MEDICAL P/E 1	877.08				N	M	001.210.004
25454	01/31/16	WAGE WORKS INC	10677 ADMIN.FEES JAN 2016	84.00				N	M	001.210.004
25454	01/31/16	WAGE WORKS INC	10677 ADMIN.FEE/OPT BENE JAN	125.00				N	M	001.4190.200.002
*CHECK TOTAL										
25455	01/31/16	DIVISION OF STATE AR	10839 SB1186FEE RPT OCT-DEC	175.50				N	M	110.214.725
25456	01/31/16	ARELLANO/CONNIE	11119 PIZZA PARTY&THYGINVIN S	52.16				N	M	001.4420.033.000
25456	01/31/16	ARELLANO/CONNIE	11119 CPSS FALL CONF REGISTERS	50.00				N	M	001.4420.021.000
25456	01/31/16	ARELLANO/CONNIE	11119 HOLIDAY EXTRA SUPPLIES	14.17				N	M	001.4420.034.010
25456	01/31/16	ARELLANO/CONNIE	11119 TINY TOTS&INSTR.CARDS	141.93				N	M	001.4420.034.001
*CHECK TOTAL										

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
25457	01/31/16	GOLDEN STATE WATER C	16324 65910445850	252.41				N M 001.4415.022.004
25458	01/31/16	COSTCO WHOLESAL	12430 COSTCO DEVEL.2ND	274,000.00				N M 038.4120.565.509
25459	01/31/16	SAN DIMAS PAYROLL/CI	16050 P/E 1/16/16	158,689.78				N M 001.110.004
25460	01/31/16	CA-STATE DISBURSEMEN	11611 P/E 1/16/16	567.69				N M 001.210.004
25461	01/31/16	EMPLOYMENT DEVELOPME	12343 SIT P/E 1/16/16	8,107.27				N M 001.210.004
25462	01/31/16	GUARDIAN - APPLETON	12986 EMP DED P/E 1/16/16	391.76				N M 001.210.004
25462	01/31/16	GUARDIAN - APPLETON	12986 CITY PORT P/E 1/16/16	7,914.68				N M 001.4190.200.018
				8,306.44				*CHECK TOTAL
25463	01/31/16	LINCOLN NATIONAL LIF	14286 EMP DED P/E 1/16/16	565.00				N M 001.210.004
25463	01/31/16	LINCOLN NATIONAL LIF	14286 CITY PORT P/E 1/16/16	1,569.16				N M 001.212.001
				2,134.16				*CHECK TOTAL
25464	01/31/16	NATIONWIDE RETIREMNT	14735 EMP DED P/E 1/16/16	8,800.93				N M 001.210.004
25464	01/31/16	NATIONWIDE RETIREMNT	14735 CITY PORT P/E 1/16/16	7,657.91				N M 001.212.001
				16,458.84				*CHECK TOTAL
25465	01/31/16	PERS RETIREMENT CONT	15639 EMP 7% P/E 1/16/16	12,492.60				N M 001.210.004
25465	01/31/16	PERS RETIREMENT CONT	15639 CITY 14.194% P/E 1/16/16	14,282.58				N M 001.212.001
25465	01/31/16	PERS RETIREMENT CONT	15639 SURVIVOR P/E 1/16/16	57.66				N M 001.210.004
25465	01/31/16	PERS RETIREMENT CONT	15639 BUYBACK P/E 1/16/16	48.87				N M 001.210.004
25465	01/31/16	PERS RETIREMENT CONT	15639 OPTIONAL P/E 1/16/16	0.03				N M 001.4190.200.002
25465	01/31/16	PERS RETIREMENT CONT	15639 EMP 6.25% P/E 1/16/16	1,366.83				N M 001.210.004
25465	01/31/16	PERS RETIREMENT CONT	15639 CITY 6.25% P/E 1/16/16	9.30				N M 001.212.001
25465	01/31/16	PERS RETIREMENT CONT	15639 SURVIVOR P/E 1/16/16	9.30				N M 001.210.004
25465	01/31/16	PERS RETIREMENT CONT	15639 OPTIONAL P/E 1/16/16	29,624.68				N M 001.4190.200.002
				49,111.14				*CHECK TOTAL
25466	01/31/16	U.S. BANK	10590 EMP DED P/E 1/16/16	935.08				N M 001.210.014
25466	01/31/16	U.S. BANK	10590 CITY PORT P/E 1/16/16	1,131.14				N M 001.212.014
				2,066.22				*CHECK TOTAL
25467	01/31/16	VANTAGEPOINT TRANSP	17090 EMP DED P/E 1/16/16	2,455.00				N M 001.210.004
25467	01/31/16	VANTAGEPOINT TRANSP	17090 CITY PORT P/E 1/16/16	2,300.00				N M 001.212.001
				4,755.00				*CHECK TOTAL
25468	01/31/16	WAGE WORKS INC	10677 UNREIMB MED P/E 1/16/16	877.08				N M 001.210.004
25469	01/31/16	AFLAC BENEFIT SERVIC	11077 CANCER JAN/2016	575.44				N M 001.210.004
25469	01/31/16	AFLAC BENEFIT SERVIC	11077 SPECIAL EVENT INS JAN	200.60				N M 001.210.004
25469	01/31/16	AFLAC BENEFIT SERVIC	11077 ACCIDENT INS JAN/16	369.38				N M 001.210.004
25469	01/31/16	AFLAC BENEFIT SERVIC	11077 HOSPITAL INS JAN/16	277.26				N M 001.210.004
25469	01/31/16	AFLAC BENEFIT SERVIC	11077 VISION INS JAN/16	112.40				N M 001.210.004
25469	01/31/16	AFLAC BENEFIT SERVIC	11077 DENTAL INS JAN/16	148.12				N M 001.210.004
25469	01/31/16	AFLAC BENEFIT SERVIC	11077 OPTIONAL BENEFIT JAN/16	0.05				N M 001.4190.200.002
				1,683.15				*CHECK TOTAL

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
25470	01/31/16	LOCAL AGENCY INVESTM	14289 L.A.I.F. INVEST 1,250,000.00					N M 001.111.018
25471	01/31/16	CALIF PERS RETIREMEN	15048 EMP DED JAN FOR FEB 5,075.47					N M 001.210.004
25471	01/31/16	CALIF PERS RETIREMEN	15048 CITY PORTION JAN F 50,477.92					N M 001.212.001
25471	01/31/16	CALIF PERS RETIREMEN	15048 RETIRE FEE JAN FOR 2,685.00					N M 001.4190.200.005
25471	01/31/16	CALIF PERS RETIREMEN	15048 ADMIN.FEE JAN FOR FEB 1,086.58, 239.25					N M 001.4190.200.002
			*CHECK TOTAL					
25472	01/31/16	DEPARTMENT OF CONSER	10180 SMI FEES OCT-DEC 2015 805.65					N M 001.210.002
25472	01/31/16	DEPARTMENT OF CONSER	10180 LESS SEISMIC EDUC.CRED 40.28CR					N M 001.321.103
			*CHECK TOTAL					
25473	01/31/16	CALIFORNIA BUILDING	12298 ADMIN.FEE RPT OCT-DEC 218.79					N M 001.4311.020.003
25474	01/31/16	SOUTHERN CALIF EDISO	16314 2-31-735-6764	43.25				N M 007.4341.022.001
25474	01/31/16	SOUTHERN CALIF EDISO	16314 2-01-194-3784	105.02				N M 007.4341.022.001
25474	01/31/16	SOUTHERN CALIF EDISO	16314 2-31-699-9164	157.98				N M 007.4341.022.001
25474	01/31/16	SOUTHERN CALIF EDISO	16314 2-10-496-8375	42.				N M 007.4341.022.001
25474	01/31/16	SOUTHERN CALIF EDISO	16314 2-09-992-4656	311.47				N M 007.4341.022.001
25474	01/31/16	SOUTHERN CALIF EDISO	16314 2-09-990-6695	368.50				N M 007.4341.022.001
25474	01/31/16	SOUTHERN CALIF EDISO	16314 2-09-992-3914	112.15				N M 007.4341.022.001
25474	01/31/16	SOUTHERN CALIF EDISO	16314 2-21-938-6174	55.42				N M 007.4345.022.001
			*CHECK TOTAL	43,373.09				
25475	01/31/16	DELTA DENTAL INSURAN	15140 CITY PORTION JAN FOR 849.67					N M 001.212.001
25476	01/31/16	DELTA DENTAL OF CALI	11973 EMP DED JAN FOR FEB201 10.21					N M 001.210.004
25476	01/31/16	DELTA DENTAL OF CALI	11973 CITY PORTION JAN FO 26 551.43					N M 001.212.001
25476	01/31/16	DELTA DENTAL OF CALI	11973 EMP.PYMT JAN FOR FEB20 2,639.94					N M 001.4190.200.002
			*CHECK TOTAL					
25477	01/31/16	VISION SERVICE PLAN	17182 EMP DED JAN FOR FEB201 16.92					N M 001.210.004
25477	01/31/16	VISION SERVICE PLAN	17182 VISION INS.CITY PORT 947.18					N M 001.212.001
25477	01/31/16	VISION SERVICE PLAN	17182 EMP.PYMT JAN FOR FEB20 84.22					N M 001.4190.200.002
			*CHECK TOTAL	1,048.32				
25478	01/31/16	SAN DIMAS SHERIFF'S	10692 S.D.BOOSTER DIN.B.MICH 35.00					N M 001.4120.021.000
25479	01/31/16	SAN DIMAS PAYROLL/CI	16050 P/E 1/30/16	158,319.33				N M 001.110.004
25480	01/31/16	CA-STATE DISBURSEMEN	11611 P/E 1/30/16	567.69				N M 001.210.004
25481	01/31/16	EMPLOYMENT DEVELOPME	12343 SIT P/E 1/30/16	7,905.08				N M 001.210.004
25482	01/31/16	INLAND EMPIRE UNITED	17060 EMP DED JAN/16	405.00				N M 001.210.004
25483	01/31/16	LINCOLN NATIONAL LIF	14286 EMP DED P/E 1/30/16	265.00				N M 001.210.004
25484	01/31/16	NATIONWIDE RETIREMNT	14735 EMP DED P/E 1/30/16	3,351.68				N M 001.210.004

02/12/2016

WARRANT DATE VENDOR BANK OF AMERICA PO# F 9 S ACCOUNT CLAIM INVOICE

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
25485	01/31/16	PERS	RETIREMENT	12,476.20				001.210.004
25485	01/31/16	PERS	RETIREMENT	14,263.81				001.210.001
25485	01/31/16	PERS	RETIREMENT	58.59				001.210.004
25485	01/31/16	PERS	RETIREMENT	48.87				001.210.004
25485	01/31/16	PERS	RETIREMENT	0.02				001.210.004
25485	01/31/16	PERS	RETIREMENT	1,356.72				001.210.001
25485	01/31/16	PERS	RETIREMENT	9.30				001.210.004
25485	01/31/16	PERS	RETIREMENT	29,570.21				001.4190.200.002
25486	01/31/16	U.S. BANK	EMP DED P/E 1/30/16	929.27				N M 001.210.014
25486	01/31/16	U.S. BANK	CITY PORT P/E 1/30/16	194.87				N M 001.212.014
25487	01/31/16	VANTAGEPOINT	TRANSFE	1,124.14				
152661	01/31/16	PUBLIC RESTROOM	COMP	1,480.00				N M 001.210.004
			VOID	30,506.00				N M 022.210.001
			TOTAL	2,254,284.18				

*CHECK TOTAL

*CHECK TOTAL

Disbursement Journal
DESCRIPTION AMOUNT
CLAIM INVOICE
2,254,284.18

RECORDS PRINTED - 000105

02/16/2016

WARRANT REGISTER

Ck#'s 154201-154301

Total: \$460,317.57

Ck #'s 154014-154200

To be used for Prepaid Checks

WARRANT DATE VENDOR
BANK OF AMERICA

Disbursement Journal

PO# F 9 S ACCOUNT

CLAIM INVOICE

AMOUNT

DESCRIPTION

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM INVOICE	PO# F 9 S ACCOUNT
154209 02/16/16	APPLE VALLEY COMMUNI	10214 FIRE MONITOR 2/1-1/31	420.00	2450089	N D 001.4411.015.000
154210 02/16/16	ARCHITERRA DESIGN GR	11914 LANDSCAPE ARCHITE S	8,553.81	20750	N D 012.4841.692.001
154211 02/16/16	BALDWIN/DEREK	.00001 REIMB.MILEAGE JAN2016	12.15		N D 001.4150.021.000
154212 02/16/16	BAVCO	12058 SUPPLIES & PARTS	549.20	743567	N D 008.4415.033.000
154213 02/16/16	BLACK/DEBRA	10797 REIMB. MILEAGE JAN2016	38.01		N D 001.4110.021.000
154214 02/16/16	BRATT/DAVID	10671 BRATT MTG 1/7/2016	50.00		M D 001.4309.021.001
154215 02/16/16	CALIBER COMMERCIAL P	12168 RM&REPLACE GRATES	10,305.96	1620101	M D 001.4430.041.001
154216 02/16/16	CALIFORNIA J.P.I.A.	11390 REGIST.ACADEMY P&R	375.00	5936	N D 001.4150.434.000
154217 02/16/16	CAMPBELL/JOHN	11406 REIMB.MILEAGE OCT2015	60.38		N D 001.4341.021.000
154218 02/16/16	CASTILLO'S MOBILE TR	11049 WASH UNITS#52,51,46,2	120.00	1748	M D 001.4342.020.001
154219 02/16/16	CASTRO/RUDY	.00003 REFUND DEPOSIT 1/22/1	387.50		N D 001.341.002
154220 02/16/16	CENTER ICE	11519 INSTR.ICE SKATING1/9-	224.40		N D 001.4420.020.000
154221 02/16/16	CLAREMONT/CITY OF	10647 MWH STORM WATER COM	2,486.00	40880	N D 001.4341.024.020
154221 02/16/16	CLAREMONT/CITY OF	10647 MWH STORM WATER COM	2,183.94	40884	N D 001.4341.024.020
154221 02/16/16	CLAREMONT/CITY OF	10647 MWH STORM WATER COM	6,077.94	40887	N D 001.4341.024.020
				*CHECK TOTAL	
154222 02/16/16	COAST FITNESS REPAIR	11649 LEG PEDIESTAL EQUIP SR	320.20	62307	N D 001.4430.015.000
154223 02/16/16	COLLEY AUTO CARS INC	12096 BELT UNIT #22	215.35	193637	N D 001.4342.011.000
154223 02/16/16	COLLEY AUTO CARS INC	12096 LAMP ASY UNIT #70	417.58	193647	N D 001.4342.011.000
				*CHECK TOTAL	
154224 02/16/16	COMMUNITY ACTION-EAP	11688 FEB'16 EMP.ASSIT.	350.00		N D 001.4150.435.000
154225 02/16/16	CONSTRUCTION HARDWAR	12284 SPRAY PAINT,HARDWARE	227.35	88450	N D 001.4411.023.000
154225 02/16/16	CONSTRUCTION HARDWAR	12284 SPRAY PAINT,HARDWARE	293.81	88450	N D 001.4411.023.000
				*CHECK TOTAL	
154226 02/16/16	COUNTRY ESTATE FENCE	10183 RAIL,POST,CAPS,ROUTS	466.00	22352	N D 012.4410.928.002
154226 02/16/16	COUNTRY ESTATE FENCE	10183 POST,CAPS,ROUTS,INSTA	239.27	22353	N D 012.4410.928.002
154226 02/16/16	COUNTRY ESTATE FENCE	10183 POST,CAPS,ROUTS,INSTA	957.29	22354	N D 012.4410.928.002
				*CHECK TOTAL	
154227 02/16/16	CS LEGACY CONSTRUCTI	11179 VIA VERDE CENTER	166,357.35	2	N D 012.4841.650.002
154227 02/16/16	CS LEGACY CONSTRUCTI	11179 FOOTHILL FRONTAGE	218,607.35	2	N D 012.4841.650.002
				*CHECK TOTAL	

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
154238	02/16/16	BANK OF AMERICA	STATE WATER	71.29				D 053.4410.022.004
154238	02/16/16	BANK OF AMERICA	STATE WATER	272.89				D 053.4410.022.004
154238	02/16/16	BANK OF AMERICA	STATE WATER	203.95				D 075.4443.022.004
154238	02/16/16	BANK OF AMERICA	STATE WATER	414.28				D 075.4443.022.004
154238	02/16/16	BANK OF AMERICA	STATE WATER	492.28				D 075.4443.022.004
154238	02/16/16	BANK OF AMERICA	STATE WATER	246.15				D 075.4443.022.004
154238	02/16/16	BANK OF AMERICA	STATE WATER	222.41				D 075.4443.022.004
154238	02/16/16	BANK OF AMERICA	STATE WATER	1157.51				D 075.4443.022.004
154238	02/16/16	BANK OF AMERICA	STATE WATER	242.11				D 001.4415.022.004
154238	02/16/16	BANK OF AMERICA	STATE WATER	242.11				D 001.4415.022.004
154238	02/16/16	BANK OF AMERICA	STATE WATER	12683.00				D 001.4415.022.004
				8,133.06		*CHECK TOTAL		
154239	02/16/16	GRAINGER	LCD CELLULAR CHRG,ADAP	88.69		9000242884		N D 001.4342.033.000
154240	02/16/16	GREEN/MARGIE	GREEN MTG 1/7/2016	50.00				M D 001.4309.021.001
154241	02/16/16	GROVER & ASSOCIATES/	T.E. SERVICES	5,345.00		15637-IN		N D 001.4345.020.001
154242	02/16/16	GUESS/WENDY	REIMB.SHOOT'N STAR SU	463.75				N D 110.213.148
154243	02/16/16	HARTUNG/JEFF	REIMB.MILEAGE JAN2016	24.84				N D 001.4150.021.000
154244	02/16/16	HILL/MOLLY	REFUND,CUSTOMER W/DRE	980.00				N D 001.341.002
154245	02/16/16	HOLLIDAY ROCK COMPAN	FOB MAX PG	494.64		783253		N D 001.4341.033.000
154246	02/16/16	INLAND EMPIRE	DAY@TASTE OF L.A.1/134.00	1,134.00		46082		N D 001.4420.034.002
154246	02/16/16	INLAND EMPIRE	DAY@TASTE OF L.A.1/28808.00	1,942.00		46092		N D 072.4125.434.000
						*CHECK TOTAL		
154247	02/16/16	JOHNNY ALLEN TENNIS	INSTR.TENNIS 1/12-2	1,861.84				M D 001.4420.020.000
154248	02/16/16	JON'S FLAGS & POLES	NYLON FLAG EMBROIDED	471.96		F74513		N D 008.4414.033.000
154249	02/16/16	KNOX/JAMES	GIS CONSULTING SVCS	1,184.00		15		M D 001.4310.020.007
154250	02/16/16	L.A. CO. DEPT OF PUB	LABOR & EQUIPMENT	2,225.20		PW-16010708011		N D 007.4345.020.002
154250	02/16/16	L.A. CO. DEPT OF PUB	LABOR & EQUIPMENT	184.08		PW-16010708203		N D 007.4345.020.002
154250	02/16/16	L.A. CO. DEPT OF PUB	LABOR & EQUIPMENT	52.47		PW-16010708203		N D 007.4345.020.002
154250	02/16/16	L.A. CO. DEPT OF PUB	LABOR & EQUIPMENT	3,376.04		PW-16010709221		N D 006.4310.020.002
						*CHECK TOTAL		
154251	02/16/16	L.A. CO. PROBATION D	CRIME PREV.10/1-13	19,250.00		151602PIP		N D 001.4210.020.022
154252	02/16/16	L.A. COUNTY SHERIFF'	PRISONER MAINT.DEC201	362.04		162625WM		N D 001.4210.412.000
154253	02/16/16	LAMM/MARIE	LOW ENROLLMENT REFUND	25.00				N D 001.367.001

WARRANT DATE VENDOR
BANK OF AMERICA

Disbursement Journal

CLAIM INVOICE

PO#

F 9 S ACCOUNT

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
154254	02/16/16	LIFT TEK	346.34		60998		M D 001.4342.020.001
154255	02/16/16	LOS ANGELES FREIGHTLL	180.38		TP208508		N D 001.4342.011.000
154256	02/16/16	LOWE'S HOME IMPROVEM	5.17		09055		N D 001.4411.023.000
154256	02/16/16	LOWE'S HOME IMPROVEM	52.83		09554		N D 001.4411.033.000
154256	02/16/16	LOWE'S HOME IMPROVEM	31.76		09561		N D 001.4411.033.000
154256	02/16/16	LOWE'S HOME IMPROVEM	42.13		17537		N D 001.4411.033.000
154256	02/16/16	LOWE'S HOME IMPROVEM	51.13		20865		N D 008.4414.033.000
154256	02/16/16	LOWE'S HOME IMPROVEM	44.50		20919		N D 001.4414.015.000
154256	02/16/16	LOWE'S HOME IMPROVEM	26.37		60081		N D 001.4414.031.000
154256	02/16/16	LOWE'S HOME IMPROVEM	178.55		60156		N D 001.4430.023.000
154256	02/16/16	LOWE'S HOME IMPROVEM	378.73		60636		N D 001.4410.033.000
					TOTAL		
				*CHECK			
154257	02/16/16	MAKDOSI/LINA	26.66				N D 001.367.001
154258	02/16/16	MARSAN TURF & IRRIGA	297.19		408751		N D 020.4410.927.003
154258	02/16/16	MARSAN TURF & IRRIGA	109.11		408883		N D 001.4414.033.000
				*CHECK			
154259	02/16/16	MATHISEN OIL COMPANY	1,185.20		1128281		N D 001.4342.011.001
154259	02/16/16	MATHISEN OIL COMPANY	1,810.93		1129282		N D 001.4342.011.001
				*CHECK			
154260	02/16/16	MATRIX AUDIO VISUAL	463.55		1015769		N D 001.4190.038.001
154261	02/16/16	MC LAY SERVICES INC	325.00		INV49315		N D 053.4410.023.000
154261	02/16/16	MC LAY SERVICES INC	1,550.00		INV6845		N D 001.4430.015.000
				*CHECK			
154262	02/16/16	MCCASH/FRANCES	25.00				N D 001.367.001
154263	02/16/16	MOLINA/TOMAS E.	50.00				M D 001.4309.021.001
154264	02/16/16	MUNOZ/CARMEN	500.00				N D 001.341.002
154265	02/16/16	MZQ CONSULTING, LLC	3,088.00		1313		N D 001.4150.020.000
154266	02/16/16	OFFICE SOLUTIONS	496.87		95469		N D 001.4190.030.000
154266	02/16/16	OFFICE SOLUTIONS	162.80		95469		N D 001.4190.030.000
154266	02/16/16	OFFICE SOLUTIONS	202.32		95469		N D 001.4190.030.000
154266	02/16/16	OFFICE SOLUTIONS	336.61		95469		N D 001.4190.030.000
154266	02/16/16	OFFICE SOLUTIONS	138.64		95469		N D 001.4190.030.000
154266	02/16/16	OFFICE SOLUTIONS	82.37		95469		N D 001.4190.030.000
154266	02/16/16	OFFICE SOLUTIONS	226.81		95469		N D 001.4190.030.000
154266	02/16/16	OFFICE SOLUTIONS	264.85		95469		N D 001.4190.030.000
				*CHECK			

WARRANT DATE VENDOR
BANK OF AMERICA

Disbursement Journal

DESCRIPTION AMOUNT

154289	02/16/16	STOVER SEED COMPANY	10752	GRAND SLAM 'FS' RYE BL	806.60
154290	02/16/16	TUCKER & SON INC/ J	16700	GLOVES LEATHER/NITRILE	76.52
154291	02/16/16	UNITED ROTARY BRUSH	15805	RECONDITION MATERIAL	429.92
154291	02/16/16	UNITED ROTARY BRUSH	15805	1 SETS MOBIL 4 SEG 26	548.13
154292	02/16/16	USDA FOREST SERVICE	10367	SEWAGE TRANSMISSION LI	60.91
154293	02/16/16	VERIZON	10469	1235259413 INTERNET	145.00
154293	02/16/16	VERIZON	10469	909 305-4876	47.80
154293	02/16/16	VERIZON	10469	909 592-8556	180.80
154293	02/16/16	VERIZON	10469	909 592-3928	420.77
154294	02/16/16	VISTA PAINT CORPORAT	17172	GASKET, TRAFFIC PAINT	172.49
154294	02/16/16	VISTA PAINT CORPORAT	17172	PAINT STRAINER, BUCKET	182.69
154294	02/16/16	VISTA PAINT CORPORAT	17172	DEX COAT, TAPE, BRUSH, T	170.87
154295	02/16/16	W. COVINA HILLS ADVEN	.00014	REFUND DEPOSIT 1/31/1	500.00
154296	02/16/16	WALTERS WHOLESAL E	10860	KN014460	60.51
154296	02/16/16	WALTERS WHOLESAL E	10860	WATDT305	137.34
154296	02/16/16	WALTERS WHOLESAL E	10860	PHLPLT42W8354PALTO	81.24
154297	02/16/16	WATERLINE TECHNOLOGI	10242	HYDROCHLORIC ACID	270.49
154297	02/16/16	WATERLINE TECHNOLOGI	10242	HYPOCHLORITE SOLUTION	353.94
154298	02/16/16	WEST COAST ARBORISTS	12070	15-16 TREE MAINTEN	18,924.02
154299	02/16/16	XEROX CORPORATION	17425	6204CP COPIER W/OUT SV	38.00
154299	02/16/16	XEROX CORPORATION	17425	WC7428P PRINTER	290.20
154300	02/16/16	YALE-CHASE EQUIPMENT	10182	EXTERIOR MIRROR, FREIGH	79.43
154300	02/16/16	YALE-CHASE EQUIPMENT	10182	RUBBER DOOR HOLDER	32.09
154301	02/16/16	YAMASHITA/MELINDA	.00015	LOW ENROLLMENT REFUND	99.00
		BANK OF AMERICA		TOTAL	460,317.57

F 9 S ACCOUNT

PO#

CLAIM INVOICE

N D	020.4410.927.003	0853405		
N D	001.4410.033.000	1478		
N D	001.4342.011.002	288429		
M D	001.4342.011.002	288719		
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N D	006.4841.604.000	SGR104502A		
N D	001.4190.020.034			
N D	001.4410.022.003			
N D	001.4410.022.003			
N D	003.4410.022.003			
		*CHECK TOTAL		
N D	001.4345.033.000	2016-552148-00		
N D	001.4345.033.000	2016-555451-00		
N D	001.4342.041.011	2016-579070-00		
		*CHECK TOTAL		
N D	001.341.002			
N D	001.4411.023.000	2320025-00		
N D	001.4411.023.000	2320071-01		
N D	001.4411.033.000	2320196-00		
		*CHECK TOTAL		
N D	001.4430.033.000	5327742		
N D	001.4430.033.000	5328350		
		*CHECK TOTAL		
N D	008.4415.020.008	112276-A		
N D	001.4190.015.000	701937485		
N D	001.4190.015.000	701937485		
		*CHECK TOTAL		
N D	001.4342.011.000	SI127073		
N D	001.4342.011.000	SI128042		
		*CHECK TOTAL		
N D	001.367.001			

ACS FINANCIAL SYSTEM
02/03/2016 14:15:55
WARRANT DATE VENDOR
REPORT TOTALS:

Disbursement Journal
DESCRIPTION AMOUNT
460,317.57

CLAIM INVOICE

PO#

GL540R-V07.27 PAGE 9
CITY OF SAN DIMAS
F 9 S ACCOUNT

RECORDS PRINTED - 000261

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
001	GENERAL FUND	100,442.70
003	WALKER HOUSING LLC FUND	1,180.80
006	SEWER EXPANSION	3,375.20
007	CITY WIDE LIGHTING DISTRICT	22,475.06
008	LANDS WIDE PARCEL TAX	27,397.73
012	INFRASTRUCTURE REPLEACEMENT	252,618.80
020	COMMUNITY PARK DEVELOPMENT	38,080.80
022	OPEN SPACE #2 (EAST)	1,827.12
027	CIVIC CENTER PARKING DIST	1,180.00
034	HOUSING AUTHORITY 2-1-12	2,231.59
038	SUCCESSOR SEWAGE MAINT & OPERATIO	1,251.08
071	PROP QUALITY MANAGEMENT DIST	1,677.73
075	LANDSCAPE MAINTENANCE DIST	1,380.83
110	TRUST AND AGENCY	
	TOTAL ALL FUNDS	460,317.57

BANK RECAP:

BANK	NAME	DISBURSEMENTS
CHEK	BANK OF AMERICA	460,317.57
	TOTAL ALL BANKS	460,317.57

Disbursement Journal

FUND RECAP:
 FUND DESCRIPTION -----
 001 GENERAL FUND
 007 CITY WIDE LIGHTING DISTRICT
 022 OPEN SPACE #2 (EAST)
 027 CIVIC CENTER PARKING DIST
 038 SUCCESSION AGENCY CG 2-1-12
 110 TRUST AND AGENCY
 TOTAL ALL FUNDS

DISBURSEMENTS
 1,967,241.59
 43,004.59
 30,506.00 CR
 274,000.00
 175.50
 2,254,284.18

BANK RECAP:
 BANK NAME -----
 CHEK BANK OF AMERICA
 TOTAL ALL BANKS

DISBURSEMENTS
 2,254,284.18
 2,254,284.18



Agenda Item Staff Report

Date: February 2, 2016

To: Honorable Mayor and Members of City Council
For the Meeting of February 9, 2016

From: Blaine Michaelis, City Manager

Initiated by: Public Works Department

Subject: **Resolution 2016-11: Approval of a Two-year extension of the 2011 Speed Zone Study (Engineering and Traffic Survey) to 2018**

SUMMARY

Staff requests Council approval for a two-year extension of the 2011 Speed Zone Study to 2018 as no significant traffic changes have occurred within the 5 year active period to warrant the current engineering and traffic surveys to be revisited. With Council approval San Dimas has the authority to extend the Speed Zone Study to a seven year period with the confirmation Los Angeles County Sheriff's Department personnel stationed in San Dimas have completed the appropriate radar training courses and received such certification as required by the California Vehicle Code.

BACKGROUND

The California Vehicle Code, Sections 22357 and 22358, permits local authorities, by ordinance, to establish speed limits based upon the basis of an engineering and traffic survey. Section 40802 further states that for any speed limit set pursuant to Section 22357, and if enforcement involves the use of radar or other electronic device that measures the speed of moving vehicles, the speed limit must be justified by an engineering and traffic survey. Setting a speed limit without the benefit of a supporting traffic speed survey constitutes a "speed trap" and is considered illegal.

The Engineering and Traffic Survey for the 2011 Speed Zone Study was prepared by Warren Siecke and Associates and presented to City Council at its February 11, 2011 meeting. The study was adopted and approved under Ordinance No. 1203.

DISCUSSION

In 2011, the Traffic Engineer prepared a new Speed Zone Study for San Dimas. The study involves reviewing previous radar surveys, recent traffic counts, a two-year traffic accident history, and other contributing factors, such as street improvements, and the 85th percentile speed. The 85th percentile speed is the speed which 85% of the observed vehicles are not exceeding.

The California Vehicle Code Section 40802(b) requires that engineering and traffic surveys must be conducted every five years to be enforceable or if conditions have not changed significantly, this survey can be extended up to seven years with the confirmation that the local law enforcement agency authority has obtained the mandatory radar training certification. Staff received confirmation that the appropriate Los Angeles County Sheriff's Department personnel stationed in San Dimas have completed the appropriate radar training class and received such certification. Additionally, as confirmed by the City's Traffic Engineer no significant changes have occurred that would warrant the current engineering and traffic surveys to be revisited at this time. Therefore, the authority of the 2011 Speed Zone Study can be extended to 2018.

RECOMMENDATION

Staff recommends Council approval of Resolution 2016-11 approving a two-year extension of the 2011 Speed Zone Study (Engineering and Traffic Survey) to 2018.

Respectfully submitted,

Krishna Patel
Director of Public Works

Attachment: Resolution 2016-11

02-16-06kp

RESOLUTION 2016-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS,
COUNTY OF LOS ANGELES, APPROVING A TWO-YEAR EXTENSION
OF THE 2011 SPEED ZONE STUDY
(ENGINEERING AND TRAFFIC SURVEY) TO 2018**

WHEREAS, Section 22357 and 22358 of the California Vehicle Code and Sections 10.24.095 and 10.24.104 of the San Dimas Municipal Code permit the City Council, by resolution, hereby determine that speed limits on certain streets are necessary for the orderly and safe movement of traffic in the City of San Dimas; and

WHEREAS, based on the Engineering and Traffic Survey for the 2011 Speed Zone Study as prepared by Warren Siecke and Associates, presented to it, as required by Section 22358 of the Vehicle Code of the State of California, the City Council finds and determines that the speed limits set forth in the 2011 Speed Zone Study are those most appropriate to facility the orderly movement of traffic and are responsible an safe and shall be the prima facia speed limits for the areas identified therein; and

WHEREAS, the Engineering and Traffic Survey for the 2011 Speed Zone Study was adopted and approved by City Council under Ordinance No. 1203 at its meeting of February 11, 2011; and

WHEREAS, the registered Traffic Engineer has confirmed no significant changes to the City roadway segments or traffic conditions have occurred that would warrant the current 2011 Speed Zone Study (Engineering and Traffic Survey) to be revisited; and

WHEREAS, the City of San Dimas has received confirmation from the Los Angeles County Sheriff's department that the appropriate personnel stationed in San Dimas have completed the appropriate radar training course and received such certification thereof; and

NOW, THEREFORE, BE IT RESOLVED the 2011 Speed Zone Study's authority has been extended for two-years to 2018 from the date of the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 9th day of February, 2016.

Curtis W. Morris, Mayor City of San Dimas

ATTEST:

Debra Black, Assistant City Clerk

I, DEBRA BLACK, ASSISTANT CITY CLERK, **HEREBY CERTIFY**, that Resolution 2016-11 was adopted by the vote of the City Council of San Dimas at its regular meeting of February 9th, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Debra Black, Assistant City Clerk



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
For the Meeting of February 9, 2016

From: Blaine Michaelis, City Manager

Initiated by: Ken Duran, Assistant City Manager

Subject: Adopt Resolutions authorizing the City Manager to amend the authorized signatures for various banking and investment institutions to add the Administrative Services Manager

SUMMARY

To Authorize the City Manager, as the Individual Authorized Signer for the City's accounts at the various banks and investment institutions, to Amend the Designated Authorized Signers to add the Administrative Services Manager.

BACKGROUND

For the purpose of keeping the City's internal controls up to date it has become necessary to update the authorized signatures on the City's various accounts. The City Manager is the Individual Authorized Signer for changes to the City's accounts. With the hire of the Administrative Services Manager, it is necessary to amend the City's agreement and signature cards to add **Michael O'Brien, Administrative Services Manager** as a designated account signer. With this amendment the following are the authorized signers on all **Bank of America/Merrill Lynch, F & A Federal Credit Union and US Bank** City accounts and the following are Named Officials on the Local Agency Investment Fund account:

Blaine Michaelis – City Manager

Kenneth Duran – Assistant City Manager

Michael O'Brien – Administrative Services Manager

Steven Valdivia – Accounting Supervisor

Two **(2)** signatures are required on all City issued checks. Additionally, all wire transfers are verified by Bank of America before any funds are transferred.

RECOMMENDATION

It is recommended that the City Council adopt **Resolution 2016-07** *A Resolution of the City Council of the City of San Dimas for the Agreement with **Bank of America/Merrill Lynch** for Certification of the Individual Authorized Signer for the Purpose of **Deposit Account and Treasury Management Services**, and to Designate Authorized Signers on the City's Bank Accounts, effective February 9, 2016.*

Adopt **Resolution 2016-08** *A Resolution of the City Council of the City of San Dimas for an Amendment to Designate Authorized Signers on the City's Various Accounts with **F & A Federal Credit Union**, effective February 9, 2016.*

Adopt **Resolution 2016-09** *A Resolution of the City Council of the City of San Dimas for an Amendment to Designate Authorized Signers on the City's Various Accounts with **US Bank**, effective February 9, 2016.*

Adopt **Resolution 2016-10** *A Resolution of the City Council of the City of San Dimas Declaring its Intent to Participate in the Local Agency Investment Fund, Office of the Treasurer, State of California and Amend the Named Officials Authorized for the Purpose of Investment, effective February 9, 2016.*

Respectfully submitted,



Michael O'Brien
Administrative Services Manager

Attachments: 2016-07, Resolution 2016-08, Resolution 2016-09, and Resolution 2016-10

RESOLUTION 2016-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, FOR THE CITY OF SAN DIMAS AGREEMENT WITH *BANK OF AMERICA/MERRILL LYNCH* FOR CERTIFICATION OF THE INDIVIDUAL AUTHORIZED SIGNER FOR THE PURPOSE OF *DEPOSIT ACCOUNT & TREASURY MANAGEMENT SERVICES*, AND TO DESIGNATE AUTHORIZED SIGNERS ON THE CITY OF SAN DIMAS ACCOUNTS.

WHEREAS, the City of San Dimas utilizes *Bank of America/Merrill Lynch* as the primary general and payroll bank accounts; and

WHEREAS, said accounts were created for the purpose of City payments and obligations; and

WHEREAS, internal controls require updating the authorized signers on the account when changes in authorized officials occur; and

WHEREAS, it has become necessary to add authorized signers; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas, California, agrees that the Individual Authorized Signer shall be the City Manager; and the following named officials of the City of San Dimas are designated as authorized signers on all of the City's accounts at *Bank of America/Merrill Lynch*; and that all issued checks and/or withdrawals require two (2) signatures; as well as, all wire transfers are verified by phone by *Bank of America/Merrill Lynch* before any funds are transferred; so as stated by this resolution, for the purpose of daily City business the following amended named officials are authorized signers on the City's *Bank of America/Merrill Lynch* accounts effective February 9, 2016:

Blaine Michaelis, City Manager
Kenneth Duran, Assistant City Manager
Michael O'Brien, Administrative Services Manager
Steven Valdivia, Accounting Supervisor

PASSED, APPROVED AND ADOPTED this 9th day of February, 2016.

Curtis W. Morris, Mayor City of San Dimas

ATTEST:

Debra Black, Assistant City Clerk

I, DEBRA BLACK, ASSISTANT CITY CLERK, HEREBY CERTIFY, that Resolution 2016-07 was adopted by the vote of the City Council of San Dimas at its regular meeting of February 9th, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Black, Assistant City Clerk

RESOLUTION 2016-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDMENT WITH *F & A FEDERAL CREDIT UNION* TO DESIGNATE AUTHORIZED SIGNERS ON THE CITY OF SAN DIMAS ACCOUNTS.

WHEREAS, the City of San Dimas utilizes *F & A Federal Credit Union* for savings and investment portfolio and

WHEREAS, said accounts were created for the purpose of City investments and

WHEREAS, internal controls require updating the authorized signers on the account when changes in authorized officials occur and

WHEREAS, it has become necessary to add authorized signers.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas, California, agrees that the following named officials of the City of San Dimas are designated as authorized signers on all of the City's accounts at *F & A Federal Credit Union*; and that all deposits and/or withdrawals require two (2) signatures; as well as, all wire transfers are verified by phone by *F & A Federal Credit Union* before any funds are transferred; so as stated by this resolution, for the purpose of City business the following amended named officials are authorized signers on the City's *F & A Federal Credit Union* accounts:

Blaine Michaelis, City Manager
Kenneth Duran, Assistant City Manager
Michael O'Brien, Administrative Services Manger
Steven Valdivia, Accounting Supervisor

PASSED, APPROVED AND ADOPTED this 9th, day of February, 2016.

Curtis W. Morris, Mayor City of San Dimas

ATTEST:

Debra Black, Assistant City Clerk

I, DEBRA BLACK, HEREBY CERTIFY, that Resolution 2016-08 was adopted by the vote of the City Council of San Dimas at its regular meeting of February 9th, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Black, Assistant City Clerk

RESOLUTION 2016-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, FOR THE CITY OF SAN DIMAS AGREEMENT WITH *US BANK* FOR THE PURPOSE OF *DEPOSIT ACCOUNT & TREASURY MANAGEMENT SERVICES*, AND TO DESIGNATE AUTHORIZED SIGNERS ON THE CITY OF SAN DIMAS ACCOUNTS.

WHEREAS, the City of San Dimas utilizes *US Bank* as the primary accounts for the Golf Course Capital Improvement, Restaurant Capital Improvement, Walker House Master Tenant LLC and Walker House Owner LLC checking accounts and

WHEREAS, said accounts were created for the purpose of City payments and obligations and

WHEREAS, internal controls require updating the authorized signers on the account when changes in authorized officials occur and

WHEREAS, it has become necessary to add authorized signers.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas, California, agrees that the following named officials of the City of San Dimas are designated as authorized signers on all of the City's accounts at *US Bank*; and that all issued checks and/or withdrawals require two (2) signatures; as well as, all wire transfers are verified by phone by *US Bank* before any funds are transferred; so as stated by this resolution, for the purpose of City business the following amended named officials are authorized signers on the City's *US Bank* accounts:

Blaine Michaelis, City Manager
Kenneth Duran, Assistant City Manager
Michel O'Brien, Administrative Services Manager
Steven Valdivia, Accounting Supervisor

PASSED, APPROVED AND ADOPTED this 9th, day of February, 2016.

Curtis W. Morris, Mayor City of San Dimas

ATTEST:

Debra Black, Assistant City Clerk

I, DEBRA BLACK, ASSISTANT CITY CLERK, HEREBY CERTIFY, that Resolution 2016-09 was adopted by the vote of the City Council of San Dimas at its regular meeting of February 9th, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Black, Assistant City Clerk

RESOLUTION 2016-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, FOR THE CITY OF SAN DIMAS AGREEMENT WITH *TIME VALUE INVESTMENTS* FOR THE PURPOSE OF INVESTMENT OF IDLE FUNDS AND TO DESIGNATE AUTHORIZED SIGNERS ON THE CITY OF SAN DIMAS ACCOUNTS.

WHEREAS, the City of San Dimas utilizes *Time Value Investments* as a source for the investment of idle funds in Certificates of Deposits and Bonds and

WHEREAS, said accounts were created for the purpose of diversifying City funds to maximize interest earnings and

WHEREAS, internal controls require updating the authorized signers on the account when changes in authorized officials occur and

WHEREAS, it has become necessary to add authorized signers.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas, California, agrees that the following named officials of the City of San Dimas are designated as authorized signers on all of the City's accounts at *Time Value Investments*; and that all deposits and/or withdrawals require two (2) signatures; so as stated by this resolution, for the purpose of City investments the following amended named officials are authorized signers on the City's *Time Value Investments* accounts:

Blaine Michaelis, City Manager
Kenneth Duran, Assistant City Manager
Michael O'Brien, Administrative Services Manager
Steven Valdivia, Accounting Supervisor

PASSED, APPROVED AND ADOPTED this 9th, day of February, 2016.

Curtis W. Morris, Mayor City of San Dimas

ATTEST:

Debra Black, Assistant City Clerk

I, DEBRA BLACK, ASSISTANT CITY CLERK, HEREBY CERTIFY, that Resolution 2016-10 was adopted by the vote of the City Council of San Dimas at its regular meeting of February 9th, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Black, Assistant City Clerk

ORDINANCE 1241

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, HEREBY ADOPTING A PLAN AND INTENT TO CONSOLIDATE CITY ELECTIONS WITH THE STATEWIDE ELECTION BY NO LATER THAN THE NOVEMBER 8, 2022, STATEWIDE ELECTION

WHEREAS, the City of San Dimas, California, is a political subdivision as defined by § 14051(a) of the Elections Code of the State of California; and

WHEREAS, §14052 of the Elections Code of the State of California provides that a political subdivision shall hold its election on a statewide election date but may hold its elections on a date other than a statewide election date if by January 1, 2018, the political subdivision adopts a plan to consolidate a future election with a statewide election not later than the November 8, 2022, statewide general election; and

WHEREAS, as of the date of this ordinance, §10402.5 of the Elections Code of the State of California applies and allows the board of supervisors to deny consolidation based on incompatible ballot style, voting equipment, or computer capacity.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, ORDAIN AS FOLLOWS:

SECTION 1. That the City plans to move its election date and consolidate its election with the County of Los Angeles, by no later than the November 8, 2022, statewide general election.

SECTION 2. That pursuant to §1301 of the Elections Code of the State of California, the City shall continue to hold its election date on the first Tuesday after the first Monday in March of each odd-numbered year until such time as the City moves its election date and the County approves the consolidation.

SECTION 3. That the City has the discretion by ordinance pursuant to §1301(b) of the Elections Code of the State of California to change the date of consolidation if the board of supervisors approves an earlier consolidation time frame.

SECTION 4. That pursuant to §10403.5(b) of the Elections Code of the State of California, no city office term shall be increased or decreased by more than 12 months.

SECTION 5. This ordinance shall take effect thirty (30) days after its passage.

SECTION 6. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published according to law.

SECTION 7. That the City Clerk is directed to forward without delay to the Board of Supervisors and to the County Election Department, each a certified copy of this ordinance.

SECTION 8. This Ordinance shall take effect 30 days after its final passage. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted

at the duly designated posting places within the City and published once within 15 days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within 15 days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Dimas this 9th day of February, 2016.

Curtis W. Morris, Mayor City of San Dimas

ATTEST:

APPROVED AS TO FORM:

Debra Black, Assistant City Clerk

Mark Steres, City Attorney

I, DEBRA BLACK, ASSISTANT CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1241 was introduced at a regular meeting of the City Council of the City of San Dimas on the 26th day of January, 2016, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 9th, day of February, 2016.

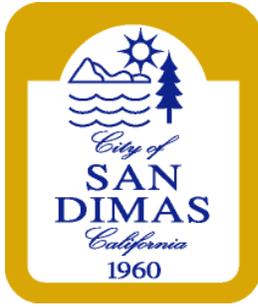
AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Black, Assistant City Clerk



MINUTES
REGULAR CITY COUNCIL
SUCCESSOR AGENCY MEETING
TUESDAY, JANUARY 26, 2016, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner

STAFF:

City Manager Blaine Michaelis
Assistant City Manager Community Development Larry Stevens
City Attorney Mark Steres
Director of Parks and Recreation Theresa Bruns
Director of Public Works Krishna Patel
Planning Manager Fabiola Wong
Associate Planner Jennifer Williams
Assistant City Clerk Debra Black

1. CALL TO ORDER AND FLAG SALUTE

2. RECOGNITIONS

➤ San Dimas High School Football Team CIF Finalists

Mayor Morris and Coach Homan presented certificates to the players.

3. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time and ask to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

- 1) Resident Dr. Marvin Ersher vocalized concern over format of speakers at public hearings.
- 2) Cheryl Panzer San Dimas Chamber of Commerce representative announcement of Principal of the Day event

- 3) Library Manager Nora Chen announced the appointment of a new County Librarian named Sky Patrick, as well as library events.
- 4) Maurice Cuellar Advocates for Healthy Living thanked the Council and staff members for their input and contributions with the start of the Market and the ongoing support for continuing the event.

4. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

City Manager Blaine Michaelis announced that item G will be removed from consent and continued to the next meeting of February 9, 2016; and the correction of the resolution number in the staff report of item “f” from 2015-07 to 2016-03.

Councilmember Bertone announced his recusal of the approval of item 4a, Warrant Register.

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

RESOLUTION 2016-02, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF JANUARY, 2016.

- b. Approval of minutes for the regular City Council and Study Session meetings of January 12, 2016.
- c. Claim Rejection: Hackelton v. City of San Dimas (1927799)
- d. Farmers Market 2016 Proposal – Advocates for Healthy Living is requesting City Council approval to conduct the 2016 Farmer’s Market on Wednesdays, April 6 through September 7, on First Street adjacent to Civic Center Park, in the City Hall Parking Lot and a portion of Civic Center Park
- e. **ORDINANCE 1240, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES ADOPTING MUNICIPAL CODE TEXT AMENDMENT 15-07 TO AMEND SECTION 18.14, WATER-EFFICIENT LANDSCAPES. (SECOND READING AND ADOPTION)**
- f. Approval of Resolution 2016-03 Annual Update of Parking Prohibition of Certain City Streets

RESOLUTION 2016-03, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROHIBITING PARKING OR STOPPING OF VEHICLES ON CERTAIN STREETS.

- g. Amending of Ordinance No 1203 to reflect correct Recommended Speed Limit for San Dimas Avenue (Avenida Melisenda to San Dimas Avenue (Loop Junction)) of 30mph.
 - i. **ORDINANCE 1203**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES DOES AMENDING THE SAN DIMAS MUNICIPAL CODE BY AMENDING THE SECTION 10.06 THERETO DESIGNATING SPEED LIMITS ON CERTAIN STREETS IN THE CITY OF SAN DIMAS
 - ii. Approve Two-year Extension of Speed Zone Study to 2018

RECOMMENDED ACTION: Approve consent calendar as presented.

Motion: A motion was made by Councilmember Bertone, seconded by Councilmember Ebner to approve the consent calendar with the following amendments and announcement: item “g” will be removed from consent and continued to the next meeting of February 9, 2016, the correction of the resolution number in the staff report of item “f” from 2015-07 to 2106-03 and Councilmember Bertone’s recusal of the approval of item “4a”, warrant register. The motion passed by a vote of five to zero.

(5-0)

Yes: Bertone, Badar, Ebner, Templeman, Morris
Noes: None
Absent: None
Abstain: None

END OF CONSENT CALENDAR

5. PUBLIC HEARINGS

- a. Proposed CDBG Program FY 2016-17 Projected Use of Funds

RESOLUTION 2016-05, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS CALIFORNIA, AUTHORIZING THE ALLOCATION OF THE 2016 YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR FISCAL YEAR 2016-17

Assistant City Manager of Community Development Larry Stevens presented staff’s report on this item.

RECOMMENDED ACTION: Approve and adopt Resolution 2016-05.

Mayor Morris opened the public hearing for comment. There were no public comments.

Motion: A motion was made by Councilmember Ebner, seconded by Councilmember Bertone to waive further reading and approve Resolution 2016-05. The motion was approved by vote of five to zero. **(5-0)**

Yes: Badar, Bertone, Ebner, Templeman, Morris
Noes: None
Absent: None
Abstain: None

- b. Revision to Parcel Map 90-1 (21554); A request to delete Planning Condition No. 4 of Resolution 91-10 relating to recordation of a notice of non-conforming status of the existing residence and restrictions on expansion and/or substantial modification of the residence at 1623 N. San Dimas Canyon Road (APN: 8665-010-063) The Planning Commission recommended approval of the request at its January 7, 2016 meeting.

RESOLUTION 2016-04, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING A REVISION TO PARCEL MAP 90-1 (21554) IN THE FORM OF THE REMOVAL OF A CONDITION OF APPROVAL AFFECTING THE PROPERTY AT 1623 N. SAN DIMAS CANYON ROAD (APN: 8665-008-016)

RECOMMENDED ACTION: Approve and adopt Resolution 2016-04.

Associate Planner Jennifer Williams presented staff's report on this item.

Mayor Morris opened the public hearing for comment.

- 1) Neighbor Mark Kirsten is happy the property is going to be developed and asked what the historic significance is.

Councilmember Templeman responded by reading from the historic resources inventory that it is one of the very few hand built stone houses in San Dimas built in 1923.

Mayor Morris closed the public hearing and brought the item back to council for discussion and decision.

Motion: A motion was made by Councilmember Templeman, second by Councilmember Ebner to waive further reading and approve Resolution 2016-04. The motion was approved by vote of five to zero. **(5-0)**

Yes: Badar, Bertone, Ebner, Templeman, Morris
Noes: None
Absent: None
Abstain: None

6. OTHER BUSINESS

- a. SB 415 Requiring Municipal Election Date Consolidation
 - i. Request for Councilmembers and City Clerk to sign petition for alternate solution
 - ii. Ordinance allowing San Dimas to continue stand-alone elections through 2021.

ORDINANCE 1241, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, HEREBY ADOPTING A PLAN AND INTENT TO CONSOLIDATE CITY ELECTIONS WITH THE STATEWIDE ELECTION BY NO LATER THAN THE NOVEMBER 8, 2022, STATEWIDE ELECTION

RECOMMENDED ACTION: Authorize Councilmembers and City Clerk to sign petition and introduce and approve Ordinance 1241.

Assistant City Manager Ken Duran presented staff's report on this item.

Motion: A motion was made by Councilmember Bertone, seconded by Councilmember Ebner to waive further reading and introduce Ordinance 1241. The motion was approved by vote of five to zero. **(5-0)**

Yes: Badar, Bertone, Ebner, Templeman, Morris
Noes: None
Absent: None
Abstain: None

Motion: A motion was made by Councilmember Bertone, seconded by Councilmember Ebner to authorize the Council and City Clerk to sign petition. The motion was approved by vote of five to zero. **(5-0)**

Yes: Badar, Bertone, Ebner, Templeman, Morris
Noes: None
Absent: None
Abstain: None

7. ORAL COMMUNICATIONS (Speakers are limited to five (5) minutes or as may be determined by the Chair.)

a. Members of the Audience

Dr. Ersher asked what position the League of California Cities took on this subject.

Mr. Duran answered that they opposed the legislation.

b. City Manager

Mayor's call in show broadcast Thursday, January 28, 2016.

b. City Attorney

Nothing to report.

d. Members of the City Council

1) Reappointments to the Public Safety Commission

Mayor Morris announced that the current terms of Commissioner Avelar and McCowan were up and they were eligible for reappointment.

Motion: A motion was made by Councilmember Badar, seconded by Councilmember Templeman to reappoint Cheryl Avelar and Charles Mc Cowan to the Public Safety Commission. The motion was approved by vote of five to zero. **(5-0)**

Yes: Badar, Bertone, Ebner, Templeman, Morris
Noes: None
Absent: None
Abstain: None

2) Councilmembers' report on meetings attended at the expense of the local agency.

Nothing to report.

3) Individual Members' comments and updates

Councilmember Templeman thanked PW staff for cleanup along the railroad and freeway corridor.

Councilmember Ebner reported on the outcome of the Parks Needs Assessment meeting.

Councilmember Badar asked Park & Recreation Director Theresa Bruns to give a brief description of the Via Verde project for the public.

8. ADJOURNMENT

Councilmember Templeman asked that the meeting be adjourned in memory of resident and volunteer Daily Baise. The meeting adjourned at 8:15 p.m.

9. CLOSED SESSION

(Recess to closed session pursuant to Government Code 54957)

- a. Public Employee Performance Evaluation
Title: City Manager

The closed session adjourned at 9:15 p.m. with no reportable action.

Respectfully submitted,

Debra Black, Assistant City Clerk

Curt Morris, Mayor



Agenda Item Staff Report

Date: February 3, 2016

To: Honorable Mayor and Members of City Council
For the meeting of February 9th, 2016

From: Blaine Michaelis, City Manager

Initiated by: Krishna Patel, Public Works Director 

Subject: **Construction Management Services on the Foothill Boulevard Bridge Widening Project (CC 2014-01, BHLS-5367-013, EA 07-93318)**

- **Approval of Change Order 2 for Southstar Engineering and Consulting Inc. in the amount not to exceed \$45,000.00 for additional services for the management of the construction contract**

Summary

Staff is requesting Council approve additional monies in the amount of \$45,000 for Southstar Engineering and Consulting Inc., the City's Construction Management Services contractor for the Foothill Boulevard Bridge Widening over the San Dimas Wash.

This request is for additional monies to offset Contract Management (CM) costs associated with the delays in completing the project. The project was anticipated to be completed in November of 2015. While the project is structurally complete, there remain outstanding items that need to be finished or resolved. For instance the contractor has yet to install decorative elements on the bridge railing. The CM is also needed to assist in closing out any unresolved issues that may occur at the end of the contract as well as to finalize documentation required for Federal reimbursement of approved project costs.

Staff is requesting that Council consider approving Change Order 2 in the amount of \$45,000 to cover these additional costs and services to be provided by Southstar Engineering and Consulting Inc. for Construction Management Services on the Foothill Boulevard Bridge Widening Project. The approval of Change Order 2 will revise the CM contract amount to approximately \$549,134.

BACKGROUND

The Construction Management Agreement contract for the Contract Management Services (CMS) in the negotiated amount of \$372,134.00 was approved by Council and awarded to Southstar Engineering and Consulting Inc. on June 24, 2014. At the time, Staff anticipated awarding the construction Cash Contract 2014-01, Foothill Boulevard Bridge Widening over San Dimas Wash, BHLS-5367(013), and EA 07-93318 on July 22, 2014 and soon thereafter commence construction in early August.

The CMS contract includes the following:

Pre-Construction Phase:

- a. Provide value engineering by performing a constructability review of the project plans and specifications to identify any potential construction related issues and address.
- b. Provide support and assistance during the bid process

Construction Phase:

- b. Construction inspection services
- c. Quality Assurance including surveying services
- d. Office contract administration in accordance with State and FHWA requirements
- e. Material testing
- f. Source inspection
- g. Biologist for mitigation monitoring
- h. Public relations and other services as outlined in this scope of work

Post-Construction Phase:

- i. Office contract administration in accordance with State and FHWA requirements
- j. Provide support and assistance in closing out project

As Council may recall, the original bid was opened on July 15, 2014. The contract was not awarded due to the low bidder withdrawing its bid and the ensuing bid results being much higher than budgeted.

After the project specifications and plans were slightly revised to reduce costs, the project was re-advertised with bids opened on November 18, 2014. The lowest bid in the amount of \$2,529,529 was \$417,529 greater than the engineer's estimate. With the construction cost anticipated to be higher and with other additional expenditures for the project, additional funding was needed.

Additional Funding from Caltrans

On December 4, 2014, we filed a formal request with Caltrans for additional funding for construction and construction engineering. Upon receipt of verbal confirmation from Caltrans that the additional state/federal funding would be available for the project, the City proceeded with award of the construction contract to Mamco Incorporated dba Alabbasi at the February 10, 2015 Council meeting. On April 20, 2015 we received formal confirmation from Caltrans regarding our request for additional funding per the following breakdown:

Change Order 1 CM Costs

As a result of rejecting the initial construction bids, re-bidding the construction project, securing additional state/federal funding, and the construction contract date shifting to March 16, 2015, the time period to provide services for the "pre-construction phase" of the CMS was extended. All the pre-construction phase service provided by CM is covered under the Preliminary Engineering Phase of the federal funding. In addition, since we have secured additional funding, the additional costs incurred by CM for their services for additional work under pre-construction phase of the project would be eligible for reimbursement by the state

At its August 25, 2015 Meeting, Council approved Change Order 1 in the amount of \$132,000 to offset additional CM services required due in large part to rebidding the project and due to slower than anticipated construction progress made by the contractor. In an attempt to try to get the project back on track, the CM was asked to provide higher level monitoring and inspection in order to help the contractor avoid time consuming mistakes. Of the Change Order 1 amount, \$116,859.60 was eligible to be reimbursed by federal funds.

DISCUSSION

Change Order 2

Based on the contract time of 170 working days, the work should have been completed by November 12th, 2015. Unfortunately, the contractor has made very slow progress on the project. As of February 3, 2016, there is still work remaining to be completed. While the essential structural work was done by late December, and the road was safely opened for traffic, the contractor still has several items to finish that will require CM work. Additionally the CM is essential to help close out any claims or quantity disputes and to finalize Federal project requirements that are necessary for to get Federal reimbursement.

Staff is requesting that Council consider approving an additional amount of \$45,000 to Southstar Engineering and Consulting Inc. for CM to offset costs due to the contractor's delay in completing the project. Staff anticipates construction will be complete by mid March and should have all documentation for federal cost reimbursement prepared by the end of April. These CM costs are eligible for Federal reimbursement at a ratio of 88.53%. Of the additional \$45,000 amount requested for Change Order 2, the City is eligible to receive \$39,838 as a federal reimbursement. Given this reimbursement the actual cost of Change Order 2 to the City is projected to be \$5,162.

Below is a recap of the project budget. The final project cost to the City including construction (and CM Change Orders 1 and 2 receiving federal reimbursement) is \$425,314.77. This takes into consideration Golden State Water Company's share of the project, (\$661,046 - \$204,983.68 - \$30,747.55 = \$425,314.77).

Should the Council approve Change Order 2, the budget for this project would be as follows:

	Orig. Federal Funds Obligated	Approved Federal Funds	Eligible Federal Funding	City's Share
Prelim Engineering	\$ 358,546	\$ 402,811		\$ 52,188
Right of Way	\$ 84,401	\$ 99,100		\$ 12,839
Construction	\$1,842,771	\$2,281,859		\$ 500,623*
CM	\$ 276,416	\$ 342,279		\$ 75,093**
CM Change Order 1			\$116,859****	\$ 15,141****
CM Change Order 2			\$ 39,838****	\$ 5,162****
TOTAL	\$2,562,134	\$3,126,049	\$156,697****	\$ 661,046,

*Note that this includes Golden State Water Company's share of \$204,983.68 (\$186,348.80 per bid items plus 10% contingency) for their portion of work to be completed as part of this project.

**Note that this includes Golden State Water Company's share of \$30,747.55 (15% of construction cost, \$204,983.68) for their portion of work to be completed as part of CM for this project.

*** Note this take into consideration Golden State Water Company's share of the project, the total share for the City is \$425,314.77 (\$661,046 - \$204,983.68 - \$30,747.55).

****Funds to be submitted for Federal reimbursement.

Final costs for construction management portion excluding water company share is:

Original CM Budget	\$372,134
Change Order 1	\$132,000
Change Order 2	\$ 45,000
Total	\$549,134

Total City CM costs less water company's contribution of \$30,747.55	
Total	\$518,387

With a reimbursement ratio of 88.53% for the CM costs, the total amount of CM funding provided by the City would be \$59,459.

RECOMMENDATION:

Staff recommends that City Council approve Change Order 2 in the amount not to exceed \$45,000.00 for additional services for the Construction Management Services provided by Southstar Engineering and Consulting Inc. on the Foothill Boulevard Bridge Widening Project over the San Dimas Wash. The approval of Change Order 2 would increase the total CM negotiated contract from \$504,134 to \$549,134.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Krishna Patel', with a long horizontal flourish extending to the right.

Krishna Patel
Director of Public Works

02-16-04 sg

W *HEREAS, in 1872, Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and;*

W *HEREAS, this holiday called Arbor Day, was first observed with the planting of more than an estimated one million trees in Nebraska, and*

W *HEREAS, Arbor Day is now observed throughout the nation and the world, and*

W *HEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and*

W *HEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and*

W *HEREAS, trees in our city beautify our community, increase property values and, enhance the economic vitality of business areas, and*

W *HEREAS, trees, wherever they are planted are a source of joy and spiritual renewal.*

N *OW, THEREFORE, I, Mayor Curtis W. Morris, Mayor Pro Tem Jeffrey Templeman, and Councilmembers Denis Bertone, Emmett Badar and John Ebiner, do hereby proclaim March 9, 2016 as*

Arbor Day

in the City of San Dimas, and we urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and wood lands.

F *URTHER, we urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.*

I *N WITNESS WHEREOF, I, Curtis W. Morris, have hereunto set my hand and caused the seal of the City of San Dimas to be affixed this 9th day of February 2016.*

Curtis W Morris

Mayor

Debra Black

Attest _____

Assistant City Clerk



Agenda Item Staff Report

Date: February 4, 2016

To: Honorable Mayor and Members of City Council
For the Meeting of February 9, 2016

From: Blaine Michaelis, City Manager

Initiated by: Public Works Department *LM*

Subject: **Introducing Ordinance 1243 to Reflect the Correct Recommended Miles Per Hour Speed Limit for San Dimas Avenue Loop to 30mph**

SUMMARY

After a 2015 request by a resident to have the Traffic Safety Committee review the apparent speeding on San Dimas Avenue (within the Loop) a typographical error was revealed in Ordinance No. 1203 which approved the 2011 Speed Zone Study. The San Dimas Avenue "Loop" encompasses the following street intersections: Via Camille, Calle Trella, Calle Petula, Calle Adriana, Calle Sabina, Calle Renta, Calle Andrea, Via Catarina, Calle Solana. In the supporting documentation for the Speed Zone Study the miles per hour listed for San Dimas Avenue, Avenida Melisenda to San Dimas Avenue (Loop Junction) on Ordinance No. 1203 is 35mph which contradicts what is listed on the backup documents: the "Existing and Proposed Speed Limits" matrix and on the "Engineering and Traffic Survey" sheets which list the mph at 30. As a result of this discovery, Staff requested the City's Traffic Engineer to study this area to confirm the correct miles per hour for this section of San Dimas Avenue. The Traffic Engineer's 2016 study confirmed the accurate miles per hour for this stretch of San Dimas Avenue should be 30mph (from Avenida Melisenda to San Dimas Avenue Junction). Staff requests Council approval to introduce Ordinance 1243 which reflects the correct recommended miles per hour speed limit for San Dimas Avenue (from Avenida Melisenda to San Dimas Avenue Junction) to 30mph.

BACKGROUND

City Council approved a two-year extension of the current 2011 Speed Zone Study (Engineering and Traffic Survey) to 2018 as the City's Traffic Engineer confirmed that no significant changes to the City roadway segments or traffic conditions have occurred that would warrant the current engineering and traffic surveys to be revisited. Staff further confirmed that the appropriate LA County Sheriff's Department's personnel stationed in San Dimas have completed the appropriate radar training courses and received such certification as required by the California Vehicle Code. The current Engineering and Traffic Survey for the 2011 Speed Zone Study was prepared by

Warren Siecke and Associates and presented to City Council at its February 11, 2011 meeting. The study was adopted and approved under Ordinance No. 1203.

Basis for review

In July, 2015 Staff received a Traffic Investigation Request to review the apparent ‘downhill speeding’ on San Dimas Avenue (Via Catarina/Calle Andrea/Calle Petula). This resident’s home had recently suffered a hit-run accident and wanted San Dimas Ave reviewed as part of the Traffic Safety Committee process. In researching the background for this area – Avenida Melisenda to San Dimas Avenue (also known as the Loop), an administrative clerical error was discovered on the Speed Zone Study documents, specifically on Ordinance No. 1203 the document prepared and submitted for the February 8, 2011 Council Meeting to approve the study (attachment 1). In 2011, the only recommended miles per hour changes were for Arrow Highway and Badillo Street as shown in bold on Ordinance No. 1203.

To Staff’s surprise, the recommended miles per hour speed limit for San Dimas Avenue (Avenida Melisenda to San Dimas Avenue (Loop Junction)) were also erroneously changed during the creation of the ordinance word document. The MPH on the approved Ordinance contradicts the engineering and traffic survey’s supporting documentation, i.e. “Existing and Proposed Speed Limits” matrix and on the “Engineering and Traffic Survey” sheets (30mph) as shown in the excerpt from the 2011 Speed Zone Study which specifies 30mph with a “NC” designation or No Change (attachment 2).

DISCUSSION

To err on the side of caution, Staff sought to confirm this error was typographical in nature and not otherwise. Thus, in October 2015, Staff requested the City’s Traffic Engineer to re-evaluate this section of San Dimas Ave. The Traffic Engineer’s study confirmed the correct miles per hour speed limit for the San Dimas “Loop” should be 30mph and not 35mph (attachment 3). The new traffic engineering report also broke down the Loop as follows:

Street	Posted MPH	Recommended MPH	
Via Verde to San Dimas Ave to Loop Junction, west	35	35	No change
San Dimas Ave (Loop Junction) to Avenida Melisenda	35	35	No Change
Avenida Melisenda to Calle Andrea	35	30	Decrease
Calle Andrea to San Dimas Ave (Loop Junction)	35	30	Decrease
<i>**For clarification, the Loop Junction refers to where San Dimas Avenue intersects (attachment 4)</i>			

The Traffic Engineer’s recommendation for decreasing the speed limits at these 2 points along San Dimas Avenue (within the Loop) are “primarily based on the fact of

vertical/horizontal curves, limited sight distance on the curves and limited pedestrian/bicycle facilities”.

Staff requests Council consideration and approvals to correct the erroneous speed limit established for San Dimas Avenue from Avenida Melisenda to San Dimas Avenue (Loop Junction) as approved under Ordinance No. 1203 and replaced with the following language under new Ordinance 1243, more specifically:

- San Dimas Avenue-San Dimas Ave (Loop Junction) to Avenida Melisenda – 35mph
- San Dimas Avenue-Avenida Melisenda to Calle Andrea–30mph
- San Dimas Avenue-Calle Andrea to San Dimas Ave (Loop Junction)–30mph

Staff feels this clarification is warranted to ensure residents and local law enforcement have a clear understanding of the limits and locations of the recommended speeds within the San Dimas Avenue Loop.

RECOMMENDATION

Staff recommends Council approval of the following:

- i. The correct the speed limit for San Dimas Avenue (from Avenida Melisenda to San Dimas Avenue (Loop Junction) to 30mph.
- ii. Introduction of Ordinance 1243 to reflect the correct recommended miles per hour speed limit for the San Dimas Avenue Loop and clarify the limits as follows:
 - San Dimas Avenue (San Dimas Ave (Loop Junction) to Avenida Melisenda) – 35mph
 - San Dimas Avenue (Avenida Melisenda to Calle Andrea) – 30mph
 - San Dimas Avenue (Calle Andrea to Junction) – 30mph

Respectfully submitted,



Krishna Patel
Director of Public Works

Attachment:

1. *Ordinance No. 1203*
2. *Traffic Engineer Study, San Dimas Avenue, dated 2/3/16*
3. *Speed Zone Study, 2011- Excerpt*
4. *Recommended Speed Limits Map- Updated 2.4.16*

ORDINANCE 1243

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS,
COUNTY OF LOS ANGELES AMENDING THE SAN DIMAS MUNICIPAL CODE
SECTION 10.06 TO REFLECT THE CORRECT RECOMMENDED MILES PER HOUR
SPEED LIMIT FOR SAN DIMAS AVENUE LOOP TO 30MPH**

THE COUNCIL OF THE CITY OF SAN DIMAS DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 10.06.100 of the San Dimas Municipal Code is hereby amended by striking two street segments and adding three segments as follows:

STREET NAME	LIMITS	RECOMMENDED SPEED LIMIT (MPH)
SAN DIMAS AVENUE	Via Verde to Avenida Melisenda	35
SAN DIMAS AVENUE	Avenida Melisenda to San Dimas Avenue (Loop Junction)	30
SAN DIMAS AVENUE	San Dimas Avenue (Loop Junction) to Avenida Melisenda	35
SAN DIMAS AVENUE	Avenida Melisenda to Calle Andrea	30
SAN DIMAS AVENUE	Calle Andrea to Loop Junction	30

SECTION 2. Section 10.06.100 of the City of San Dimas Municipal Code is hereby corrected and clarified to reflect the correct recommended miles per hour within the San Dimas Avenue Loop, as referenced above. All other street segments in Section 10.06.100 shall remain the same.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 4. This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk shall cause it to be published in a local newspaper of general circulation hereby designated for that purpose.

PASSED AND INTRODUCED THIS 9th day of February, 2016.

Curtis W. Morris, Mayor City of San Dimas

Amending San Dimas Municipal Code Section 10.06 to Reflect the Correct Recommended Miles Per Hour Speed Limit for San Dimas Avenue Loop to 30mph

ATTEST:

APPROVED AS TO FORM:

Debra Black, Assistant City Clerk

Mark Steres, City Attorney

I, DEBRA BLACK, ASSISTANT CITY CLERK of the City of San Dimas, **DO HEREBY CERTIFY** that Ordinance 1243 was introduced at a regular meeting of the City Council of the City of San Dimas on the 9th day of February, 2016, and thereafter passed and adopted at a regular meeting of said City Council held on the ___ day of _____, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance 1243 to be published in the Inland Valley Daily Bulletin.

Debra Black, Assistant City Clerk

ORDINANCE NO. 1203

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE
SAN DIMAS MUNICIPAL CODE BY AMENDING THE SECTION 10.06 THERETO
DESIGNATING SPEED LIMITS ON CERTAIN STREETS IN THE CITY OF SAN DIMAS.

THE COUNCIL OF THE CITY OF SAN DIMAS DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 10.06.100 of the San Dimas Municipal Code is hereby amended to read as follows:

Section 10.06.100. In accordance with the provisions of Section 22357 and Section 22358 of the Vehicle Code of the State of California, the City of San Dimas hereby determines that the speed limits on certain streets are necessary for the orderly and safe movement of traffic in the City of San Dimas. Based on the engineering and traffic surveys of Warren Siecke and Associates presented to it, as required by Section 22358 of the Vehicle Code of the State of California, the City Council finds and determines that the speed limit set forth below are those most appropriate to facilitate the orderly movement of traffic and are responsible and safe and shall be the prima facie speed limits for the areas identified herein.

<u>STREET NAME</u>	<u>LIMIT</u>	<u>RECOMMENDED MPH SPEED LIMIT</u>
ALLEN AVENUE	Amelia Avenue to San Dimas Canyon Road	35
ARROW HIGHWAY	Valley Center Avenue to San Dimas Avenue	40
ARROW HIGHWAY	San Dimas Avenue to Walnut Avenue	45
ARROW HIGHWAY	Walnut Avenue to East City Limit	45
BADILLO STREET	West City Limit to Valley Center Avenue	45
BADILLO STREET	Valley Center Avenue to Covina Boulevard	45
BASELINE ROAD	Amelia Avenue to San Dimas Canyon Road	35
BONITA AVENUE	Arrow Highway to Cataract Avenue	35
BONITA AVENUE	Cataract Avenue to San Dimas Avenue	25
BONITA AVENUE	San Dimas Avenue to Walnut Avenue	25
BONITA AVENUE	Walnut Avenue to East City Limits	40
CATARACT AVENUE	Arrow Highway to Covina Boulevard	40
CIENEGA AVENUE	Valley Center Avenue to Arrow Highway	40
CLIFFSIDE DRIVE	Terrace Drive to Southerly Terminus	30
COVINA BOULEVARD	Valley Center Avenue to Badillo Street	35
COVINA BOULEVARD	Badillo Street to Cataract Avenue	40
CYPRESS STREET	West City Limits to Lone Hill Avenue	40
CYPRESS STREET	Lone Hill Avenue to 550' E/O Danecroft Avenue	35
CYPRESS STREET	550' E/O Danecroft to East End	25
EUCLA STREET	Bonita Avenue to Arrow Highway	30
FOOTHILL BOULEVARD	West City Limits to East City Limits	45
GLADSTONE STREET	Lone Hill Avenue to San Dimas Canyon Road	35
LONE HILL AVENUE	Gladstone Street to Cienega Avenue	40

<u>STREET NAME</u>	<u>LIMIT</u>	<u>RECOMMENDED MPH SPEED LIMIT</u>
LONE HILL AVENUE	Gladstone Street to Cienega Avenue	40
LONE HILL AVENUE	Cienega Avenue to Cypress Street	35
PUDDINGSTONE DRIVE	San Dimas Avenue to East City Limits	30
PUENTE STREET	West City Limits to Via Verde	45
PUENTE STREET	Via Verde to Via Amadeo	30
SAN DIMAS AVENUE	Foothill Boulevard to Gladstone Street	40
SAN DIMAS AVENUE	Gladstone Street to Arrow Highway	35
SAN DIMAS AVENUE	Arrow Highway to 1000' S/O Puddingstone Drive	40
SAN DIMAS AVENUE	1000' S/O Puddingstone Drive to Avenida Loma Vista	50
SAN DIMAS AVENUE	Avenida Loma Vista to Via Verde	50
SAN DIMAS AVENUE	Via Verde to Avenida Melisenda	35
SAN DIMAS AVENUE	Avenida Melisenda to San Dimas Avenue (Loop Junction)	35
SAN DIMAS CANYON ROAD	Golden Hills Road to Foothill Boulevard	35
SAN DIMAS CANYON ROAD	Foothill Boulevard to Allen Avenue	40
SAN DIMAS CANYON ROAD	Allen Avenue to Arrow Highway	40
SYCAMORE CANYON ROAD	San Dimas Canyon Road to North City Limits	25
VALLEY CENTER AVENUE	Badillo Street to Gainsborough Road	40
VIA VERDE	Covina Hills Road to I-57 Freeway	45
WALNUT AVENUE	Foothill Boulevard to Cannon Avenue	30
WALNUT AVENUE	Teague Drive to Cannon Avenue	25
WALNUT AVENUE	Cannon Avenue to Puddingstone Drive	30

SECTION 2. This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk shall cause it to be published in a local newspaper of general circulation hereby designated for that purpose.

SECTION 3. This ordinance supersedes Ordinance No. 1142.

PASSED AND APPROVED THIS 8th day of February, 2011.



 Curtis W. Morris, Mayor, City of San Dimas

ATTEST:



 Ina Rios, CMC, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1203 was regularly introduced at the regular meeting of the City Council on January 25, 2011 and thereafter adopted and passed at the regular meeting of the City Council held on February 8, 2011 by the following vote:

AYES:	Councilmembers Badar, Bertone, Ebner, Templeman, Morris
NOES:	None
ABSENT:	None
ABSTAIN:	None

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance No. 1202 to be published in the Inland Valley Daily Bulletin.



Ina Rios, CMC, City Clerk

CITY OF SAN DIMAS

SPEED ZONE STUDY
(ENGINEERING AND TRAFFIC SURVEY)

Adopted by San Dimas City Council

Ordinance No. 1203

Date: January 25, 2011

I, Warren C. Siecke, am a Registered Traffic Engineer, Number 823, in the State of California. I certify that this Traffic and Engineering Study, prepared for the City of San Dimas, has been conducted in compliance with guidelines contained in the California Vehicle Code and the California Manual on Uniform Traffic Control Devices. Data presented in the report represents a true and accurate description of traffic conditions existing on San Dimas city streets.

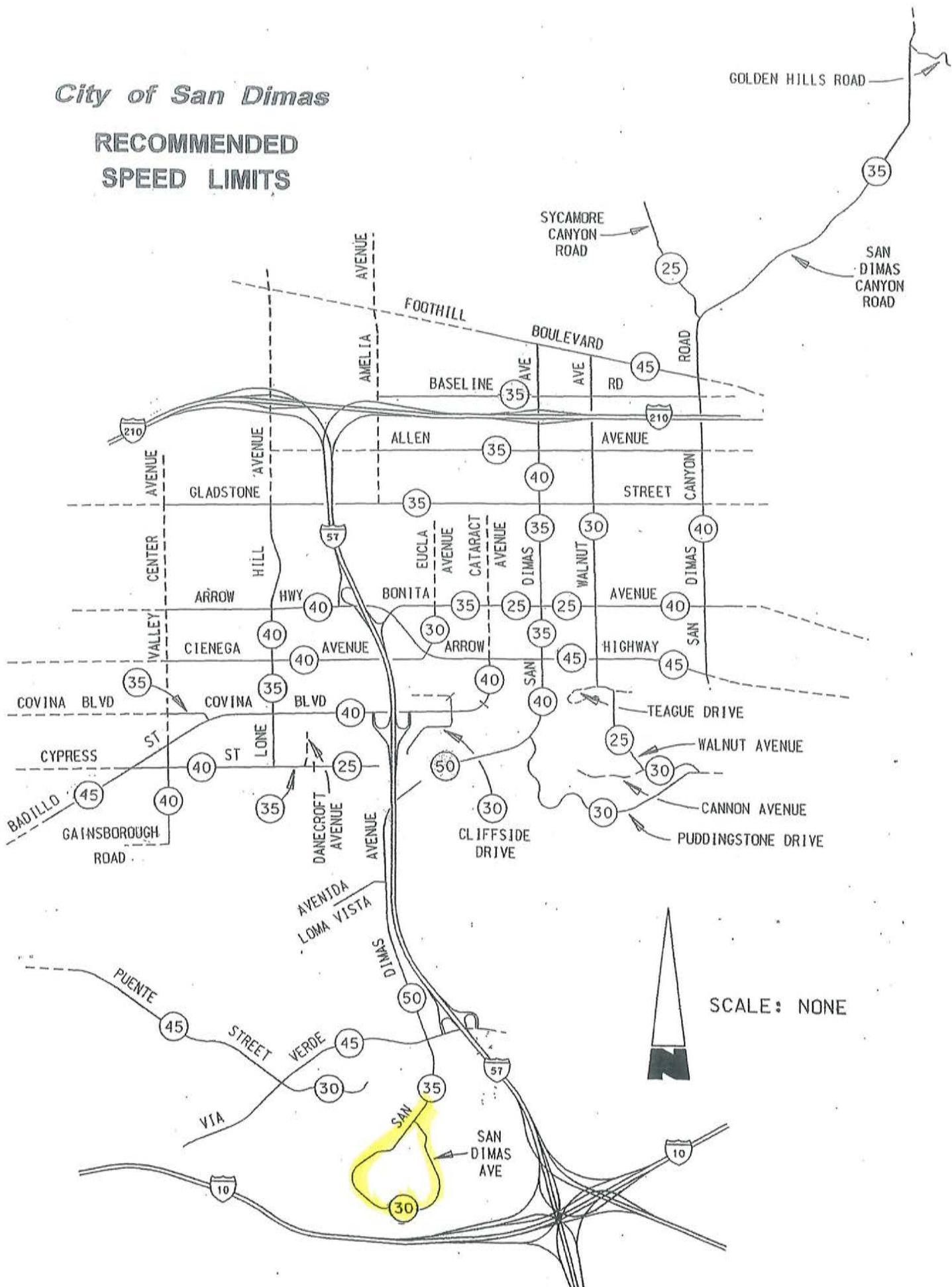


Warren C. Siecke, P.E
Consultant Traffic Engineer
R.T.E.823



City of San Dimas

RECOMMENDED SPEED LIMITS



SCALE: NONE



EXISTING AND PROPOSED SPEED LIMITS

STREET	LIMITS	EXISTING SPEED LIMIT	PROPOSED SPEED LIMIT
Allen Avenue	Amelia Avenue to San Dimas Canyon Road	35	35 NC
Arrow Highway	Valley Center Avenue to San Dimas Avenue	40	40 NC
Arrow Highway	San Dimas Avenue to Walnut Avenue	40	45 I
Arrow Highway	Walnut Avenue to East City Limit	45	45 NC
Badillo Street	West City Limit to Valley Center Avenue	40	45 I
Badillo Street	Valley Center Avenue to Covina Boulevard	40	40 NC
Baseline Road	Amelia Avenue to San Dimas Canyon Road	35	35 NC
Bonita Avenue	Arrow Highway to Cataract Avenue	35	35 NC
Bonita Avenue	Cataract Avenue to Walnut Avenue	25	25 NC
Bonita Avenue	Walnut Avenue to East City Limit	40	40 NC
Cataract Avenue	Arrow Highway to Covina Boulevard	40	40 NC
Cienega Avenue	Valley Center Avenue to Arrow Highway	40	40 NC
Cliffside Drive	Terrace Drive to Southerly Terminus	30	30 NC
Covina Boulevard	Valley Center Avenue to Badillo Street	35	35 NC
Covina Boulevard	Badillo Street to Cataract Avenue	40	40 NC
Cypress Street	West City Limit to Lone Hill Avenue	40	40 NC
Cypress Street	Lone Hill Avenue to 550' east of Danecroft Avenue	35	35 NC
Cypress Street	550' east of Danecroft Avenue to east end	25	25 NC
Eucla Avenue	Bonita Avenue to Arrow Highway	30	30 NC
Foothill Boulevard	West City Limit to East City Limit	45	45 NC
Gladstone Street	Lone Hill Avenue to San Dimas Canyon Road	35	35 NC
Lone Hill Avenue	Gladstone Street to Cienega Avenue	40	40 NC
Lone Hill Avenue	Cienega Avenue to Cypress Street	35	35 NC
Puddingstone Drive	San Dimas Avenue to East City Limit	30	30 NC
Puente Street	West City Limit to Via Verde	45	45 NC
Puente Street	Via Verde to Via Amadeo	30	30 NC
San Dimas Avenue	Foothill Boulevard to Gladstone Street	40	40 NC
San Dimas Avenue	Gladstone Street to Arrow Highway	35	35 NC
San Dimas Avenue	Arrow Highway to Via Vaquero	40	40 NC
San Dimas Avenue	Via Vaquero to 1000' south of Puddingstone Drive	40	40 NC
San Dimas Avenue	1000' s/o Puddingstone Drive to Avenida Loma Vista	50	50 NC
San Dimas Avenue	Avenida Loma Vista to Via Verde	50	50 NC
San Dimas Avenue	Via Verde to Avenida Melisinda	35	35 NC
San Dimas Avenue	Avenida Melisinda to San Dimas Avenue Junction	30	30 NC
San Dimas Canyon Road	Golden Hills Road to Ramola Avenue	35	35 NC

ABBREVIATIONS: NC = No Change, I = Increase, D = Decrease, NP = Not Posted

EXISTING AND PROPOSED SPEED LIMITS (Continued)

STREET	LIMITS	EXISTING SPEED LIMIT	PROPOSED SPEED LIMIT
San Dimas Canyon Road	Ramola Avenue to Foothill Boulevard	35	35 NC
San Dimas Canyon Road	Foothill Boulevard to Arrow Highway	40	40 NC
Sycamore Canyon Road	West City Limit to San Dimas Canyon Road	25	25 NC
Valley Center Avenue	Badillo Street to Gainsborough Road	40	40 NC
Via Verde	Covina Hills Road to 1-210 Freeway	45	45 NC
Walnut Avenue	Foothill Boulevard to Allen Avenue	30	30 NC
Walnut Avenue	Allen Avenue to Gladstone Street	30	30 NC
Walnut Avenue	Gladstone Street to Teague Drive	30	30 NC
Walnut Avenue	Teague Drive to Cannon Avenue	25	25 NC
Walnut Avenue	Cannon Avenue to Puddingstone Drive	30	30 NC

ABBREVIATIONS: NC = No Change, I = Increase, D = Decrease, NP = Not Posted

2011

**ENGINEERING AND TRAFFIC SURVEY
CITY OF SAN DIMAS**

San Dimas Avenue, **Avenida Melisinda to San Dimas Av Jct.**

PREVAILING SPEED DATA		
DIRECTION	NB	SB
DATE OF SURVEY	5/12/2010	5/12/2010
85TH PERCENTILE (MPH)	32	31
10 MPH PACE	26-35	25-34
PERCENT IN PACE	98	100
EXISTING SPEED LIMIT (MPH)	30	30
ACCIDENT DATA		
MONTHS IN DATABASE	24	
ACCIDENT RATE		
ACTUAL	0.00 ACCIDENTS PER MILLION VEHICLE MILES	
AVERAGE	3.26 ACCIDENTS PER MILLION VEHICLE MILES	
TRAFFIC DATA		
AVERAGE DAILY VOLUME	200	
TRAFFIC CONTROLS		
STOP SIGNS	At San Dimas Av. Junction	
TRAFFIC SIGNALS		
CROSSWALKS		
PEDESTRIANS/BICYCLES	Yes	
TRUCK ROUTE	No	
ON-STREET PARKING	Yes	
OTHER		
ROADWAY FACTORS		
SEGMENT LENGTH (MILES)	0.90	
LANES	2	
VERTICAL ALIGNMENT	Hilly	
HORIZONTAL ALIGNMENT	Curvilinear	
SIGHT DISTANCE	Limited at curves	
SIDEWALKS	One side	
DRIVEWAYS	No	
STREET LIGHTING	Yes	
OTHER		
ADJACENT LAND USE	Non-fronting residential, vacant	
RECOMMENDED SPEED LIMIT	30	
REMARKS		

B-239

CITY OF SAN DIMAS

FOR ROADWAY: SAN DIMAS AVENUE

DATE: 5-12-10 TIME START: 1:00PM TIME STOP: 2:00PM

SPEED (MPH)	VEHICLES SURVEYED		TOTAL VEHICLES
	NORTHBOUND	SOUTHBOUND	
65			0
64			0
63			0
62			0
61			0
60			0
59			0
58			0
57			0
56			0
55			0
54			0
53			0
52			0
51			0
50			0
49			0
48			0
47			0
46			0
45			0
44			0
43			0
42			0
41			0
40			0
39			0
38			0
37	X		1
36			0
35	X		2
34	X		4
33	X	X	6
32	X	X	8
31	X	X	5
30	X	X	9
29	X	X	7
28	X	X	4
27	X	X	2
26	X	X	2
25			0
24			0
23			0
22			0
21			0
20			0
19			0
18			0
17			0
16			0
15			0
GRAND TOTALS		50	

B-240

LOCATION: AVENIDA MELISINDA TO SAN DIMAS AVENUE JCT.-S/O MELISINDA

ROAD DESCRIPTION:

ACCIDENT HISTORY:

ACCIDENT RATE: _____ EXPECTED RATE: _____

ROADWAY CONDITIONS:

WEATHER: SUNNY

EXISTING SPEED LIMIT: 30 PROPOSED SPEED LIMIT: _____

AVERAGE DAILY TRAFFIC: _____ SEGMENT LENGTH: 0.00

85TH %: 32 M.P.H.

50TH %: 30 M.P.H.

15TH %: 28 M.P.H.

AVERAGE SPEED: 31 M.P.H.

10 MPH PACE: 26 - 35 M.P.H.

% IN PACE: 98%

% OVER PACE: 2%

% UNDER PACE: 0%

OBSERVED BY: KEVIN WHELEN

REVIEWED BY: *Kevin C. Whelen*

DATE

11/28/10

CITY OF SAN DIMAS

FOR ROADWAY: SAN DIMAS AVENUE

DATE: 5-12-10 TIME START: 1:00PM TIME STOP: 2:00PM

SPEED (MPH)	VEHICLES SURVEYED		TOTAL VEHICLES
	NORTHBOUND	SOUTHBOUND	
65			0
64			0
63			0
62			0
61			0
60			0
59			0
58			0
57			0
56			0
55			0
54			0
53			0
52			0
51			0
50			0
49			0
48			0
47			0
46			0
45			0
44			0
43			0
42			0
41			0
40			0
39			0
38			0
37			0
36			0
35			0
34			0
33			0
32			0
31			0
30			0
29			0
28			0
27			0
26			0
25			0
24			0
23			0
22			0
21			0
20			0
19			0
18			0
17			0
16			0
15			0
		GRAND TOTALS	51

LOCATION: AVENIDA MELISINDA TO SAN DIMAS AVENUE JCT.-S/O MELISINDA

ROAD DESCRIPTION:

ACCIDENT HISTORY:

EXPECTED RATE:

ROADWAY CONDITIONS:

WEATHER: SUNNY

EXISTING SPEED LIMIT: 30 PROPOSED SPEED LIMIT:

AVERAGE DAILY TRAFFIC: SEGMENT LENGTH: 0.00

85TH %:	31	M.P.H.
50TH %:	29	M.P.H.
15TH %:	27	M.P.H.
AVERAGE SPEED:	30	M.P.H.
10 MPH PACE:	25 - 34	M.P.H.
% IN PACE:	100%	
% OVER PACE:	0%	
% UNDER PACE:	0%	

OBSERVED BY: KEVIN WHELEN

REVIEWED BY:

Kevin C. Whelen

11/20/10

DATE

B-221

RADAR SURVEY

59 ROAD SAN DIMAS AVENUE # OF LANES 1 ^{CA.} _{WAY} POSTED SPEED 30
 LOCATION Avenida Melisinda to San Dimas Ave. Jct.

DATE 5-12-10
 BEGIN: 1:00 PM END: 2:00 PM
 OBSERVER: Kevin

WEATHER Clear ROAD CONDITION: Fair
 Direction: N/B

MPH	1	10	15	20	25	NO. VEH.	TOTAL SPEED	MPH	1	10	15	20	25	NO. VEH.	TOTAL SPEED
60								60							
59								59							
58								58							
57								57							
56								56							
55								55							
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15								15							

B-292



February 3, 2016

Mr. Krishna Patel
City of San Dimas
245 East Bonita Avenue
San Dimas, California 91773

RE: Revised Radar Speed Surveys – Various Locations on San Dimas Avenue

Dear Mr. Patel:

The purpose of this revised letter report is to document the results of additional discussions with City staff and field review and the engineering and traffic survey conducted to update the speed limits on San Dimas Avenue in the City of San Dimas. The overall study was conducted to comply with existing State regulations concerning the increase or decrease of speed limits within City boundaries.

This revised letter report contains sufficient information to document that the conditions of the latest edition of the California Vehicle Code Section 627 have been satisfied and that other conditions not readily apparent to a motorist are properly identified. To legally use radar for speed enforcement, Section 40802(b) of the CVC requires that limits be established per Sections 22357 and 22358 of the CVC, the limits must be justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation. However, the time span can be extended up to seven to ten years depending on specific criteria. The latest edition of the CVC has highlighted bicycle and pedestrian safety as part of the traffic and engineering survey, and this aspect was considered.

The engineering and traffic survey included as a minimum the following:

- ◆ Conducted a minimum of 100 radar speed observations (where possible) at each location under free flow traffic conditions.
- ◆ Reviewed the roadway for unique characteristics which would justify lowering the speed limit (limited intersection sight distance).
- ◆ Reviewed the roadway accident history from previous speed survey reports.
- ◆ Compiled the data into summary tables, listing the posted speed, 15th percentile speed, 50th (median) percentile speed, 85th percentile speed, 10 mph pace speed, range of all speeds surveyed, and recommended speed limit for each segment surveyed.

The actual speed zone surveys were conducted by staff of Albert Grover & Associates (AGA). The streets were driven and reviewed by a California registered traffic engineer from AGA.

TRANSPORTATION CONSULTING ENGINEERS

211 Imperial Highway, Suite 208, Fullerton, CA 92835
(714) 992-2990 FAX (714) 992-2883 E-Mail: aga@albertgrover.com

Accident Rate Analysis

The average expected accident rate for each speed survey segment was determined by using the previous speed survey reports as required by CVC Section 627.

The average expected accident rates and roadway volumes, for each type of roadway facility are shown in **Table 1**.

Table 1: Accident Survey Analysis

No.	Location	Distance (mile)	ADT	Expected Accident Rate
1	Via Verde to San Dimas Avenue(Loop Junction)	0.41	2,400	3.26
2	San Dimas Avenue(Loop Junction) to Avenida Melisenda	0.30	1,000	1.35
3	Avenida Melisenda to Calle Andrea	0.64	1,000	1.35
4	Calle Andrea to San Dimas Avenue(Loop Junction)	0.34	1,000	1.35

Survey Findings and Recommendations

In accordance with the State-imposed speed limit establishment regulation, as defined by CVC Section 627, there are several factors that may be considered to justify setting the prima facie speed limits more than five miles per hour below the observed 85th percentile speed.

It should be noted that regulations also state that the *maximum* permissible lowering of the proposed speed limit from the 85th percentile is 10 miles per hour.

The factors to be considered are:

- ◆ Most recent accident record (mid-block)
- ◆ Roadway design speed
- ◆ Safe stopping sight distance
- ◆ Superelevation
- ◆ Grades
- ◆ Shoulder condition
- ◆ Profile condition
- ◆ Intersection spacing offsets
- ◆ Commercial driveway characteristics (land use)
- ◆ Pedestrian traffic with and without sidewalks
- ◆ Pedestrian and Bicycle safety

The above factors for each roadway segment surveyed are listed on the attached spot speed survey data forms. The 85th percentile and 50th percentile speeds and the above factors were considered in verifying existing speed limits and recommending speed limit changes (increase or decrease).

Additionally, discussions were held with City staff in making decisions with respect to changing existing speed limits. This allowed for consideration of any special knowledge of the segment. **Table 2** shows the surveyed road segments with posted and recommended speed limits. The decrease in the speed limit from 35 mph to 30 mph within the loop on San Dimas Avenue is primarily based on the fact of vertical/horizontal curves, limited sight distance at intersections on the curves, and limited pedestrian/bicycle facilities.

Table 2: Segment Spot Speed Survey

No.	Location	10-Mile Pace (mph)	% in 10-Mile Pace	50 th % (mph)	85 th % (mph)	Posted Speed Limit (mph)	Recommended Speed Limit (mph)	Comments
1	Via Verde to San Dimas Avenue (Loop Junction)	30-39	91	34	37	35	35	No change
2	San Dimas Avenue(Loop Junction) to Avenida Melisenda	29-38	93	32	36	35	35	No Change
3	Avenida Melisenda to Calle Andrea	25-34	95	28	31	35	30	Decrease
4	Calle Andrea to San Dimas Avenue(Loop Junction)	29-38	88	32	36	35	30	Decrease

In addition, in order to maintain the 35 mph speed limit on San Dimas Avenue for the segment between San Dimas Avenue (Loop Junction) and Avenida Melisenda, it is recommended to remove two bushes at the intersection of San Dimas Avenue and Calle Liseta per the attached marked up photos.

If you have any questions regarding this revised letter report, please contact me.

Respectfully submitted,

ALBERT GROVER & ASSOCIATES



Mark H. Miller, P.E.
 Executive Vice President

Attachments: Engineering and Traffic Summary Data Forms, Marked Up Photos-Calle Liseta
 San Dimas160-0041Speed CountsSpeed Survey Patel Ltr RpL.docx

CITY OF SAN DIMAS ENGINEERING AND SPEED SURVEY

FOR ROADWAY: San Dimas Avenue

DATE: 10/19/15 TIME START: 9:15 TIME STOP: 9:57

SPEED (MPH)	VEHICLES SURVEYED		TOTAL VEHICLES
	NORTHBOUND	SOUTHBOUND	
65			0
64			0
63			0
62			0
61			0
60			0
59			0
58			0
57			0
56			0
55			0
54			0
53			0
52			0
51			0
50			0
49			0
48			0
47			0
46			0
45			1
44			0
43			0
42	X		2
41	X		2
40	X		3
39	X	X	14
38	X	X	15
37	X	X	20
36	X	X	20
35	X	X	28
34	X	X	23
33	X	X	25
32	X	X	24
31	X	X	14
30	X	X	8
29	X	X	7
28			0
27	X		2
26	X		1
25			0
24			0
23			0
22			0
21			0
20			0
19			0
18			0
17			0
16			0
15			0
GRAND TOTALS			209

LOCATION: Via Verde To San Dimas Avenue (Loop Junction)

ROAD DESCRIPTION: nonfronting residential, 2-way left turn median, 2 Lanes, curvilinear, hilly

ACCIDENT HISTORY: 24 months

ACCIDENT RATE: 3.26

ROADWAY CONDITIONS: Good

WEATHER: Overcast

EXISTING SPEED LIMIT: 35

PROPOSED SPEED LIMIT: 35

AVERAGE DAILY TRAFFIC: 2,400

SEGMENT LENGTH: 0.41 miles

85TH %: 37 M.P.H.

50TH %: 34 M.P.H.

15TH %: 31 M.P.H.

AVERAGE SPEED: 35 M.P.H.

10 MPH PACE: 30 - 39 M.P.H.

% IN PACE: 91%

% OVER PACE: 4%

% UNDER PACE: 5%

OBSERVED BY: Antonio Elmore

REVIEWED BY: Mark Miller

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A SPEED ZONE SURVEY AS ON FILE IN THE OFFICE OF THE CITY TRAFFIC ENGINEER OF THE CITY OF SAN DIMAS, CALIFORNIA.

DATE

CITY OF SAN DIMAS ENGINEERING AND SPEED SURVEY

FOR ROADWAY: San Dimas Avenue

DATE: 10/19/15 TIME START: 10:00 TIME STOP: 10:40

SPEED (MPH)	VEHICLES SURVEYED		TOTAL VEHICLES
	NORTHBOUND	SOUTHBOUND	
65			0
64			0
63			0
62			0
61			0
60			0
59			0
58			0
57			0
56			0
55			0
54			0
53			0
52			0
51			0
50			0
49			0
48			0
47			0
46			0
45			0
44			0
43			0
42			0
41			0
40	X		1
39	X		1
38	X		1
37	X		1
36	X		1
35	X		1
34	X		1
33	X		1
32	X		1
31	X		1
30	X		1
29	X		1
28	X		1
27	X		1
26	X		1
25	X		1
24	X		1
23	X		1
22	X		1
21	X		1
20	X		1
19	X		1
18	X		1
17	X		1
16	X		1
15	X		1
GRAND TOTALS			135

LOCATION: San Dimas Avenue (Loop Junction) To Avenida Melisenda

ROAD DESCRIPTION: residential, double yellow centerline, 2 lanes, curves, hilly, limited sight distance, bicycles, park

ACCIDENT HISTORY: 24 months

ACCIDENT RATE: 1.35

ROADWAY CONDITIONS: Good

WEATHER: Over Cast

EXISTING SPEED LIMIT: 35 **PROPOSED SPEED LIMIT:** 35

AVERAGE DAILY TRAFFIC: 1,000 **SEGMENT LENGTH:** 0.30 miles

85TH %:	36	M.P.H.
50TH %:	32	M.P.H.
15TH %:	29	M.P.H.
AVERAGE SPEED:	33	M.P.H.
10 MPH PACE:	29 - 38	M.P.H.
% IN PACE:	93%	
% OVER PACE:	4%	
% UNDER PACE:	4%	

OBSERVED BY: Antonio Elmore

REVIEWED BY: Mark Miller

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A SPEED ZONE SURVEY AS ON FILE IN THE OFFICE OF THE CITY TRAFFIC ENGINEER OF THE CITY OF SAN DIMAS, CALIFORNIA.

DATE

CITY OF SAN DIMAS ENGINEERING AND SPEED SURVEY

FOR ROADWAY: San Dimas Avenue

DATE: 10/19/15 TIME START: 10:42 TIME STOP: 11:23

SPEED (MPH)	VEHICLES SURVEYED		TOTAL VEHICLES
	EASTBOUND	WESTBOUND	
65			0
64			0
63			0
62			0
61			0
60			0
59			0
58			0
57			0
56			0
55			0
54			0
53			0
52			0
51			0
50			0
49			0
48			0
47			0
46			0
45			0
44			0
43			0
42			0
41			0
40			0
39			0
38			0
37			0
36			0
35			0
34			0
33	X		1
32	X		1
31	X		1
30			0
29			0
28	X		1
27	X		1
26	X		1
25	X		1
24			0
23	X		1
22			0
21			0
20			0
19			0
18			0
17			0
16			0
15			0
GRAND TOTALS			42

LOCATION: Avenida Melisenda To Calle Andrea

ROAD DESCRIPTION: residential, double yellow centerline, 2 lanes, curves, hilly, limited sidewalk, bicycles, limited sight distance

ACCIDENT HISTORY: 24 months

ACCIDENT RATE: 1.35

ROADWAY CONDITIONS: Good

WEATHER: Over Cast

EXISTING SPEED LIMIT: 35 **PROPOSED SPEED LIMIT:** 30

AVERAGE DAILY TRAFFIC: 1,000 **SEGMENT LENGTH:** 0.64 miles

85TH %: 31 M.P.H.

50TH %: 28 M.P.H.

15TH %: 25 M.P.H.

AVERAGE SPEED: 29 M.P.H.

10 MPH PACE: 25 - 34 M.P.H.

% IN PACE: 95%

% OVER PACE: 0%

% UNDER PACE: 5%

OBSERVED BY: Antonio Elmore

REVIEWED BY: Mark Miller

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A SPEED ZONE SURVEY AS ON FILE IN THE OFFICE OF THE CITY TRAFFIC ENGINEER OF THE CITY OF SAN DIMAS, CALIFORNIA.

DATE

CITY OF SAN DIMAS ENGINEERING AND SPEED SURVEY

FOR ROADWAY: San Dimas Avenue

DATE: 10/19/15 TIME START: 11:25 TIME STOP: 12:00

SPEED (MPH)	VEHICLES SURVEYED		TOTAL VEHICLES
	NORTHBOUND	SOUTHBOUND	
65			0
64			0
63			0
62			0
61			0
60			0
59			0
58			0
57			0
56			0
55			0
54			0
53			0
52			0
51			0
50			0
49			0
48			0
47			0
46			0
45			0
44			0
43			0
42			0
41			0
40			0
39			0
38			0
37			0
36			0
35			0
34			0
33			0
32			0
31			0
30			0
29			0
28			0
27			0
26			0
25			0
24			0
23			0
22			0
21			0
20			0
19			0
18			0
17			0
16			0
15			0
GRAND TOTALS			48

LOCATION: Calle Andera To San Dimas Avenue (Loop Junction)

ROAD DESCRIPTION: residential double yellow centerline, 2 lanes, curves, hilly, sidewalk on one side, bicycles, limited sight distance

ACCIDENT HISTORY: 24 months

ACCIDENT RATE: 1.35

ROADWAY CONDITIONS: Good

WEATHER: Over Cast

EXISTING SPEED LIMIT: 35 **PROPOSED SPEED LIMIT:** 30

AVERAGE DAILY TRAFFIC: 1,000 **SEGMENT LENGTH:** 0.64 miles

85TH %: 36 M.P.H.

50TH %: 32 M.P.H.

15TH %: 29 M.P.H.

AVERAGE SPEED: 33 M.P.H.

10 MPH PACE: 29 - 38 M.P.H.

% IN PACE: 88%

% OVER PACE: 6%

% UNDER PACE: 6%

OBSERVED BY: Antonio Elmore

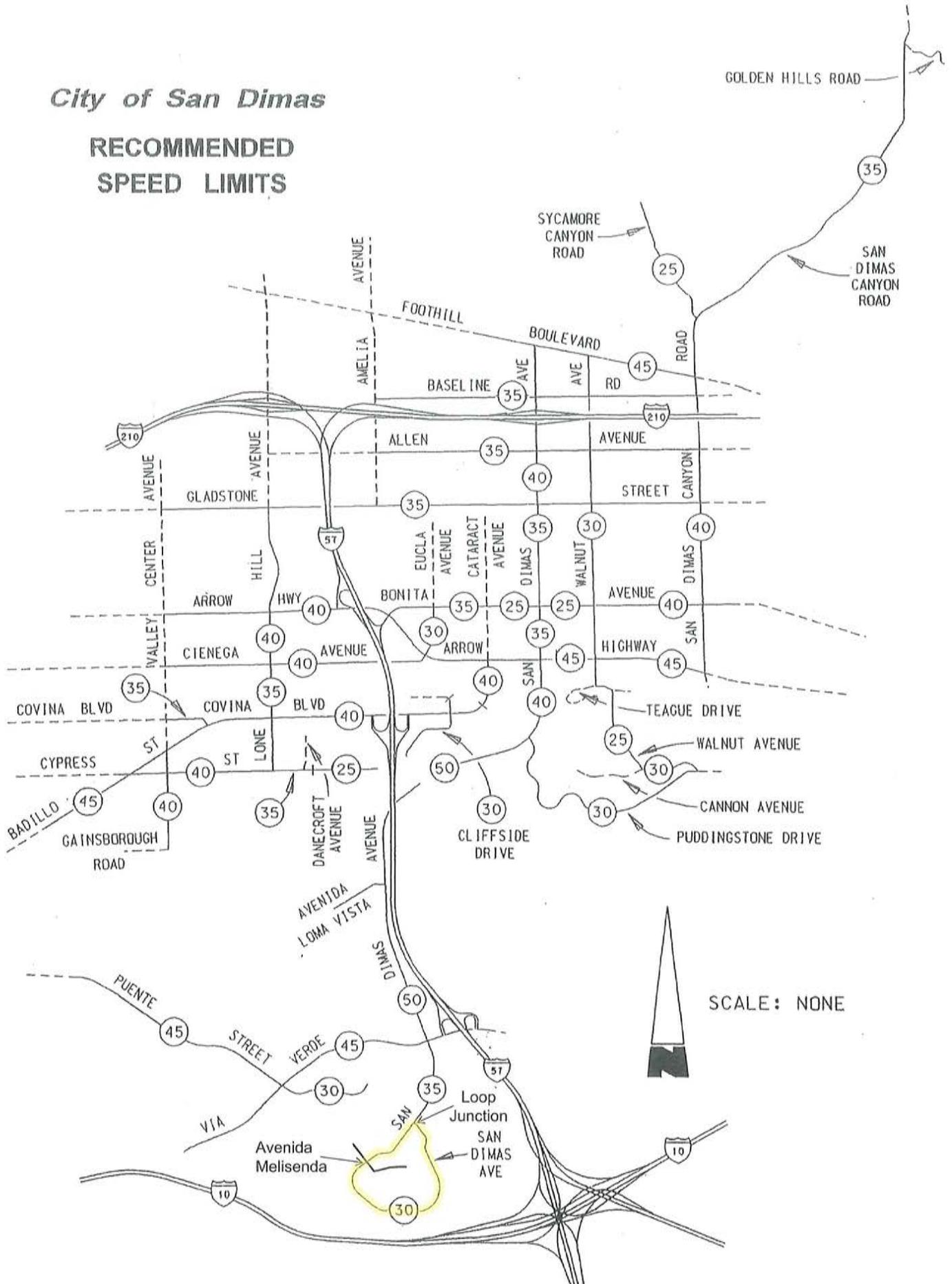
REVIEWED BY: Mark Miller

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A SPEED ZONE SURVEY AS ON FILE IN THE OFFICE OF THE CITY TRAFFIC ENGINEER OF THE CITY OF SAN DIMAS, CALIFORNIA.

DATE

City of San Dimas

RECOMMENDED SPEED LIMITS





Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of February 9, 2016

FROM: Blaine Michaelis, City Manager

INITIATED BY: Marco A. Espinoza, Senior Planner

SUBJECT: Municipal Code Text Amendment 15-05
Amendments to Chapters 5.28, 5.32 and 5.77
To provide local regulatory authority over massage uses
consistent with State Law (Assembly Bill 1147)

SUMMARY

In 2008, Senate Bill 731 created a comprehensive statewide regulatory system for massage therapy. It also helped establish the formation of a nonprofit organization, known as the California Massage Therapy Council (CAMTC). CAMTC was authorized to oversee a State-sanctioned program of voluntary certification for massage practitioners so that such persons could a being required to obtain local massage permits. SB 731 preempts the local government's authority to issue their own permits for massage therapists if they are already CAMTC certified.

Due to changes required by SB 731, many municipalities in the State experienced a number of problems with illicit activities at massage establishments from a reduction in oversight that occurred when the State took over regulatory authority. In September 2014, the State legislature adopted Assembly Bill (AB) 1147 to restore much of the local control and land use authority to local governments which had been preempted by SB731.

The proposed municipal code text amendment will allow for the City to be in compliance with AB 1147.

Staff recommends the City Council approve Municipal Code Text Amendment 15-05 and adopt Ordinance 1242.

BACKGROUND

Prior to 2008, California was among a minority of states that did not have state standards concerning the education, training and licensing of massage professionals and the businesses in which they practice. Regulation in this area was left to local governments. In 2008, the Legislature adopted legislation that created the California Massage Therapy Council (“CAMTC”), a nonprofit organization responsible for issuing certificates to massage therapists and disciplining them for unlawful acts such as prostitution. The 2008 State legislation created two categories of massage therapists: certified and uncertified. Under the 2008 statutes, which were slightly amended in 2011 and 2013, local governments were pre-empted by State regulation and had very little authority to regulate certified massage therapists or massage businesses that use only CAMTC certified professionals. Under current Business and Professions Code § 4612, cities and counties may not impose ordinances, regulations, rules, requirements, restrictions, or land use regulations on CAMTC certified individuals, or businesses that use only CAMTC certified professionals to provide massage for compensation, unless those regulations are also applied uniformly to other businesses that provide professional services. As a result, cities have not been able to regulate certified therapists who engage in illegal activities, such as prostitution, or certified-only massage establishments that allow illicit activities. Since implementation of the 2008 State law, many municipalities experienced a significant increase in the number of massage establishments.

On September 18, 2014, California Assembly Bill 1147 (AB 1147), the Massage Therapy Act, was signed into law. The new Massage Therapy Act went into effect January 1, 2015. This bill will automatically sunset on January 1, 2017, unless the Legislature extends it.

Generally, Assembly Bill 1147 divides responsibility for massage regulation between CAMTC, which regulates the practice of massage and certifies individual massage therapists, and cities and counties, which are free to regulate the business of providing massage through land use and business licensing requirements.

Assembly Bill (AB) 1147 has more rigorous certification requirements for new massage professional applicants, and imposes greater statewide regulations on all certified massage therapists, including prohibition from engaging in sex-related acts, sexually suggestive advertising, or wearing unacceptable attire. CAMTC must deny a certification application for, revoke the certification of, anyone required to register as a sex offender.

Under AB 1147, a city may not prohibit a CAMTC certified therapist from engaging in massage or using CAMTC recognized techniques. The certification of massage therapists is regulated by CAMTC and a city does not have the

authority to revoke a therapist's certification. AB 1147 does not regulate non-certified massage therapists, so cities are still unrestricted in regulating them.

AB 1147 restores much of local government's authority to regulate massage establishments by recognizing various grants of authority to cities and counties to adopt land use and business regulations, including the police power in Article XI, section 7 of the California Constitution as stated in new Government Code section 51034. AB 1147 lists specific ways cities may not regulate massage establishments, but cities are otherwise free to regulate establishments.

The new legislation also states that a city may not define or regulate massage establishments as adult entertainment businesses or otherwise regulate a massage establishment as adult entertainment. A city may not require such establishments to post any notice in an area that may be viewed by clients that contains explicit language describing sexual acts or mentions genitalia or specific contraception devices. A city may not impose more stringent client draping rules than what the statutes require. Regarding facilities, a city may not obligate a massage establishment to have internal physical structures, such as windows looking into massage rooms or walls that do not extend from the floor to the ceiling and a city may not prevent a one-person business from locking its external doors. Other than these specific limitations, cities may impose other regulations on massage establishments.

Currently, the City has one business (Acu Center at 1371 W. Arrow Highway) that performs a form of massage as a primary use in the City. The massage form is known as acupressure which was conditionally permitted through the Unclassified Uses process (Code Section 18.192; DPRB Case No. 99-18) in 1999, as a primary use within Specific Plan No. 2, Commercial Area. Acupressure is a method of relieving pain or curing illness by the application of pressure (as with the thumbs or fingertips) to the same discrete points on the body stimulated in acupuncture that is used for its therapeutic effects. In 1999, the Board thought that acupressure was similar to the medical practice of acupuncture; however, since the definition of "applying pressure on" falls under the definition of massage it is still governed by the definition of Chapter 5.08 Definitions, as a massage business. All other massage businesses in the City are approved as an accessory use to another related primary use such as a day spa, beauty salon, nail salon, etc. Staff thinks that limiting massage as an accessory use allows for the City to regulate massage establishments more efficiently.

ANALYSIS

The inability of local jurisdictions to effectively regulate the proliferation of massage establishments led to the passing of AB 1147. This law, signed by Governor Brown in September 2014, restores certain regulatory authority over operating standards and land use to local agencies. With respect to land use

controls, AB 1147 no longer requires cities to treat CAMTC certified establishments the same as other “professional and personal services” uses.

The following table depicts the new regulations under AB 1147 and the proposed changes to Chapter 5 of the Municipal Code and compliance with the law.

	New Regulations per AB1147	Proposed Revisions to Chapter 5.77 Massage	Status
1.	Does not allow cities to define a massage establishment as adult entertainment business.	The City does not define massage as an adult entertainment business.	Complies
2.	Cannot impose patron draping requirements that extend beyond the covering of genitalia and female breasts.	The code does not require the patron to wear additional draping beyond what is required by Code Section 5.77.040.B.	Complies
3.	Cannot impose a dress code requirement on a certified massage professional more restrictive than imposed in B&P Section 4609.	The code does not require the massage professional to wear additional clothing beyond what is required by Code Section 5.77.040.B.	Complies
4.	Cannot prohibits a massage establishment from locking its external doors if the massage establishment is a business entity owned by one individual with one or no employees or independent contractors.	5.77.050.J. has been modified to allow for external doors to be locked in certain conditions as allowed by AB1147.	Complies
5.	Cannot impose additional requirements for certified CAMTC massage professionals, such as any test, medical examination, or background check or to comply with education requirements beyond what is required in statute.	No additional requirements have been imposed for CAMTC certified technician – therapist; Code Section 5.77.080.	Complies

	New Regulations per AB1147	Proposed Revisions to Chapter 5.77 Massage	Status
6.	Cannot impose a requirement that a CAMTC certified individual obtain a local license, permit, certificate, or other authorization to provide massage for compensation but may require a massage business to obtain a license, permit, certificate or other authorization in order to lawfully operate within the jurisdiction	No additional requirements have been imposed for CAMTC certified technician – therapist; Code Section 5.77.080.	Complies
7.	Cannot prohibit a certified massage professional from performing massage for compensation on the gluteal muscles (buttocks), prohibiting specific massage techniques recognized by CAMTC as legitimate, or imposing any other specific restriction on professional practice beyond those set forth in B&P Section 4600-4620.	The City has not established any individual prohibition on types of massage performed, however all certified and approved massage professionals shall adhere to the restriction set forth in B&P Section 4600-4620 referred to in Code Section 5.77.020, .050 & .060	Complies
8.	Cannot require a massage establishment to post any informational notice in an area that may be viewed by clients that contains explicit language describing sexual acts, mentions genitalia, or specific contraceptive devices.	The City does not require this type of posting; Code Section 5.77.050.	Complies
9.	Prohibits cities from requiring having windows or walls that do not extend from the floor to the ceiling or have other internal physical structures that interfere with a client's privacy.	The City does not have these kind of development restrictions; Code Section 5.77.050.	Complies

	New Regulations per AB1147	Proposed Revisions to Chapter 5.77 Massage	Status
10.	Regulates the prohibition of a person of one sex from engaging in the massage of a person of the other sex.	The City does not have this type of restriction.	Complies

Staff is proposing an additional change to Chapter 5.77 not required by the new law which is the deletion of Section 5.77.100 "State certification for massage therapy". This section discusses the City requiring all new massage therapists to be CAMTC certified starting September 1, 2010. This date was established in order to allow CAMTC time to process the number of backlogged applications that they were processing. This section is outdated and no longer applies; therefore Staff is deleting the section in its entirety.

Additional modifications to this chapter include Code Sections 5.28.020.P and 5.32.030.L which are considered minor cleanups. Code Section 5.28.020.P was amended by adding "as a primary or accessory use" and shall read as follows;

P. Massage establishment, as a primary or accessory use;

The above changes make it clear that all businesses that include massage as part of their business is required to obtain a Special Permit approved by the License and Permit Hearing Board.

Code Section 5.32.030.L is being deleted entirely.

"L. Massage Technician. Massage technicians shall not require a license nor a permit; provided, that the individual desiring to practice massage therapy has been issued state certification by the California Massage Therapy Organization."

The above language allowed the City Clerk to issue a Special Permit to a massage technician without first obtaining approval from the License and Permit Hearing Board or the City Council as long as they obtained clearance from the Sheriff's Department, Health Department and other investigating agencies. By deleting this provision, it will require non CAMTC certified message therapists to follow the City's process and obtain approval through the Board or the City Council prior to working in the City.

RECOMMENDATION

Staff recommends the City Council approve Municipal Code Text Amendment 15-05 and adopt Ordinance 1242 in order to bring the City into compliance with Assembly Bill No. 1147.

Respectfully Submitted,

Marco A. Espinoza
Senior Planner

Attachments:	Exhibit A	Ordinance 1242
	Exhibit B	Assembly Bill No. 1147
	Exhibit C	Business and Professions Code Section 4600-4620
	Exhibit D	Government Code Chapter 6. Massage 51034.
	Exhibit E	Chapter 5.28 Special Permits – Scope
	Exhibit F	Chapter 5.32 Permit Applications

ORDINANCE 1242

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA ADOPTING MUNICIPAL CODE TEXT AMENDMENT 15-05 WHICH WILL AMEND CHAPTERS 5.77, 5.28 AND 5.32 TO COMPLY WITH ASSEMBLY BILL 1147 RELATING TO HOW MASSAGE BUSINESSES ARE ALLOWED TO BE PROCESSED, OPERATED AND INSPECTED WITHIN THE CITY

THE CITY COUNCIL OF THE CITY OF SAN DIMAS DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds as follows:

- (a) This Chapter is intended to provide the orderly regulation of persons and establishments engaged in the practice of Massage Therapy, in the interest of the public health, safety and welfare. The City of San Dimas wishes to recognize the practice of Massage Therapy as a valid and professional field and to discourage the use of Massage Therapy as a subterfuge by persons with criminal tendencies to violate section 647 (a) or Section 647 (b) of the Penal Code or to commit other unlawful activity.

- (b) In 2008, the California Legislatures passed Senate Bill No. 731 (SB731) that became effective on January 1, 2009, establishing a state licensing process for massage therapists, and substantively eliminated local control over massage practitioners.

- (b) Effective January 1, 2015, the City's authority to regulate massage establishments was significantly restored due to the passage of Assembly Bill No. 1147, which returned local land use authority to cities and counties by authorizing local governments to require conditional use permits, regulate hours of operation and adopt any other measures to protect the public health, safety and welfare, community character, and quality of life.

- (c) The City of San Dimas regulates massage establishments and massage technicians in Title 5, Chapter 5.77 of the San Dimas Municipal Code.

Chapter 5.77 of the San Dimas Municipal Code shall be amended, as provided for in Exhibit "A"

SECTION 2. Chapter 5.28.020.P of the San Dimas Municipal Code shall be amended by adding “as a primary or accessory use” and shall read as follows.

P. Massage establishment, as a primary or accessory use;

SECTION 3. Chapter 5.32.030.L of the San Dimas Municipal Code shall be amended by deleting section “L” in its entirety.

“L. Massage Technician. Massage technicians shall not require a license nor a permit; provided, that the individual desiring to practice massage therapy has been issued state certification by the California Massage Therapy Organization.”

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within 15 days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within 15 days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Dimas this ____ day of _____, 20__, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Curtis W. Morris, Mayor City of San Dimas

ATTEST:

APPROVED AS TO FORM:

Debra Black, Assistant City Clerk

Mark Steres, City Attorney

I, DEBRA BLACK, ASSISTANT CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1242 was introduced at a regular meeting of the City Council of the City of San Dimas on the XX day of XXXX, 20XX, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the XX day of XXXX, 20XX.

Debra Black, Assistant City Clerk

EXHIBIT A

Municipal Code Text Amendment 15-05

*New text changes are in Blue and Underlined

*Deleted text is in ~~Red and Strikethrough~~

Chapter 5.77

MESSAGE

Sections:

5.77.010 Applicability.

5.77.020 Purpose and intent.

5.77.030 Definitions.

5.77.040 Exceptions.

5.77.0~~2~~50 Facility and operational requirements.

5.77.0~~2~~460 Facility and operational requirements for an accessory massage establishment.

5.77.070 Operator licenses – verification.

5.77.0~~3~~80 Massage technician – therapist qualifications – ~~V~~verification.

5.77.0~~4~~90 ~~Massage technician~~ – Location – ~~C~~clothing – ~~and~~ identification requirements.

5.77.~~1~~0~~5~~0 Out call massage services.

5.77.~~1~~0~~6~~10 Employment of unlicensed massage technicians prohibited.

5.77.~~1~~0~~7~~20 Persons using alcohol or drugs prohibited.

5.77.~~1~~0~~8~~30 Inspection.

5.77.~~1~~0~~9~~40 Suspension or revocation.

~~5.77.100 State certification for massage therapy.~~

5.77.010 Applicability.

The provisions of this chapter shall apply to any premises which conducts or operates a massage practice as defined in Chapter 5.08 of this title.

5.77.020 Purpose and intent

The provisions of this chapter are intended to enhance the efficient processing of permits for massage establishments, owners and managers and the ongoing regulation of those permittees and certified holders by the City. The provisions of this chapter in no way limit the authority of the City to inspect massage establishments or conduct investigations to ensure permittees are complying with the applicable rules and regulations of this chapter and Business and Professions Code Section 4600-4620.

The regulations and restrictions contained in this chapter are intended to discourage massage establishments from degenerating into houses of prostitution, and

the means utilized in this chapter bear a reasonable and rational relationship to the goals sought to be achieved within the confines allowed by the state law.

5.77.030 Definitions.

“Accessory massage” means a massage practice which is secondary and incidental to a primary use allowing the following businesses to offer accessory massage: health clubs, day spas, gyms, beauty salons, barber shops, chiropractor offices, physical therapy offices, medical doctor offices, hospitals and similar uses provided that the accessory massage shall be less than fifty percent of the floor area. Any change to this definition will change the definition of accessory massage in Chapters 5.08 and 18.08.

“California Massage Therapy Council” or **“CAMTC”** shall mean Massage Therapy Organization formed pursuant to Business and Professions Code Section 4600.

“CAMTC certificate” shall mean the unconditional certificate issued by the CAMTC to massage therapists pursuant to California Business and Professions Code Section 4600 *et seq.* “CAMTC certificate” shall not include a conditional CAMTC certificate issued by the massage therapy organization to any massage therapist.

“Certified massage therapist” shall mean an individual certified by the CAMTC as a Certified Massage Therapist pursuant to California Business and Professions Code Section 4600.

“City” shall mean the City of San Dimas.

“Client” shall mean a customer or patron who pays for or receives massage services.

“Compensation” shall mean the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

“Employee” shall mean any person employed by the massage business who may render any service for the business, and who receives any form of compensation from the business. The term “employee” shall include independent contractors who are regularly employed by a massage establishment and who work at a massage establishment.

“Massage” shall mean and 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 similar preparations. “Massage” shall further include any bath, facial massage, fomentations, massage, electric or magnetic treatment, acupressure, shiatsu, alcohol rub, and Russian, Swedish and Turkish baths. Any change to this definition will change the definition of accessory massage in Chapters 5.08 and 18.08.

“Massage establishment” or **“massage practice”** shall mean any business or operation where any individual, firm, association, partnership, corporation, or combination of individuals, engages in, conducts, carries on, or permits to be engaged

in or conducted, for money or any other consideration, massage or health treatments involving massages including, but not limited to, those businesses that provide massage accessory to their principal permitted use, such as health clubs, day spas, gyms, beauty salons, barber shops, chiropractor offices, physical therapy offices, medical doctor offices, hospitals, and similar uses. Any change to this definition will change the definition of accessory massage in Chapter 5.08.

“**Massage technician**” or “**massage therapist**” shall mean any person who administers to any persons, for any form of consideration or gratuity, a “massage” as defined in this section. A massage technician includes a student at a school of massage who administers a massage to any person who pays for or gives a gratuity for such, whether the payment of gratuity is to such student or to the school. Any change to this definition will change the definition of accessory massage in Chapter 5.08. * Technician means the same as therapist.

“**Owner**” or “**Massage business owner**” shall mean any of the following persons:

- (1) Any person who is a general partner of a general or limited partnership that owns a massage business.
- (2) Any person who has a five percent (5%) or greater ownership interest in a corporative or any other type of business association that owns a massage business.
- (3) Any person who is a member of a limited liability company that owns a massage business.

“**Person**” shall mean any individual, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals.

“**Practitioner**” shall be used interchangeably and mean any person who administers massage to another person, for any form of consideration (whether for the massage, as part of other services or a product, or otherwise).

“**Recognized School**” means any school or institution of learning, which school or institution of learning has been approved pursuant to Section 94311 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.

“**Sole proprietorship**” shall mean and include any form of business organization where the business owner (sometimes referred to as the “sole proprietor”) is the only person employed by that business to provide massage services.

“**Solicit**” shall mean to request, ask, demand or otherwise arrange for the provision of services.

5.77.040 Exceptions.

A. Complete exemption. The requirements of this chapter shall have no application and no effect upon and shall not be construed as applying to:

1. Any physician, surgeon, chiropractor, acupuncturist, osteopath or physical therapist licensed to practice such profession in the State of California, within their scope of their license.

2. Any registered nurse or licensed vocational nurse, licensed to practice under the laws of the State of California, who is an employee of and working under the on-site direction of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed to practice their respective professions in this State.

3. Any other person providing massage services that is employed by a physician, surgeon, chiropractor, osteopath or physical therapist, shall be required to have a valid CAMTC Certificate or have approval from the City to perform massage, as well as work under the on-site direction of such physician, surgeon, chiropractor, osteopath or physical therapist.

4. If a duly licensed acupuncturist wishes to provide massage therapy services to his or her clients by an individual(s) other than him- or herself, said individual(s) must have a valid CAMTC certificate or City approval and the office of the acupuncturist shall be subject to all the provisions of this Chapter 5.77, as well as any other applicable provision of the San Dimas Municipal Code.

5. Any person licensed to practice any healing under the provisions of California Business and Professions Code Division 2 (commencing with § 500) when engaging in such practice within the scope of such licenses.

6. State-licensed hospitals, nursing homes, sanatoriums, or other health care facilities duly licensed by the State of California, and the employees of such facilities while working on the premises of such state-licensed facilities.

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

8. Barbers, beauticians, or manicurists who are duly licensed by the State of California pursuant to the Barbering and Cosmetology Act set forth in California Business and Professions Code §§ 7300 et seq., as the same may be amended from time to time, while engaging in practices within the scope of such license, except that this exemption applies solely for the massaging of the neck, face, and/or scalp of the customer or client of said barber or beautician or, in the case of a licensed manicurist, the massaging of the forearms, hands, calves and/or feet at a licensed establishment. However, if a state licensed establishment also has a certificate of operation from the City to operate as a massage establishment, the business must also comply with all provisions of this Chapter 5.77.

9. Schools of cosmetology or barbering which comply with the requirements of California Business and Professions Code §§ 7362 et seq. when instructors are acting within the scope of their employments or when students are working as unpaid externs pursuant to the requirements of California Business and Professions Code § 7395.1.

10. Any other business or professions exempt by state law.

5.77.0250 Facility and operational requirements.

All massage ~~practices~~ establishments shall be maintained and operated in conformity with the following and California Business and Professions Code Section 4600-4620:

A. Business License. The owner of the massage establishment shall obtain a city business licenses per Chapter 5.16 of this title.

AB. Location. A massage practice establishment shall only be operated and massage conducted on the premises so indicated on the special permit required by Chapter 5.28 of this title; provided, however, a massage establishment may be authorized in its conditions of approval to provide out call massage services pursuant to Section 5.77.1050 of this chapter.

BC. Manager—Required. All massage establishments shall have a responsible person acting as manager on the premises at all times when massage is offered. 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 massage establishment.

CD. Employee Reporting Requirements. The holder of a special permit for a massage establishment shall notify the city clerk in writing of the name and address of each person employed as massage ~~technician~~ therapists, including independent massage therapists as defined in Chapter 5.08 of this title and all other employees within twenty-four hours of that person being employed. The holder of a special permit shall notify the city clerk in writing of the name and address of each person who is no longer employed as a massage therapists, including independent massage therapists and all other employees within twenty-four hours of that person no longer being employed.

E. A copy of the CAMTC or recognized school certificate of each and every massage therapist employed in the massage establishment shall be displayed in the reception/waiting area or similar open public place on the premises. Certificates of former employees shall be removed as soon as they are no longer employed by or offering services through the massage establishment.

DE. Massage shall be provided or given between the hours of eight (8) a.m. and ten (10) p.m. No massage business shall be open and no massage shall be provided between the hours of ten (10) p.m. and eight (8) a.m. A massage commenced prior to ten (10) p.m. shall nevertheless terminate at ten (10) p.m., and in the case of a massage business, all clients shall exit the premises at that time. It is the obligation of the massage business to inform clients of the requirement that services must cease at ten (10) p.m. Hours of Operation. A massage practice shall not operate between the hours of ten p.m. and eight a.m. of any day.

G. Other than custodial or maintenance staff, no person shall be permitted within the premises of a massage establishment between the hours of eleven (11) p.m. and seven (7) a.m.

H. A list of the services available and the cost of such services shall be posted in the reception/waiting area within the massage premises, and shall be readily understandable. Out call service providers shall provide such a list to clients in advance of performing any service. No owner, manager, operator, or responsible managing employee shall permit, and no massage therapist shall offer or perform, any service other than those posted or listed as required herein, nor shall an operator or a massage therapist request or charge a fee for any service other than those on the list of services available and posted in the reception/waiting area or provided to the client in advance of any out call services.

I. For each massage service provided, every massage establishment shall keep a complete and legible written record of the following information: the date and hour that service was provided, the service received, the name or initials of the employee entering the information, and the name of the massage therapist administering the service. Such records shall be open to inspection and copy by the San Dimas Sheriff's Department or other City officials charged with the enforcement of this chapter. These records may not be used by any massage therapist or operator for any purpose other than as record of service provided and may not be provided to other parties by the massage therapist or operator unless otherwise required by law. Such records shall be retained on the premises of the massage establishment for a period of two years.

~~EJ.~~ Recording of Activities Prohibited. No portion of the premises where massage is provided shall be equipped with an electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping, or monitoring the activities, conversation, or other sounds in the room or rooms used by patrons.

~~FK.~~ Doors. No massage shall be given 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 electronic locking devices). Massage establishments which are owned by sole proprietorships with one or no employees are exempt from prohibiting the locking of exterior doors to the business. ~~where the sole proprietor is certified by the California Massage Therapy Organization and those establishments that only employ or use persons certified by the California Massage Therapy Organization are exempt.~~

~~GL.~~ Lighting. Minimum lighting shall be provided in accordance with the building code, and in addition, at least one artificial light of not less than forty watts shall be provided in each enclosed room or booth where massage is provided.

~~HM.~~ Disinfecting and Sterilizing Equipment. Adequate equipment for disinfecting and sterilizing instruments used in performing massage shall be provided.

N. Water. Hot and cold running water shall be provided at all times.

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

P. Bathing, Dressing and Toilet Facilities. 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 lockers shall be capable of being locked, as well as a minimum of one toilet and one washbasin shall be provided; however, if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room or rooms, separate dressing rooms and separate toilet facilities shall be provided for male and female patrons. Massage establishments where the sole proprietor is certified by the ~~California Massage Therapy Organization~~ [CAMTC](#) and those establishments that only employ or use persons certified by the ~~Massage Therapy Organization~~ [CAMTC](#) are exempt.

Q. Washbasins for Employees. A minimum of one separate washbasin shall be provided for the use of employees, 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.

R. 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 shall not be used or placed within the areas devoted for massage.

S. Towels. Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving a massage. No common use of towels or linens shall be permitted.

T. 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.

U. General Condition of Premises and Equipment. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities, shall be in good working order and repair and maintained in a clean and sanitary condition.

[V. No massage establishment located in a building or structure with exterior windows fronting a public street, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tint, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises. Such window coverings may be used only during the time the sun rays are projecting](#)

directly onto the windows; coverings shall be raised or removed after the sun rays are no longer in direct contact with the windows.

W. No massage establishment shall operate as a school of massage, or use the same facilities as that of a massage school.

X. No massage establishment shall allow any person to reside within the premises of the massage establishment.

Y. A massage therapist shall operate only under the name specified in his or her CAMTC certificate or City license. A massage establishment shall operate only under the name specified in its City business license.

5.77.02460 Facility and operational requirements for an accessory massage establishment.

All accessory massage establishments shall be maintained and operated in conformity with the following and California Business and Professions Code Section 4600-4620:

~~A. "Accessory massage" means a massage practice which is secondary and incidental to a primary use allowing the following businesses to offer accessory massages: health clubs, day spas, gyms, beauty salons, barber shops, chiropractor offices, physical therapy offices, medical doctor offices, hospitals and similar uses provided that the accessory massage shall be less than fifty percent of the floor area. Any change to this definition will change the definition of accessory massage in Chapter~~

~~B.A.~~ Accessory massage establishments shall comply with the land use regulations set forth in Chapter 18 of the San Dimas Municipal Code.

~~B.B.~~ Massage, as an accessory use, must be administered by a massage ~~technician~~ therapist who has been issued a permit by the city City under this chapter or has been issued state certification by the ~~California Massage Therapy Organization~~ CAMTC, at a fixed location with the primary business.

~~B.C.~~ Accessory massage establishments shall be incidental to the primary business and all massage ~~technicians~~ therapists performing massage shall be required to apply for a permit or ~~s~~State certification from the ~~California Massage Therapy Organization~~ CAMTC.

~~B.D.~~ Accessory massage establishments shall comply with the ~~facility and operational standards requirements~~ of Section 5.77.0250 subsections ~~(A),~~ (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), (Q), (R), (S), (T), (U), (V), (W), (X) and (Y).

5.77.070 Operator licenses – verification

A. Business Owner, Independent Contractors or Sole Provider Clearance – All owner(s) in part or in whole of the massage establishment, Independent Contractors or Sole Provider who are not a Certified Massage Therapist by the CAMTC shall be required to comply with the following;

1. Any person(s) desiring to obtain a business license to operate a massage establishment shall file a written application under penalty of perjury on the required form with the Business License Office who shall cause the Department of Justice to conduct an investigation into the facts set forth in the application.

2. A complete set of fingerprints taken by the Sheriff's Department (Records and Information Bureau) or an authorized Live Scan facility. The applicant shall be responsible for payment of any fingerprinting fee.

3. It is the duty of each operator(s) to notify the San Dimas Sheriff's Department whenever there is a change in information which was required to be submitted in the application for the operation permit in the first instance. Such notification shall be in writing and made within ten business days of the change.

B. The city clerk or his/her authorized deputy shall not issue a license or accept a license fee if any of the following findings are found to be true:

1. The applicant(s) have failed to provide information, documentation, and assurances required by this chapter; has failed to reveal any fact material to qualification; or has supplied information that is untrue or misleading as to a material fact pertaining to the qualification criteria; or

2. The applicant(s) is a person who has engaged in disqualification conduct; or

3. There is substantial evidence that the applicant has engaged in disqualification conduct, even if there is not conviction for such conduct; or

4. The applicant has violated any provision of this chapter, or any similar ordinance, law, rule, or regulation of any other public agency which regulates the operation of massage establishments; or

5. The applicant is not at least eighteen years of age; or

6. The criminal history background check report demonstrates that the applicant has made false, misleading or fraudulent statements of material fact in the permit applications or in any report or record required to be filed therewith.

5.77.0380 ~~Massage~~ therapist qualifications—~~V~~verification.

A. ~~A massage technician—shall be subject to a special permit pursuant to Chapter 5.28 of this title.~~ The minimum qualifications for a non-certified CAMTC ~~massage technician—~~ therapist shall be as follows:

1. A massage therapist shall be subject to a special permit pursuant to Chapter 5.28 of this title.

~~1. 2.~~ A diploma or certificate of graduation from a recognized school wherein the method, profession and work of a ~~massage technician—~~ therapist is taught with a minimum of ~~three~~ five hundred hours of instruction; or

~~2. 3.~~ A diploma or certificate from a school outside the state of California which substantially complies with the educational requirements of Section 94311 of the Education Code of this state; or

~~3. 4.~~ A minimum of five years of experience as a practicing ~~massage technician—~~ therapist with written proof thereof.

~~4. 5.~~ Any person desiring to obtain a ~~massage technician—~~ therapist permit shall file a written application under penalty of perjury on the required form with the Business License Office who shall cause the Department of Justice to conduct an investigation into the facts set forth in the application.

~~5. 6.~~ A complete set of fingerprints taken by the Sheriff's Department (Records and Information Bureau) or an authorized Live Scan facility. The applicant shall be responsible for payment of any fingerprinting fee.

7. Be a minimum of 18 years of age.

B. The city clerk or his/her authorized deputy shall not issue a license or accept a license fee if any of the following findings are found to be true:

1. The applicant(s) have failed to provide information, documentation, and assurances required by this chapter; has failed to reveal any fact material to qualification; or has supplied information that is untrue or misleading as to a material fact pertaining to the qualification criteria; or

2. The applicant(s) is a person who has engaged in disqualification conduct;
or

3. There is substantial evidence that the applicant has engaged in disqualification conduct, even if there is not conviction for such conduct; or

4. The applicant has violated any provision of this chapter, or any similar ordinance, law, rule, or regulation of any other public agency which regulates the operation of massage establishments; or

5. The applicant is not at least eighteen years of age; or

6. The criminal history background check report demonstrates that the applicant has made false, misleading or fraudulent statements of material fact in the permit applications or in any report or record required to be filed therewith.

C. A massage therapist who holds a valid CAMTC certificate shall only be required to provide the following information:

1. A copy of their current California Identification.

2. A copy of their CAMTC certification.

3. The name, address, and phone number of the business establishment they plan to be employed or work at.

D. All independent massage therapists with or without CAMTC certification are required to obtain a city business license per Chapter 5.16 of this title.

~~BE.~~ Any department which has as one of its duties the investigation of this license activity or enforcement of this title shall have the right to verify for authenticity the information supplied pursuant to this section.

5.77.0490 ~~Massage technician—Location—, Clothing—, and Identification requirements.~~

Massage ~~technician—~~ therapists shall comply with the following:

A. Locational Limitations. No massage ~~technician—~~ therapist subject to the provisions of this chapter shall perform any massage in any location other than the location specified on the special permit required in Chapter 5.28 of this title, or as provided in Section 5.77.1050 of this chapter.

B. Clothing Required. No massage shall be administered unless the ~~patron client~~ wears clothing which covers the ~~patron's client's~~ genitals, and if the ~~patron client~~ is female, the breasts. The massage ~~technician—~~ therapist shall at all times while on the premises of the massage establishment practice, be clean and wear nontransparent outer garments covering the body from knee to neck.

C. The original massage establishment license and the ~~eCity~~ issued original massage therapist permit or state certification issued by the ~~California—Massage Therapy Organization~~ CAMTC for each massage ~~technician—~~ therapist working at the massage establishment shall be displayed in a conspicuous public place on the premises. It is unlawful to display photocopies of licenses or permits. The massage

establishment licensee shall be responsible for ensuring each massage ~~technician—~~ therapist's permit or state certification issued by the ~~California Massage Therapy Organization~~ CAMTC is displayed in a conspicuous place on the premises. Certificates of former employees shall be removed as soon as they are no longer employed by or offering services through the massage establishment.

D. All massage establishment operators and their employees, including massage therapists, shall wear clean, nontransparent outer garments. Said garments shall not expose their genitals, pubic areas, buttocks, or chest, and shall not be worn in such manner as to expose the genitals, pubic areas, buttocks, or chest. All bathrobes, bathing suits and other garments that are provided for the use of clients shall be either fully disposable and shall not be used for more than one client, or shall be laundered after each use.

E. Every certified massage therapist shall wear their certification. The certification shall be worn where it can be clearly visible on the massage therapist during working hours and at all times when the massage therapist is inside a massage establishment.

5.77.1050 Out call massage services.

Out call massage services shall be subject to the following provisions:

A. Authorization Required. It is unlawful for any massage establishment or massage therapist to provide, or to offer to provide, massage at any location except at the place of business approved pursuant to Chapter 5.28 of this title for a massage establishment, unless the conditions of approval include authorization to conduct out call massage services.

B. Application—Investigation. Any massage establishment or massage therapist desiring to provide out call massage services shall include a request for out call massage services in the application submitted for review and investigation pursuant to Chapter 5.28 of this title. The applicant shall submit detailed information setting forth the manner and means of transporting to and from the premises where out call massage services are to be performed clean, sanitary towels and linens, sterilized instruments to be utilized, as well as any supplementary aids, equipment or devices to be utilized and the methods of disposal thereof.

C. Home Occupations. Massage establishments and massage therapists shall not be permitted to conduct out call massage services as a home occupation.

D. Suspension, Modification, and Revocation of Out Call Massage Services. A condition of approval authorizing out call massage services may be suspended, modified or revoked pursuant to Section 5.77.09140 of this chapter.

5.77.10610 Employment of unlicensed massage technicians prohibited.

A holder of a special permit for a massage practice shall not hire or employ a massage technician - [therapist](#) unless the person possesses a valid approved special permit for a massage technician - [therapist](#) pursuant to the provisions of this chapter and Chapter 5.28 or state certification issued by the California Massage Therapy ~~Organization~~ [Council](#).

5.77.10720 Persons using alcohol or drugs prohibited.

A person shall not enter, be or remain in any part of a massage practice while in the possession of, consuming or using any alcoholic beverage or drugs. A person who operates a massage ~~practice~~ [establishment](#) or his or her agent or employee shall not permit any such person to enter or remain upon such premises.

5.77.10830 Inspection.

An applicant, permittee or manager shall permit any peace officer or city official to inspect the premises of a massage ~~practice~~ [establishment](#) for the purpose of ~~i~~ensuring compliance with the law and the facility and operational requirements set forth herein, at any time the facility is occupied or open for business. A person who operates a massage ~~practice~~ [establishment](#) or his or her agent or employee is in violation of the provisions of this section if he or she refuses to permit such lawful inspection of the premises any time it is occupied or open for business.

5.77.10940 Suspension or revocation.

The failure to comply with the provisions of this chapter or any other local, state, or federal regulations applicable or related to the operation of the business shall be grounds for suspension or revocation of a permit or license pursuant to Chapter 5.12 of this title.

~~**5.77.100 State certification for massage therapy.**~~

~~———A.——— To comply with Government Code Section 4600 the city of San Dimas will no longer issue permits to practice massage. The city will require all individuals desiring to practice massage therapy in the city of San Dimas to obtain certification from the sState of California. Individuals wishing to practice massage therapy must complete the certification process offered by the California Massage Therapy Organization Council. An original copy of a certificate showing completion of state certification must be presented to the city.~~

~~———B.——— In addition to providing proof of state certification individuals desiring to practice massage therapy shall register, with the city, their intent to practice massage therapy by completing an application provided by the city.~~

~~C. It is unlawful for any business to hire an individual that has not either obtained state certification from the Message Therapy Organization Council or a permit from the city of San Dimas. The original state certificate or original city permit for each massage therapist working at the establishment shall be displayed in a conspicuous public place on the premises. It is unlawful to display photocopies of licenses or permits. The massage establishment shall be responsible for ensuring each massage therapist's permit is displayed in a conspicuous place on the premises.~~

~~D. The California Massage Therapy Organization **Council** will not be able to provide state certification to all qualified San Dimas massage therapists on its implementation date of September 1, 2009. Accordingly the city must maintain a permit process for massage therapists to allow massage professionals to continue in business until they can obtain state certification. Prior to September 1, 2010 those wishing to practice massage must provide proof of state certification or comply with the city's existing regulations for Massage technician qualifications established in Section 5.77.030 of the San Dimas Municipal Code. After September 1, 2010 it shall be unlawful for any person to act or engage in the business of acting as a massage therapist without a valid state of California certificate issued by the California Massage Therapy Organization. After this date Section 5.77.030 of the San Dimas Municipal code will no longer be applicable. This date may be extended to a later by the city clerk if the California Massage Therapy Organization is not able to provide certification to all qualified San Dimas massage therapists by September 1, 2010. (Ord. 1190 § 8, 2009)~~



California
LEGISLATIVE INFORMATION

AB-1147 Massage therapy. (2013-2014)

Assembly Bill No. 1147

CHAPTER 406

An act to amend Section 460 of, and to add and repeal Chapter 10.5 (commencing with Section 4600) of Division 2 of, the Business and Professions Code, and to amend Section 51034 of the Government Code, relating to healing arts.

[Approved by Governor September 18, 2014. Filed with Secretary of State September 18, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1147, Bonilla. Massage therapy.

Existing law, until January 1, 2015, provides for the voluntary certification of massage practitioners and massage therapists by the California Massage Therapy Council. Existing law specifies the requirements for the council to issue to an applicant a certificate as a massage practitioner or massage therapist. Existing law authorizes a city, county, or city and county to impose certain requirements on massage establishments or businesses that are the sole proprietorship of an individual certified pursuant to existing state law or that employ or use only persons who are so certified. Existing law authorizes a city, county, or city and county to, among other things, adopt reasonable health and safety requirements, as specified, pertaining to those massage establishments or businesses, and to require an applicant for a business license to operate a massage business or establishment to fill out an application that requests relevant information, as specified.

This bill would reenact, revise, and recast these provisions to, among other things, establish an interim board of directors to govern the council until September 15, 2015, and provide for the appointment of a new board of directors consisting of 13 members, as specified, whose 4-year terms would begin on that date. The bill would authorize the board to establish fees reasonably related to the costs of providing services and performing its duties, not to exceed \$300. The bill would require the board to provide at least 90 days' advance notice prior to holding a meeting to vote upon a proposal to increase the certification fees, as specified, except as provided. The bill would also require the board to notify certificate holders of a board action that increases those fees.

The bill would discontinue the issuance of new massage practitioner certificates after January 1, 2015, except as provided, but would authorize the renewal of massage practitioner certificates issued prior to January 1, 2015. The bill would require that all certificates issued pursuant to these provisions be subject to renewal every 2 years, except as provided. The bill would require the council to develop policies, procedures, rules, or bylaws governing the approval and unapproval of schools that provide education required for certification, as specified.

EXHIBIT B

The bill would authorize the council to deny an application for a certificate, or to discipline a certificate holder for a violation of these provisions, as specified. The bill would require the board to exercise its denial or discipline authority by means of fair and reasonable procedures that, among other things, provide the applicant or certificate holder with notice and an opportunity to be heard, as specified. The bill would provide that unprofessional conduct in violation of these provisions includes, among other things, engaging in sexually suggestive advertising related to massage services and engaging in sexual activity while providing massage services for compensation.

The bill would, notwithstanding any other law, prohibit a city, county, or city and county from enacting or enforcing an ordinance that conflicts with these provisions or other corresponding specified provisions. However, the bill would authorize a city, county, or city and county to adopt or enforce local ordinances that govern zoning, business licensing, or reasonable health and safety requirements for establishments or businesses of a licensed or certified healing arts professional, including a certified massage therapist. The bill would also make clarifying and conforming changes regarding local regulation of massage establishments or businesses.

The bill would authorize a court to issue an injunction or to provide any other relief it deems appropriate for violations of these provisions, as specified. The bill would provide that the powers and duties of the council are subject to review by the appropriate committees of the Legislature and would require the council to provide a specified report to these committees on or before June 1, 2016.

The bill would provide that these provisions are issues of statewide concern, and therefore applicable statewide. The bill would also provide that its provisions are severable.

The bill would repeal these provisions on January 1, 2017.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 460 of the Business and Professions Code is amended to read:

460. (a) No city, county, or city and county shall prohibit a person or group of persons, authorized by one of the agencies in the Department of Consumer Affairs or an entity established pursuant to this code by a license, certificate, or other means to engage in a particular business, from engaging in that business, occupation, or profession or any portion of that business, occupation, or profession.

(b) (1) No city, county, or city and county shall prohibit a healing arts professional licensed with the state under Division 2 (commencing with Section 500) or licensed or certified by an entity established pursuant to this code from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee.

(2) This subdivision shall not be construed to prohibit the enforcement of a local ordinance in effect prior to January 1, 2010, related to any act or procedure that falls within the professionally recognized scope of practice of a healing arts professional licensed under Division 2 (commencing with Section 500).

(c) This section shall not be construed to prevent a city, county, or city and county from adopting or enforcing any local ordinance governing zoning, business licensing, or reasonable health and safety requirements for establishments or businesses of a healing arts professional licensed under Division 2 (commencing with Section 500) or licensed or certified by an entity established under this code or a person or group of persons described in subdivision (a).

(d) Nothing in this section shall prohibit any city, county, or city and county from levying a business license tax solely for revenue purposes, nor any city or county from levying a license tax solely for the purpose of covering the cost of regulation.

SEC. 2. Chapter 10.5 (commencing with Section 4600) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 10.5. Massage Therapy Act

4600. This chapter shall be known and may be cited as the Massage Therapy Act. Whenever a reference is made to the Massage Therapy Act by any statute, it shall be construed to refer to this chapter.

4600.5. (a) It is the intent of the Legislature that this act enable consumers and local governments to more easily identify certified massage professionals, provide for consistent statewide certification and oversight of massage professionals, ensure that schools approved by the council that are teaching massage provide a high level of training, assist local governments and law enforcement in meeting their duty to maintain the highest standards of conduct in massage establishments by vetting and disciplining certificate holders, provide for a self-funded nonprofit oversight body to certify massage professionals, and ensure full compliance with, and execution of, the requirements of this act.

(b) It is the intent of the Legislature that broad control over land use in regulating massage establishments be vested in local governments so that they may manage those establishments in the best interests of the individual community, and that the requirements and practice of the profession of massage therapy remain a matter of statewide concern, regulation, and oversight.

(c) It is the intent of the Legislature that local governments impose and enforce only reasonable and necessary fees and regulations, in keeping with the requirements of existing law and being mindful of the need to protect legitimate business owners and massage professionals, particularly sole providers, during the transition period after this act becomes law and thereafter for the sake of developing a healthy and vibrant local economy.

(d) It is the intent of the Legislature that local governments, law enforcement, nonprofit stakeholders, the massage industry, and massage professionals work together going forward to improve communication and share information to further increase the value of statewide certification, to collaborate in the implementation of this act, and to develop a model ordinance reflecting best practices in massage regulation for cities and counties to adopt that will respect local control, patient privacy, and the dignity of the profession of massage therapy.

4601. As used in this chapter, the following terms shall have the following meanings:

(a) "Approved school" or "approved massage school" means a school approved by the council that meets minimum standards for training and curriculum in massage and related subjects, that meets any of the following requirements, and that has not been otherwise unapproved by the council:

(1) Is approved by the Bureau for Private Postsecondary Education.

(2) Is approved by the Department of Consumer Affairs.

(3) Is an institution accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(A) A public institution.

(B) An institution incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(C) A for-profit institution.

(D) An institution that does not meet all of the criteria in subparagraph (B) that is incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, that has been in continuous operation since April 15, 1997, and that is not managed by any entity for profit.

(4) Is a college or university of the state higher education system, as defined in Section 100850 of the Education Code.

(5) Is a school requiring equal or greater training than what is required pursuant to this chapter and is recognized by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.

(b) "Certificate" means a valid certificate issued by the council pursuant to this chapter.

(c) "Compensation" means a payment, loan, advance, donation, contribution, deposit, or gift of money, or anything of value.

(d) "Council" means the California Massage Therapy Council created pursuant to this chapter, which shall be a nonprofit organization exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code.

(e) "Massage" means the scientific manipulation of the soft tissues. For purposes of this chapter, the terms "massage" and "bodywork" shall have the same meaning.

(f) "Massage establishment" or "establishment" means a fixed location where massage is performed for compensation, excluding those locations where massage is only provided on an out-call basis.

(g) "Massage practitioner" means a person who is certified by the council pursuant to Section 4604.2 and who administers massage for compensation.

(h) "Massage therapist" means a person who is certified by the council under Section 4604 and who administers massage for compensation.

(i) "Sole provider" means a massage business where the owner owns 100 percent of the business, is the only person who provides massage services for compensation for that business pursuant to a valid and active certificate issued in accordance with this chapter, and has no other employees or independent contractors.

4602. (a) The California Massage Therapy Council, as defined in subdivision (d) of Section 4601, is hereby established and shall carry out the responsibilities and duties set forth in this chapter.

(b) The council may take any reasonable actions necessary to carry out the responsibilities and duties set forth in this chapter, including, but not limited to, hiring staff, entering into contracts, and developing policies, procedures, rules, and bylaws to implement this chapter.

(c) The council may require background checks for all employees, contractors, volunteers, and board members as a condition of their employment, formation of a contractual relationship, or participation in council activities.

(d) The council shall issue a certificate to an individual applicant who satisfies the requirements of this chapter for that certificate.

(e) The council is authorized to determine whether the information provided to the council in relation to the certification of an applicant is true and correct and meets the requirements of this chapter. If the council has any reason to question whether the information provided is true or correct or meets the requirements of this chapter, the council is authorized to make any investigation it deems necessary to establish that the information received is accurate and satisfies any criteria established by this chapter. The applicant has the burden to prove that he or she is entitled to certification.

(f) Until September 15, 2015, the council shall be governed by a board of directors comprised of two representatives selected by each professional society, association, or other entity, which membership is comprised of massage therapists and that chooses to participate in the council. To qualify, a professional society, association, or other entity shall have a dues-paying membership in California of at least 1,000 individuals for the last three years and shall have bylaws that require its members to comply with a code of ethics. The board of directors shall also include each of the following persons:

- (1) One member selected by each statewide association of private postsecondary schools incorporated on or before January 1, 2010, which member schools have together had at least 1,000 graduates in each of the previous three years from massage therapy programs that meet the approval standards set forth in subdivision (a) of Section 4601, unless a qualifying association chooses not to exercise this right of selection.
- (2) One member selected by the League of California Cities, unless that entity chooses not to exercise this right of selection.
- (3) One member selected by the California State Association of Counties, unless that entity chooses not to exercise this right of selection.
- (4) One member selected by the Director of Consumer Affairs, unless that entity chooses not to exercise this right of selection.
- (5) One member appointed by the Office of the Chancellor of the California Community Colleges, unless that entity chooses not to exercise this right of selection. The person appointed, if any, shall not be part of any massage therapy certificate or degree program.
- (6) The council's bylaws shall establish a process for appointing other professional directors to the council who have knowledge of the massage industry or can bring needed expertise to the operation of the council for purposes of complying with Section 4603.
- (g) At 12 p.m. Pacific standard time on September 15, 2015, the term of each member of the board of directors established pursuant to subdivision (f) shall terminate, and the terms of 13 new members of the board of directors who shall be chosen in the following manner, shall begin:
 - (1) One member shall be a representative of the League of California Cities, unless that entity chooses not to exercise this right to appoint.
 - (2) One member shall be a representative of the California Police Chiefs Association, unless that entity chooses not to exercise this right to appoint.
 - (3) One member shall be a representative of the California State Association of Counties, unless that entity chooses not to exercise this right to appoint.
 - (4) One member shall be a representative of an "anti-human trafficking" organization to be determined by the council. This organization shall appoint one member, unless the organization chooses not to exercise this right to appoint.
 - (5) One member shall be appointed by the Office of the Chancellor of the California Community Colleges, unless that office chooses not to exercise this right to appoint.
 - (6) One member shall be a member of the public appointed by the Director of the Department of Consumer Affairs, unless the director chooses not to exercise this right to appoint.
 - (7) One member shall be appointed by the California Association of Private Postsecondary Schools, unless that entity chooses not to exercise this right to appoint.
 - (8) One member shall be appointed by the American Massage Therapy Association, California Chapter, who shall be a California-certified massage therapist or massage practitioner who is a California resident and who has been practicing massage for at least three years, unless that entity chooses not to exercise this right to appoint.
 - (9) One member shall be a public health official representing a city, county, city and county, or state health department, to be determined by the council. The city, county, city and county, or state health department chosen, shall appoint one member unless that entity chooses not to exercise this right to appoint.
 - (10) (A) One member shall be a certified massage therapist or a certified massage practitioner who is a California resident who has practiced massage for at least three years prior to the appointment, selected by a professional society, association, or other entity which membership is comprised of massage therapist

professionals, and that chooses to participate in the council. To qualify, a professional society, association, or other entity shall have a dues-paying membership in California of at least 1,000 individuals, have been established since 2000, and shall have bylaws that require its members to comply with a code of ethics.

(B) If there is more than one professional society, association, or other entity that meets the requirements of subparagraph (A), the appointment shall rotate based on a four-year term between each of the qualifying entities. The qualifying entity shall maintain its appointment authority during the entirety of the four-year term during which it holds the appointment authority. The order in which a qualifying professional society, association, or other entity has the authority to appoint shall be determined by alphabetical order based on the full legal name of the entity as of January 1, 2014.

(11) The members appointed to the board in accordance with paragraphs (1) to (10), inclusive, shall appoint three additional members, at a duly held board meeting in accordance with the board's bylaws. One of those appointees shall be an attorney licensed by the State Bar of California, who has been practicing law for at least three years and who at the time of appointment represents a city in the state. One of those appointees shall represent a massage business entity that has been operating in the state for at least three years. The council shall establish in its bylaws a process for appointing an additional member, provided that the member has knowledge of the massage industry or can bring needed expertise to the operation of the council for purposes of complying with Section 4603.

(h) Board member terms shall be for four years.

(i) The board of directors shall establish fees reasonably related to the cost of providing services and carrying out its ongoing responsibilities and duties. Initial and renewal fees for certificates shall be in an amount sufficient to support the functions of the council in the administration of this chapter, but in no event shall exceed three hundred dollars (\$300). The renewal fee shall be reassessed biennially by the board.

(j) The meetings of the council shall be subject to the rules of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). The board may adopt additional policies and procedures that provide greater transparency to certificate holders and the public than required by the Bagley-Keene Open Meeting Act.

(k) Prior to holding a meeting to vote upon a proposal to increase the certification fees, the board shall provide at least 90 days' notice of the meeting, including posting a notice on the council's Internet Web site unless at least two-thirds of the board members concur that there is an active threat to public safety and that voting at a meeting without prior notice is necessary. However, the board shall not waive the requirements of subdivision (j).

(l) If the board approves an increase in the certification fees, the council shall update all relevant areas of its Internet Web site and notify all certificate holders and affected applicants by email within 14 days of the board's action.

4603. Protection of the public shall be the highest priority for the council in exercising its certification and disciplinary authority, and any other functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

4604. (a) In order to obtain certification as a massage therapist, an applicant shall submit a written application and provide the council with satisfactory evidence that he or she meets all of the following requirements:

(1) The applicant is 18 years of age or older.

(2) The applicant has successfully completed the curricula in massage and related subjects totaling a minimum of 500 hours, or the credit unit equivalent, that incorporates appropriate school assessment of student knowledge and skills.

(A) Of the 500 hours, a minimum of 100 hours of instruction shall address anatomy and physiology, contraindications, health and hygiene, and business and ethics.

(B) All of the 500 hours shall be from schools approved by the council.

(3) The applicant has passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards and that is approved by the council. The successful completion of this examination may have been accomplished before the date the council is authorized by this chapter to begin issuing certificates.

(4) The applicant has successfully passed a background investigation pursuant to Section 4606, and has not violated any of the provisions of this chapter.

(5) All fees required by the council have been paid.

(6) The council may issue a certificate to an applicant who meets the qualifications of this chapter if he or she holds a current and valid registration, certification, or license from any other state whose licensure requirements meet or exceed those defined within this chapter. If an applicant has received education at a school that is not approved by the council, the council shall have the discretion to give credit for comparable academic work completed by an applicant in a program outside of California.

(b) A certificate issued pursuant to this chapter and any identification card issued by the council shall be surrendered to the council by any certificate holder whose certificate is suspended or revoked.

4604.1. (a) The council shall not accept applications to issue any new certificates to practice as a certified massage practitioner on or after January 1, 2015.

(b) Certificates to practice as a certified massage practitioner for applications accepted prior to January 1, 2015, may be renewed without any additional educational requirements.

(c) A massage practitioner certificate and any identification card issued by the council, shall be surrendered to the council by any certificate holder whose certificate is suspended or revoked.

4604.2. (a) A person who was issued a conditional certificate to practice as a massage practitioner shall, within five years of being issued the conditional certificate by the council, complete and report to the council the completion of, at least 30 hours of additional education per year from approved schools or from continuing education providers approved by the council, until he or she has completed a total of at least 250 hours of education.

(b) A conditional certificate issued to any person pursuant to this section shall immediately be nullified, without need for further action by the council, if proof of completion of the requirements specified in subdivision (a) is not filed with the council within the time period specified in subdivision (a).

(c) Notwithstanding subdivision (a) of Section 4604.1, the council shall issue a new certificate to practice as a massage practitioner to a person that successfully completes the requirements described in subdivision (a).

4605. Except as otherwise provided, a certification issued pursuant to this chapter shall be subject to renewal every two years in the manner prescribed by the council. A certificate issued by the council shall expire after two years unless renewed as prescribed. The council may provide for the late renewal of a certificate.

4606. (a) Prior to issuing a certificate to an applicant, or designating a custodian of records, the council shall require the applicant or the custodian of records candidate to submit fingerprint images as directed by the council and in a form consistent with the requirements of this section.

(b) The council shall submit the fingerprint images and related information to the Department of Justice for the purpose of obtaining information as to the existence and nature of a record of state and federal level convictions and of state and federal level arrests for which the Department of Justice establishes that the applicant or candidate was released on bail or on his or her own recognizance pending trial.

(c) Requests for federal level criminal offender record information received by the Department of Justice pursuant to this section shall be forwarded to the Federal Bureau of Investigation by the Department of

Justice. The Department of Justice shall review the information returned from the Federal Bureau of Investigation, and shall compile and disseminate a fitness determination regarding the applicant or candidate to the council. The Department of Justice shall provide information to the council pursuant to subdivision (p) of Section 11105 of the Penal Code.

(d) The Department of Justice and the council shall charge a fee sufficient to cover the cost of processing the request for state and federal level criminal offender record information.

(e) The council shall request subsequent arrest notification service from the Department of Justice, as provided under Section 11105.2 of the Penal Code, for all applicants for certification or custodian of records candidates for whom fingerprint images and related information are submitted to conduct a search for state and federal level criminal offender record information.

(f) The council is authorized to receive arrest notifications and other background materials about applicants and certificate holders from a city, county, or city and county.

4607. The council may discipline an owner or operator of a massage business or establishment who is certified pursuant to this chapter for the conduct of all individuals providing massage for compensation on the business premises.

4608. In addition to the other requirements of this chapter, a certificate holder shall:

(a) Display his or her original certificate wherever he or she provides massage for compensation. A certificate holder shall have his or her identification card in his or her possession while providing massage services for compensation.

(b) Provide his or her full name and certificate number upon the request of a member of the public, the council, or a member of law enforcement, or a local government agency charged with regulating massage or massage establishments, at the location where he or she is providing massage services for compensation.

(c) Include the name under which he or she is certified and his or her certificate number in any and all advertising of massage for compensation.

(d) Notify the council within 30 days of any changes in the certificate holder's home address or the address of any massage establishment or other location where he or she provides massage for compensation, excluding those locations where massage is only provided on an out-call basis. A certificate holder also shall notify the council of his or her primary email address, if any, and notify the council within 30 days of a change of the primary email address.

4609. (a) It is a violation of this chapter for an applicant or a certificate holder to commit any of the following acts, the commission of which is grounds for the council to deny an application for a certificate or to impose discipline on a certificate holder:

(1) Unprofessional conduct, including, but not limited to, any of the following:

(A) Engaging in sexually suggestive advertising related to massage services.

(B) Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation, excluding a residence.

(C) Engaging in sexual activity while providing massage services for compensation.

(D) Practicing massage on a suspended certificate or practicing outside of the conditions of a restricted certificate.

(E) Providing massage of the genitals or anal region.

(F) Providing massage of female breasts without the written consent of the person receiving the massage and a referral from a licensed California health care provider.

- (2) Procuring or attempting to procure a certificate by fraud, misrepresentation, or mistake.
 - (3) Failing to fully disclose all information requested on the application.
 - (4) Impersonating an applicant or acting as a proxy for an applicant in any examination referred to in this chapter for the issuance of a certificate.
 - (5) Impersonating a certificate holder, or permitting or allowing a noncertified person to use a certificate.
 - (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any rule or bylaw adopted by the council.
 - (7) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.
 - (8) Denial of licensure, revocation, suspension, restriction, citation, or any other disciplinary action against an applicant or certificate holder by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, judgment, or citation shall be conclusive evidence of these actions.
 - (9) Being convicted of any felony, misdemeanor, infraction, or municipal code violation, or being held liable in an administrative or civil action for an act, that is substantially related to the qualifications, functions, or duties of a certificate holder. A record of the conviction or other judgment or liability shall be conclusive evidence of the crime or liability.
 - (10) Dressing while engaged in the practice of massage for compensation, or while visible to clients in a massage establishment, in any of the following:
 - (A) Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
 - (B) Swim attire, if not providing a water-based massage modality approved by the council.
 - (C) A manner that exposes the certificate holder's breasts, buttocks, or genitals.
 - (D) A manner that constitutes a violation of Section 314 of the Penal Code.
 - (E) A manner that is otherwise deemed by the council to constitute unprofessional attire based on the custom and practice of the profession in California.
 - (11) Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.
 - (b) The council may deny an application for a certificate for the commission of any of the acts described in subdivision (a). The council may also discipline a certificate holder, in any manner permitted by this chapter, for the commission of any of those acts by a certificate holder.
 - (c) The council shall deny an application for a certificate, or revoke the certificate of a certificate holder, if the applicant or certificate holder is required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is required to register as a sex offender in another state.
- 4610.** (a) An applicant for a certificate shall not be denied a certificate, and a certificate holder shall not be disciplined pursuant to this chapter except according to procedures that satisfy the requirements of this section. Denial or discipline that is not in accord with this section shall be void and without effect.
- (b) The council may discipline a certificate holder by any, or a combination, of the following methods:
 - (1) Placing the certificate holder on probation, which may include limitations or conditions on practice.

- (2) Suspending the certificate and the rights conferred by this chapter on a certificate holder for a period not to exceed one year.
- (3) Suspending or staying the disciplinary order, or portions of it, with or without conditions.
- (4) Revoking the certificate.
- (5) Taking other action as the council deems proper, as authorized by this chapter or policies, procedures, rules, or bylaws adopted by the board.
- (c) The council may issue an initial certificate on probation, with specific terms and conditions, to any applicant.
- (d) Any denial or discipline shall be decided upon and imposed in good faith and in a fair and reasonable manner. Any procedure that conforms to the requirements of subdivision (f) is fair and reasonable, but a court may also find other procedures to be fair and reasonable when the full circumstances of the denial or discipline are considered.
- (e) A procedure is fair and reasonable if the procedures specified in subdivision (f) or (g) are followed or if all of the following apply:
- (1) Denial or discipline shall be based on a preponderance of the evidence. In determining the basis for the denial or discipline, the council may consider all written documents or statements as evidence, but shall weigh the reliability of those documents or statements.
- (2) The provisions of the procedure are publicly available on the council's Internet Web site.
- (3) The council provides 15 calendar days prior notice of the denial or discipline and the reasons for the denial or discipline.
- (4) The council provides an opportunity for the applicant or certificate holder, to be heard, orally or in writing, not less than five days before the effective date of the denial or discipline, by a person or body authorized to decide whether the proposed denial or discipline should go into effect.
- (f) (1) Notwithstanding any other law, if the council receives notice that a certificate holder has been arrested and charges have been filed by the appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of Section 647 of the Penal Code or any other offense described in paragraph (11) of subdivision (a) of Section 4609, the council shall immediately suspend, on an interim basis, the certificate of that certificate holder, and take all of the following additional actions:
- (A) Notify the certificate holder at the address last filed with the council that the certificate has been suspended and the reason for the suspension within 10 business days.
- (B) Provide notification of the suspension by email to the clerk or other designated contact of the city, county, or city and county in which the certificate holder lives or works, pursuant to the council's records, within 10 business days.
- (C) Provide notification of the suspension by email to any establishment or employer, whether public or private, that the council has in its records as employing the certificate holder, within 10 business days.
- (2) Upon notice to the council that the charges described in paragraph (1) have resulted in a conviction, the council shall permanently revoke the suspended certificate. The council shall provide notice to the certificate holder, at the address last filed with the council by a method providing delivery confirmation, within 10 business days that it has evidence of a valid record of conviction and that the certificate will be revoked unless the certificate holder provides evidence within 15 days from the date of the council's mailing of the notice that the conviction is either invalid or that the information is otherwise erroneous.
- (3) Upon notice that the charges described in paragraph (1) have resulted in an acquittal or have been otherwise dismissed prior to conviction, the certificate shall be immediately reinstated and the certificate

holder and any establishment or employer that received notice pursuant to this section shall be notified of the reinstatement within 10 business days.

(g) (1) Notwithstanding any other law, if the council determines that a certificate holder has committed an act punishable as a sexually related crime or a felony that is substantially related to the qualifications, functions, or duties of a certificate holder, the council may immediately suspend the certificate of that certificate holder. A determination to immediately suspend a certificate pursuant to this subdivision shall be based upon a preponderance of the evidence and the council shall also consider any available credible mitigating evidence before making a decision. Written statements by any person shall not be considered by the council when determining whether to immediately suspend a certificate unless made under penalty of perjury. If the council suspends a certificate in accordance with this subdivision, the council shall take all of the following additional actions:

(A) Notify the certificate holder within 10 business days, at the address last filed with the council, by a method providing delivery confirmation, that the certificate has been suspended, the reason for the suspension, and that the certificate holder has the right to request a hearing pursuant to paragraph (2).

(B) Notify by email or any other means consistent with the notice requirements of this chapter, any business or employer, whether public or private, that the council has in its records as employing or contracting with the certificate holder for massage services, and the California city, county, or city and county that has jurisdiction over that establishment or employer, that the certificate has been suspended within 10 business days.

(2) A certificate holder whose certificate is suspended pursuant to this subdivision shall have the right to request, in writing, a hearing to challenge the factual basis for the suspension. If the holder of the suspended certificate requests a hearing on the suspension, the hearing shall be held within 30 calendar days after receipt of the request. A holder whose certificate is suspended based on paragraph (1) shall be subject to revocation or other discipline in accordance with subdivision (a).

(3) If the council determines, after a hearing conducted pursuant to this subdivision, to lift the suspension, the certificate shall be immediately reinstated and the certificate holder, any establishment or employer, and the city, county, or city and county that has jurisdiction over that establishment or employer, that received notice pursuant to this section shall be notified of the reinstatement within 10 business days.

(h) Any notice required under this section may be given by any method reasonably calculated to provide actual notice. Any notice given by mail shall be given by first-class or certified mail sent to the last address of the applicant or certificate holder shown on the council's records.

(i) An applicant or certificate holder may challenge a denial or discipline decision issued pursuant to this section in a court of competent jurisdiction. Any action challenging a denial or discipline, including any claim alleging defective notice, shall be commenced within one year after the effective date of the denial or discipline. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.

(j) This section governs only the procedures for denial or discipline decision and not the substantive grounds for the denial or discipline. Denial or discipline based upon substantive grounds that violates contractual or other rights of the applicant or certificate holder, or is otherwise unlawful, is not made valid by compliance with this section.

4611. (a) It is an unfair business practice for a person to do any of the following:

(1) To hold himself or herself out or to use the title of "certified massage therapist" or "certified massage practitioner," or any other term, such as "licensed," "certified," "CMT," or "CMP," in any manner whatsoever that implies or suggests that the person is certified as a massage therapist or massage practitioner, unless that person currently holds an active and valid certificate issued by the council pursuant to this chapter.

(2) To falsely state or advertise or put out any sign or card or other device, or to falsely represent to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or massage practitioner.

EXHIBIT B

(b) In addition to any other available remedies, engaging in any of the prohibited behaviors described in subdivision (a) constitutes unfair competition under Section 17200.

4612. (a) Notwithstanding any other law, a city, county, or city and county shall not enact or enforce an ordinance that conflicts with this chapter or Section 51034 of the Government Code.

(b) Nothing in this chapter shall prevent a city, county, or city and county from licensing, regulating, prohibiting, or permitting an individual who provides massage for compensation without a valid certificate.

4614. (a) Upon the request of any law enforcement agency or any other representative of a local government agency with responsibility for regulating or administering a local ordinance relating to massage or massage establishments, the council shall provide information concerning an applicant or a certificate holder, including, but not limited to, any of the following:

(1) The current status of an application or certificate.

(2) Any history of disciplinary actions.

(3) The home and work addresses of the applicant or certificate holder.

(4) The name and home and work addresses of any person whose certificate has been suspended and the length of the suspension, if the work address is located within the jurisdiction of agency making the request.

(5) Any other information in the council's possession that is necessary to verify facts relevant to administering the local ordinance.

(b) Upon the request of the council, any law enforcement agency or any other representative of a local government agency with responsibility for regulating or administering a local ordinance relating to massage or massage establishments is authorized to provide information to the council concerning an applicant or certificate holder, including, but not limited to, any of the following:

(1) The current status of any local application or permit.

(2) Any history of legal or administrative action taken against the applicant or certificate holder.

(3) Any information related to criminal activity or unprofessional conduct allegedly engaged in by a certificate applicant or certificate holder, including, but not limited to, police reports and declarations of conduct.

(4) The home and work addresses of the applicant or certificate holder.

(5) Any other information in the possession of the law enforcement agency or other local government agency that is necessary to verify information or otherwise implement this chapter.

(c) The council shall accept information provided by any law enforcement agency or any other representative of a local government agency with responsibility for regulating or administering a local ordinance relating to massage and review that information in a timely manner. The council shall have the responsibility to review any information received pursuant to this subdivision and to take any actions authorized by this chapter that are warranted by that information.

4615. (a) The council shall have the responsibility to determine whether the school from which an applicant has obtained the education required by this chapter meets the requirements of this chapter.

(1) If the council has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools that the applicant is claiming, the council shall investigate the facts to determine that the applicant received the required education prior to issuing a certificate.

(2) For purposes of this section and any other provision of this chapter that authorizes the council to receive factual information as a condition of taking any action, the council may conduct oral interviews of the applicant

and others or conduct any investigation deemed necessary to establish that the information received is accurate and satisfies the criteria established by this chapter.

(b) The council shall develop policies, procedures, rules, or bylaws governing the requirements and process for the approval and unapproval of schools consistent with Section 4601, including any corrective action required to return a school to approved status. These policies, procedures, rules, or bylaws shall address topics including, but not limited to, what constitutes an acceptable curriculum, facility requirements, student-teacher ratios, clinical practice requirements, and provisions for the acceptance of accreditation from a recognized accreditation body or other form of acceptance. The council shall exercise its authority to approve and unapprove schools and specify corrective action in keeping with the purposes set forth in Section 4603.

(c) The council may charge a reasonable fee for the inspection or approval of schools, provided the fees do not exceed the reasonable cost of the inspection or approval process.

4616. The council shall be sued only in the county of its principal office, which shall be in Sacramento, unless otherwise designated by the council.

4617. The superior court of a county of competent jurisdiction may, upon a petition by any person, issue an injunction or any other relief the court deems appropriate for a violation of this chapter by any person or establishment operating in that county subject to the provisions of this chapter. An injunction proceeding under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

4618. The Legislature finds and declares that due to important health, safety, and welfare concerns that affect the entire state, establishing a uniform standard of certification for massage practitioners and massage therapists upon which consumers may rely to identify individuals who have achieved specified levels of education, training, and skill is a matter of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter shall apply to all cities, counties, and cities and counties, including charter cities and charter counties.

4619. (a) This chapter shall be liberally construed to effectuate its purposes.

(b) The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(c) If any provision of this chapter or the application of these provisions to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

4620. (a) On or before June 1, 2016, for the time period beginning on January 1, 2015, the council shall provide a report to the appropriate policy committees of the Legislature that includes all of the following:

(1) A feasibility study of licensure for the massage profession, including a proposed scope of practice, legitimate techniques of massage, and related statutory recommendations.

(2) The council's compensation guidelines and current salary levels.

(3) The status of the council's progress towards revising the school approval process.

(4) Performance metrics, including, but not limited to:

(A) The annual number of denied certificate applications, and a brief description of the grounds for each decision.

(B) The annual number of suspended, revoked, or otherwise disciplined certificates, and a brief description of the grounds for each decision.

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- (C) The number of certificates taken off suspension, and a brief description of the grounds for each decision.
 - (D) The number of schools inspected and unapproved and a brief description of the grounds for each decision to unapprove.
 - (E) The total number of complaints about certificate holders received annually, including a subtotal of complaints received from local law enforcement and the action taken by the council as a result of those complaints.
- (b) The council shall testify in person if requested by the appropriate policy committees of the Legislature.

4621. (a) This chapter shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

(b) Notwithstanding any other law, the powers and duties of the council shall be subject to review by the appropriate policy committees of the Legislature.

SEC. 3. Section 51034 of the Government Code is amended to read:

51034. (a) The Legislature in enacting this chapter recognizes the existing power of a city or county to regulate a lawful massage business pursuant to Section 37101, or pursuant to Section 16000 or 16100 of the Business and Professions Code, or under Section 7 of Article XI of the California Constitution.

(b) Nothing contained in this chapter shall be a limitation on that existing power or on the existing authority of a city to license for revenue purposes. A city, county, or city and county shall not enact or enforce an ordinance that conflicts with the provisions of this section or Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code.

(c) Nothing contained in this chapter shall authorize a city, county, or city and county to do any of the following:

- (1) Prohibit a person of one sex from engaging in the massage of a person of the other sex.
- (2) Define a massage establishment as an adult entertainment business, or otherwise regulate a massage establishment as adult entertainment.
- (3) Require a massage establishment to have windows or walls that do not extend from the floor to ceiling, or have other internal physical structures, including windows, that interfere with a client's reasonable expectation of privacy.
- (4) Impose client draping requirements that extend beyond the covering of genitalia and female breasts, or otherwise mandate that the client wear special clothing.
- (5) Prohibit a massage establishment from locking its external doors if the massage establishment is a business entity owned by one individual with one or no employees or independent contractors.
- (6) Require a massage establishment to post any notice in an area that may be viewed by clients that contains explicit language describing sexual acts, mentions genitalia, or specific contraception devices.
- (7) Impose a requirement that a person certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code take any test, medical examination, or background check or comply with education requirements beyond what is required by Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code.
- (8) Impose a requirement that an individual holding a certificate issued in accordance with Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code, obtain any other license, permit, certificate, or other authorization to provide massage for compensation. However, this paragraph shall not be construed to prohibit a city, county, or city and county from requiring by ordinance that a massage

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business or establishment obtain a license, permit, certificate, or other authorization in order to operate lawfully within the jurisdiction.

(9) Impose a dress code requirement on a person certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code in excess of those already imposed pursuant to paragraph (10) of subdivision (a) of Section 4609 of the Business and Professions Code.

(10) Prohibit a person certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code from performing massage for compensation on the gluteal muscles, prohibit specific massage techniques recognized by the California Massage Therapy Council as legitimate, or impose any other specific restriction on professional practice beyond those set forth in subparagraph (E) of paragraph (1) of subdivision (a) of Section 4609 of the Business and Professions Code, except as authorized by Section 460 of the Business and Professions Code.

BILL NUMBER: SB 731 ENROLLED
 BILL TEXT

PASSED THE SENATE AUGUST 19, 2008
 PASSED THE ASSEMBLY AUGUST 13, 2008
 AMENDED IN ASSEMBLY AUGUST 8, 2008
 AMENDED IN ASSEMBLY JULY 9, 2007
 AMENDED IN ASSEMBLY JUNE 25, 2007
 AMENDED IN SENATE MAY 8, 2007
 AMENDED IN SENATE APRIL 26, 2007
 AMENDED IN SENATE APRIL 19, 2007
 AMENDED IN SENATE APRIL 16, 2007

INTRODUCED BY Senator Oropeza

FEBRUARY 23, 2007

An act to add and repeal Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code, relating to massage therapy.

LEGISLATIVE COUNSEL'S DIGEST

SB 731, Oropeza. Massage therapy.

Existing law provides for the regulation of various healing arts professionals, including physicians and surgeons, chiropractors, physical therapists, and acupuncturists. Existing law authorizes the legislative body of a city or county to enact ordinances providing for the licensing and regulation of the business of massage when carried on within the city or county.

This bill would, commencing September 1, 2009, provide for the certification of massage practitioners and massage therapists by the Massage Therapy Organization, which would be a nonprofit organization meeting specified requirements, and would impose certain duties on the organization. The bill would require applicants for certification to be 18 years of age or older, to meet specified educational criteria, to provide to the organization and update certain information, to provide fingerprints for submission to the Department of Justice for a criminal background check, and to pay fees required by the organization. The bill would require the Department of Justice to review specified information and to provide to the organization fitness determinations and certain other information. The bill would allow the organization to take certain disciplinary action against certificate holders and would require the organization to take certain action with regard to suspending or revoking a certificate if the certificate holder has been arrested for, and charged with, specified crimes. The bill would make it an unfair business practice for a person to state, advertise, or represent that he or she is certified or licensed by a governmental agency as a massage therapist or practitioner, or to make other false representations, as specified. The bill would prohibit a city, county, or city and county from enacting certain ordinances regulating the practice of massage by a certificate holder, as specified. The bill would make its provisions subject to review by the Joint Committee on Boards, Commissions, and Consumer Protection. The bill would repeal these provisions on January 1, 2016.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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SECTION 1. It is the intent of this act to create a voluntary certification for the massage therapy profession that will enable consumers to easily identify credible certified massage therapists; assure that certified massage therapists have completed sufficient training at approved schools; phase in increased education and training standards consistent with other states; assure that massage therapy can no longer be used as a subterfuge to violate subdivision (a) or (b) of Section 647 of the Penal Code; and to provide a self-funded nonprofit oversight body to approve certification and education requirements for massage therapists.

SEC. 2. Chapter 10.5 (commencing with Section 4600) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 10.5. MASSAGE THERAPISTS

4600. As used in this chapter, the following terms shall have the following meanings:

(a) "Approved school" or "approved massage school" means a facility that meets minimum standards for training and curriculum in massage and related subjects and that is approved by any of the following:

(1) The Bureau for Private Postsecondary and Vocational Education pursuant to former Section 94739 of the Education Code prior to July 1, 2007, and as of the date on which an applicant met the requirements of paragraph (2) of subdivision (b) or subparagraph (A) of paragraph (2) of subdivision (c) of Section 4601.

(2) The Department of Consumer Affairs.

(3) An institution accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following:

(A) A public institution.

(B) An institution incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, and that is not managed by any entity for profit.

(C) A for-profit institution.

(D) An institution that does not meet all of the criteria in subparagraph (B) that is incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, that has been in continuous operation since April 15, 1997, and that is not managed by any entity for profit.

(4) A college or university of the state higher education system, as defined in Section 100850 of the Education Code.

(5) A school of equal or greater training that is approved by the corresponding agency in another state or accredited by an agency recognized by the United States Department of Education.

(b) "Compensation" means the payment, loan, advance, donation, contribution, deposit, or gift of money or anything of value.

(c) "Massage therapist," "bodyworker," "bodywork therapist," or "massage and bodywork therapist" means a person who is certified by the Massage Therapy Organization under subdivision (c) of Section 4601 and who administers massage for compensation.

(d) "Massage practitioner," "bodywork practitioner," or "massage and bodywork practitioner" means a person who is certified by the Massage Therapy Organization under subdivision (b) of Section 4601 and who administers massage for compensation.

(e) "Organization" means the Massage Therapy Organization created pursuant to this chapter, which shall be a nonprofit organization exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code. The organization may commence activities as authorized by this section once it has submitted a request to the Internal Revenue Service seeking this exemption.

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(f) "Registered school" means a facility that meets minimum standards for training and curriculum in massage and related subjects and that either was recognized by the Bureau for Private Postsecondary and Vocational Education pursuant to Section 94931 of the Education Code prior to July 1, 2007, and as of the date on which an applicant met the requirements of paragraph (2) of subdivision (b) or subparagraph (A) of paragraph (2) of subdivision (c) of Section 4601, or is recognized by the Department of Consumer Affairs, by an institution accredited by the senior commission or the junior commission of the Western Association of Schools and Colleges as defined in paragraph (2) of subdivision (a) of Section 4600, by a college or university of the state higher education system as defined in Section 100850 of the Education Code, or by a school of equal or greater training that is approved by the corresponding agency in another state.

(g) For purposes of this chapter, the terms "massage" and "bodywork" shall have the same meaning.

4600.5. (a) A Massage Therapy Organization, as defined in subdivision (e) of Section 4600, shall be created and shall have the responsibilities and duties set forth in this chapter. The organization may take any reasonable actions to carry out the responsibilities and duties set forth in this chapter, including, but not limited to, hiring staff and entering into contracts.

(b) (1) The organization shall be governed by a board of directors made up of two representatives selected by each professional society, association, or other entity, whose membership is comprised of massage therapists and that chooses to participate in the organization. To qualify, a professional society, association, or other entity shall have a dues-paying membership in California of at least 1,000 individuals for the last three years, and shall have bylaws that require its members to comply with a code of ethics. The board of directors shall also include each of the following persons:

(A) One member selected by each statewide association of private postsecondary schools incorporated on or before January 1, 2010, whose member schools have together had at least 1,000 graduates in each of the previous three years from massage therapy programs meeting the approval standards set forth in subdivision (a) of Section 4600, except from those qualifying associations that choose not to exercise this right of selection.

(B) One member selected by the League of California Cities, unless that entity chooses not to exercise this right of selection.

(C) One member selected by the California State Association of Counties, unless that entity chooses not to exercise this right of selection.

(D) One member selected by the Director of Consumer Affairs, unless that entity chooses not to exercise this right of selection.

(E) One member appointed by the California Community College Chancellor's Office, unless that entity chooses not to exercise this right of selection. The person appointed, if any, shall not be part of any massage therapy certificate or degree program.

The organization's bylaws shall establish a process for appointing other professional directors as determined by the board.

(2) The initial board of directors shall establish the organization, initiate the request for tax-exempt status from the Internal Revenue Service, and solicit input from the massage community concerning the operations of the organization. The initial board of directors, in its discretion, may immediately undertake to issue the certificates authorized by this chapter after adopting the necessary bylaws or other rules, or may establish by adoption of bylaws the permanent governing structure prior to issuing certificates.

(c) The board of directors shall establish fees reasonably related to the cost of providing services and carrying out its ongoing responsibilities and duties. Initial and renewal fees shall be

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established by the board of directors annually.

(d) The meetings of the organization shall be subject to the rules of the Bagley-Keene Open Meetings Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

4601. (a) The organization shall issue a certificate under this chapter to an applicant who satisfies the requirements of this chapter.

(b) (1) In order to obtain certification as a massage practitioner, an applicant shall submit a written application and provide the organization with satisfactory evidence that he or she meets all of the following requirements:

(A) The applicant is 18 years of age or older.

(B) The applicant has successfully completed, at a single approved school, curricula in massage and related subjects totaling a minimum of 250 hours that incorporates appropriate school assessment of student knowledge and skills. Included in the hours shall be instruction addressing anatomy and physiology, contraindications, health and hygiene, and business and ethics, with at least 100 hours of the required minimum 250 hours devoted to these curriculum areas.

(C) All fees required by the organization have been paid.

(2) New certificates shall not be issued pursuant to this subdivision after December 31, 2015. Certificates issued pursuant to this section or subdivision (a) or (c) of Section 4604 on or before December 31, 2015, shall, after December 31, 2015, be renewed without any additional educational requirements, provided that the certificate holder continues to be qualified pursuant to this chapter.

(c) In order to obtain certification as a massage therapist, an applicant shall submit a written application and provide the organization with satisfactory evidence that he or she meets all of the following requirements:

(1) The applicant is 18 years of age or older.

(2) The applicant satisfies at least one of the following requirements:

(A) He or she has successfully completed the curricula in massage and related subjects totaling a minimum of 500 hours. Of this 500 hours, a minimum of 250 hours shall be from approved schools. The remaining 250 hours required may be secured either from approved or registered schools, or from continuing education providers approved by, or registered with, the organization or the Department of Consumer Affairs. After December 31, 2015, applicants may only satisfy the curricula in massage and related subjects from approved schools.

(B) The applicant has passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards, and that is approved by the board. The successful completion of this examination may have been accomplished before the date the organization is authorized by this chapter to begin issuing certificates.

(3) All fees required by the organization have been paid.

(d) The organization shall issue a certificate to an applicant who meets the other qualifications of this chapter and holds a current and valid registration, certification, or license from any other state whose licensure requirements meet or exceed those defined within this chapter. The organization shall have discretion to give credit for comparable academic work completed by an applicant in a program outside of California.

(e) An applicant applying for a massage therapist or massage practitioner certificate shall file with the organization a written application provided by the organization, showing to the satisfaction of the organization that he or she meets all of the requirements of this chapter.

(f) Any certification issued under this chapter shall be subject

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to renewal every two years in a manner prescribed by the organization, and shall expire unless renewed in that manner. The organization may provide for the late renewal of a license.

(g) (1) The organization shall have the responsibility to determine that the school or schools from which an applicant has obtained the education required by this chapter meet the requirements of this chapter. If the organization has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools that the applicant is claiming, the organization shall investigate the facts to determine that the applicant received the required education prior to issuing a certificate.

(2) For purposes of paragraph (1) and any other provision of this chapter for which the organization is authorized to receive factual information as a condition of taking any action, the organization shall have the authority to conduct oral interviews of the applicant and others or to make any investigation deemed necessary to establish that the information received is accurate and satisfies any criteria established by this chapter.

4601.2. No certificates shall be issued by the organization pursuant to this chapter prior to September 1, 2009.

4601.3. (a) Prior to issuing a certificate to the applicant or designating a custodian of records, the organization shall require the applicant or the custodian of records candidate to submit fingerprint images in a form consistent with the requirements of this section. The organization shall submit the fingerprint images and related information to the Department of Justice for the purpose of obtaining information as to the existence and nature of a record of state and federal level convictions and of state and federal level arrests for which the Department of Justice establishes that the applicant or candidate was released on bail or on his or her own recognizance pending trial. Requests for federal level criminal offender record information received by the Department of Justice pursuant to this section shall be forwarded to the Federal Bureau of Investigation by the Department of Justice. The Department of Justice shall review the information returned from the Federal Bureau of Investigation, and shall compile and disseminate a fitness determination regarding the applicant or candidate to the organization.

(b) The Department of Justice shall provide information to the organization pursuant to subdivision (p) of Section 11105 of the Penal Code.

(c) The Department of Justice and the organization shall charge a fee sufficient to cover the cost of processing the request for state and federal level criminal offender record information.

(d) The organization shall request subsequent arrest notification service from the Department of Justice, as provided under Section 11105.2 of the Penal Code, for all applicants for licensure or custodian of records candidates for whom fingerprint images and related information are submitted to conduct a search for state and federal level criminal offender record information.

(e) This section shall become operative September 1, 2009.

4601.4. Organization directors, employees, or volunteer individuals may undergo the background investigation process delineated in Section 4601.3.

4602. (a) The organization may discipline a certificate holder by any, or a combination, of the following methods:

- (1) Placing the certificate holder on probation.
- (2) Suspending the certificate and the rights conferred by this chapter on a certificate holder for a period not to exceed one year.
- (3) Revoking the certificate.
- (4) Suspending or staying the disciplinary order, or portions of it, with or without conditions.
- (5) Taking other action as the organization, as authorized by this

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chapter or its bylaws, deems proper.

(b) The organization may issue an initial certificate on probation, with specific terms and conditions, to any applicant.

(c) (1) Notwithstanding any other provision of law, if the organization receives notice that a certificate holder has been arrested and charges have been filed by the appropriate prosecuting agency against the certificate holder alleging a violation of subdivision (b) of Section 647 of the Penal Code or any other offense described in subdivision (h) of Section 4603, the organization shall take all of the following actions:

(A) Immediately suspend, on an interim basis, the certificate of that certificate holder.

(B) Notify the certificate holder within 10 days at the address last filed with the organization that the certificate has been suspended, and the reason for the suspension.

(C) Notify any business within 10 days that the organization has in its records as employing the certificate holder that the certificate has been suspended.

(2) Upon notice to the organization that the charges described in paragraph (1) have resulted in a conviction, the suspended certificate shall become subject to permanent revocation. The organization shall provide notice to the certificate holder within 10 days that it has evidence of a valid record of conviction and that the certificate will be revoked unless the certificate holder provides evidence within 15 days that the conviction is either invalid or that the information is otherwise erroneous.

(3) Upon notice that the charges have resulted in an acquittal, or have otherwise been dismissed prior to conviction, the certificate shall be immediately reinstated and the certificate holder and any business that received notice pursuant to subparagraph (C) of paragraph (1) shall be notified of the reinstatement within 10 days.

4602.5. (a) Upon the request of any law enforcement agency or any other representative of a local government agency with responsibility for regulating, or administering a local ordinance relating to, massage or massage businesses, the organization shall provide information concerning a certificate holder, including, but not limited to, the current status of the certificate, any history of disciplinary actions taken against the certificate holder, the home and work addresses of the certificate holder, and any other information in the organization's possession that is necessary to verify facts relevant to administering the local ordinance.

(b) The organization shall accept information provided by any law enforcement agency or any other representative of a local government agency with responsibility for regulating, or administering a local ordinance relating to, massage or massage businesses. The organization shall have the responsibility to review any information received and to take any actions authorized by this chapter that are warranted by that information.

4603. It is a violation of this chapter for a certificate holder to commit, and the organization may deny an application for a certificate or discipline a certificate holder for, any of the following:

(a) Unprofessional conduct, including, but not limited to, denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a certificate holder by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision, order, or judgment shall be conclusive evidence of these actions.

(b) Procuring a certificate by fraud, misrepresentation, or mistake.

(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of this chapter or any rule or bylaw adopted

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by the organization.

(d) Conviction of any felony, or conviction of a misdemeanor that is substantially related to the qualifications or duties of a certificate holder, in which event the record of the conviction shall be conclusive evidence of the crime.

(e) Impersonating an applicant or acting as a proxy for an applicant in any examination referred to under this chapter for the issuance of a certificate.

(f) Impersonating a certified practitioner or therapist, or permitting or allowing an uncertified person to use a certificate.

(g) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a certificate holder.

(h) Committing any act punishable as a sexually related crime.

4603.1. (a) No certificate holder or certificate applicant may be disciplined or denied a certificate pursuant to Section 4603 except according to procedures satisfying the requirements of this section. A denial or discipline not in accord with this section or subdivision (c) of Section 4602 shall be void and without effect.

(b) Any certificate applicant denial or certificate holder discipline shall be done in good faith and in a fair and reasonable manner. Any procedure that conforms to the requirements of subdivision (c) is fair and reasonable, but a court may also find other procedures to be fair and reasonable when the full circumstances of the certificate denial or certificate holder discipline are considered.

(c) A procedure is fair and reasonable when the procedures in subdivision (c) of Section 4602 are followed, or if all of the following apply:

(1) The provisions of the procedure have been set forth in the articles or bylaws, or copies of those provisions are sent annually to all the members as required by the articles or bylaws.

(2) It provides the giving of 15 days prior notice of the certificate denial or certificate holder discipline and the reasons therefor.

(3) It provides an opportunity for the certificate applicant or certificate holder to be heard, orally or in writing, not less than five days before the effective date of the certificate denial or certificate holder discipline by a person or body authorized to decide that the proposed certificate denial or certificate holder discipline not take place.

(d) Any notice required under this section may be given by any method reasonably calculated to provide actual notice. Any notice given by mail must be given by first-class or certified mail sent to the last address of the certificate applicant or certificate holder shown on the organization's records.

(e) Any action challenging a certificate denial or certificate holder discipline, including any claim alleging defective notice, shall be commenced within one year after the date of the certificate denial or certificate holder discipline. If the action is successful, the court may order any relief, including reinstatement, that it finds equitable under the circumstances.

(f) This section governs only the procedures for certificate denial or certificate holder discipline and not the substantive grounds therefor. A certificate denial or certificate holder discipline based upon substantive grounds that violates contractual or other rights of the member or is otherwise unlawful is not made valid by compliance with this section.

(g) A certificate applicant or certificate holder who is denied or disciplined shall be liable for any charges incurred, services or benefits actually rendered, dues, assessments, or fees incurred before the certificate denial or certificate holder discipline or arising from contract or otherwise.

4603.5. It shall be the responsibility of any certificate holder

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to notify the organization of his or her home address, as well as the address of any business establishment where he or she regularly works as a massage therapist or massage practitioner, whether as an employee or as an independent contractor. A certificate holder shall notify the organization within 30 days of changing either his or her home address or the address of the business establishment where he or she regularly works as a massage therapist or massage practitioner.

4604. (a) Notwithstanding Section 4601, the organization may grant a massage practitioner certificate to any person who applies on or before January 1, 2012, with one of the following:

(1) A current valid massage permit or license from a California city, county, or city and county and documentation evidencing that the person has completed at least a 100-hour course in massage at a state-approved or registered school, or out-of-state school recognized by the organization as providing comparable education, has been practicing for at least three years, and has provided at least 1,000 hours of massage to members of the public for compensation.

(2) Documentation evidencing that the person has completed at least a 100-hour course in massage at a state-approved or registered school, or out-of-state school recognized by the organization as providing comparable education, has been practicing for at least three years, and has provided at least 1,750 hours of massage to members of the public for compensation. For purposes of this subdivision, evidence of practice shall include either of the following:

(A) A W-2 form or employer's affidavit containing the dates of the applicant's employment.

(B) Tax returns indicating self-employment as a massage practitioner or massage therapist or any other title that may demonstrate experience in the field of massage.

(3) Documentation evidencing that the person holds a current valid certificate of authorization as an instructor at an approved massage school, or holds the position of a massage instructor at a school accredited by an agency recognized by the United States Department of Education, or colleges and universities of the state higher education system, as defined in Section 100850 of the Education Code.

(b) (1) After reviewing the information submitted under subdivision (a), the organization may require additional information necessary to enable it to determine whether to issue a certificate.

(2) If an applicant under paragraph (1) of subdivision (a) or paragraph (1) of subdivision (c) has not complied with Section 4601.3, or its equivalent, when obtaining a license or permit from the city, county, or city and county, the organization shall require the applicant to comply with Section 4601.3 prior to issuing a certificate pursuant to this section.

(c) (1) A person applying for a massage practitioner certificate on or before January 1, 2012, who meets the educational requirements of either paragraph (1) or (2) of subdivision (a), but who has not completed the required number of practice hours prior to submitting an application pursuant to this section, may apply for a conditional certificate.

(2) An applicant for a conditional certificate shall, within five years of being issued the conditional certificate, be required to complete at least 30 hours of additional education per year from schools or courses described in paragraph (5) until he or she has completed a total of at least 250 hours of education, which may include massage education hours previously completed in a massage course described in either paragraph (1) or (2) of subdivision (a).

(3) Upon successful completion of the requirements of this subdivision, the organization shall issue a certificate to the person that is not conditional.

(4) The organization shall immediately revoke the conditional certificate issued to any person pursuant to this subdivision if the

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time period specified in paragraph (2) expires without proof of completion of the requirements having been filed with the organization.

(5) Any additional education required by this section may be completed through courses provided by any of the following:

- (A) An approved school.
- (B) A registered school.
- (C) A provider approved by, or registered with, the organization or the Department of Consumer Affairs.
- (D) A provider that establishes to the satisfaction of the organization that its course or courses are appropriate educational programs for this purpose.

(d) Nothing in this section shall preclude the organization from exercising any power or authority conferred by this chapter with respect to a conditional certificate holder.

4605. It is an unfair business practice for any person to state or advertise or put out any sign or card or other device, or to represent to the public through any print or electronic media, that he or she is certified, registered, or licensed by a governmental agency as a massage therapist or massage practitioner.

4606. It is an unfair business practice for any person to hold oneself out or use the title of "certified massage therapist" or "certified massage practitioner" or any other term, such as "licensed," "registered," or "CMT," that implies or suggests that the person is certified as a massage therapist or practitioner without meeting the requirements of Section 4601 or 4604.

4607. The superior court in and for the county in which any person acts as a massage practitioner or massage therapist in violation of the provisions of this chapter, may, upon a petition by any person, issue an injunction or other appropriate order restraining the conduct. The proceedings under this paragraph shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

4608. Nothing in this chapter is intended to limit or prohibit a person who obtains a certification pursuant to this chapter from providing services pursuant to, and in compliance with, Sections 2053.5 and 2053.6.

4612. (a) (1) The holder of a certificate issued pursuant to this chapter shall have the right to practice massage, consistent with this chapter and the qualifications established by his or her certification, in any city, county, or city and county in this state and shall not be required to obtain any other license, permit, or other authorization, except as provided in this section, to engage in that practice.

(2) Notwithstanding any other provision of law, a city, county, or city and county shall not enact an ordinance that requires a license, permit, or other authorization to practice massage by an individual who is certified pursuant to this chapter and who is practicing consistent with the qualifications established by his or her certification. No provision of any ordinance enacted by a city, county, or city and county that is in effect before the effective date of this chapter, and that requires a license, permit, or other authorization to practice massage, may be enforced against an individual who is certified pursuant to this chapter.

(3) Except as provided in subdivision (b), nothing in this section shall be interpreted to prevent a city, county, or city and county from adopting or enforcing any local ordinance governing zoning, business licensing, and reasonable health and safety requirements for massage establishments or businesses. Subdivision (b) shall not apply to any massage establishment or business that employs or uses persons to provide massage services who are not certified pursuant to this chapter.

(b) (1) This subdivision shall apply only to massage establishments or businesses that are sole proprietorships, where the

EXHIBIT C

sole proprietor is certified pursuant to this chapter, and to massage establishments or businesses that employ or use only persons certified pursuant to this chapter to provide massage services. For purposes of this subdivision, a sole proprietorship is a business where the owner is the only person employed by that business to provide massage services.

(2) (A) Any massage establishment or business described in paragraph (1) shall maintain on its premises evidence for review by local authorities that demonstrates that all persons providing massage services are certified.

(B) Nothing in this section shall preclude a city, county, or city and county from including in a local ordinance a provision that requires a business described in paragraph (1) to file copies or provide other evidence of the certificates held by the persons who are providing massage services at the business.

(3) A city, county, or city and county may charge a massage business or establishment a business licensing fee sufficient to cover the costs of the business licensing activities established by a local ordinance described in this section.

(4) Nothing in this section shall prohibit a city, county, or city and county from adopting land use and zoning requirements applicable to massage establishments or businesses, provided that these requirements shall be no different than the requirements that are uniformly applied to other professional or personal services businesses.

(5) Local building code or physical facility requirements applicable to massage establishments or businesses shall not require additional restroom, shower, or other facilities that are not uniformly applicable to other professional or personal service businesses, nor shall building or facility requirements be adopted that (A) require unlocked doors when there is no staff available to assure security for clients and massage staff who are behind closed doors, or (B) require windows that provide a view into massage rooms that interfere with the privacy of clients of the massage business.

(6) A city, county, or city and county may adopt reasonable health and safety requirements with respect to massage establishments or businesses, including, but not limited to, requirements for cleanliness of massage rooms, towels and linens, and reasonable attire and personal hygiene requirements for persons providing massage services, provided that nothing in this paragraph shall be interpreted to authorize adoption of local ordinances that impose additional qualifications, such as medical examinations, background checks, or other criteria, upon any person certified pursuant to this chapter.

(7) Nothing in this section shall preclude a city, county, or city and county from doing any of the following:

(A) Requiring an applicant for a business license to operate a massage business or establishment to fill out an application that requests the applicant to provide relevant information.

(B) Making reasonable investigations into the information so provided.

(C) Denying or restricting a business license if the applicant has provided materially false information.

(c) An owner or operator of a massage business or establishment subject to subdivision (b) shall be responsible for the conduct of all employees or independent contractors working on the premises of the business. Nothing in this section shall preclude a local ordinance from authorizing suspension, revocation, or other restriction of a license or permit issued to a massage establishment or business if violations of this chapter, or of the local ordinance, occur on the business premises.

(d) Nothing in this section shall preclude a city, county, or city and county from adopting a local ordinance that is applicable to massage businesses or establishments described in paragraph (1) of

EXHIBIT C

subdivision (b) and that does either of the following:

(1) Provides that duly authorized officials of the city, county, or city and county have the right to conduct reasonable inspections, during regular business hours, to ensure compliance with this chapter, the local ordinance, or other applicable fire and health and safety requirements.

(2) Requires an owner or operator to notify the city, county, or city and county of any intention to rename, change management, or convey the business to another person.

4613. (a) Nothing in this chapter shall restrict or limit in any way the authority of a city, county, or city and county to adopt a local ordinance governing any person who is not certified pursuant to this chapter.

(b) Nothing in this chapter is intended to affect the practice rights of any person licensed by the state to practice or perform any functions or services pursuant to that license.

4615. This chapter shall be subject to the review required by Division 1.2 (commencing with Section 473).

4620. This chapter shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.



Code: Section:

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GOVERNMENT CODE - GOV

TITLE 5. LOCAL AGENCIES [50001 - 57550] (Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 1. CITIES AND COUNTIES [50001 - 52203] (Division 1 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES AND COUNTIES [50001 - 51298.5] (Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 6. Massage [51030 - 51034] (Chapter 6 added by Stats. 1976, Ch. 1352.)

51034. (a) The Legislature in enacting this chapter recognizes the existing power of a city or county to regulate a lawful massage business pursuant to Section 37101, or pursuant to Section 16000 or 16100 of the Business and Professions Code, or under Section 7 of Article XI of the California Constitution.

(b) Nothing contained in this chapter shall be a limitation on that existing power or on the existing authority of a city to license for revenue purposes. A city, county, or city and county shall not enact or enforce an ordinance that conflicts with the provisions of this section or Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code.

(c) Nothing contained in this chapter shall authorize a city, county, or city and county to do any of the following:

- (1) Prohibit a person of one sex from engaging in the massage of a person of the other sex.
- (2) Define a massage establishment as an adult entertainment business, or otherwise regulate a massage establishment as adult entertainment.
- (3) Require a massage establishment to have windows or walls that do not extend from the floor to ceiling, or have other internal physical structures, including windows, that interfere with a client's reasonable expectation of privacy.
- (4) Impose client draping requirements that extend beyond the covering of genitalia and female breasts, or otherwise mandate that the client wear special clothing.
- (5) Prohibit a massage establishment from locking its external doors if the massage establishment is a business entity owned by one individual with one or no employees or independent contractors.
- (6) Require a massage establishment to post any notice in an area that may be viewed by clients that contains explicit language describing sexual acts, mentions genitalia, or specific contraception devices.
- (7) Impose a requirement that a person certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code take any test, medical examination, or background check or comply with education requirements beyond what is required by Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code.
- (8) Impose a requirement that an individual holding a certificate issued in accordance with Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code, obtain any other license, permit, certificate, or other authorization to provide massage for compensation. However, this paragraph shall not be construed to prohibit a city, county, or city and county from requiring by ordinance that a massage business or establishment obtain a license, permit, certificate, or other authorization in order to operate lawfully within the jurisdiction.

EXHIBIT D

(9) Impose a dress code requirement on a person certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code in excess of those already imposed pursuant to paragraph (10) of subdivision (a) of Section 4609 of the Business and Professions Code.

(10) Prohibit a person certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code from performing massage for compensation on the gluteal muscles, prohibit specific massage techniques recognized by the California Massage Therapy Council as legitimate, or impose any other specific restriction on professional practice beyond those set forth in subparagraph (E) of paragraph (1) of subdivision (a) of Section 4609 of the Business and Professions Code, except as authorized by Section 460 of the Business and Professions Code.

(Amended by Stats. 2014, Ch. 406, Sec. 3. Effective January 1, 2015.)

EXHIBIT E

Municipal Code Text Amendment 15-05

*New text change is in Blue and Underlined

Chapter 5.28 SPECIAL PERMITS—SCOPE

5.28.010 Purpose—Applicability of certain chapters.

It is the intention of this chapter and Chapters 5.32, 5.36, and 5.68, to provide a special permit procedure for those businesses enumerated in this chapter and Chapters 5.32, 5.36 and 5.68. The failure to enumerate other businesses and activities covered in other sections of this code requiring permits or subject to franchises shall not be deemed or construed as an intention upon the part of the city council to relieve such businesses or occupations from the permit procedure or franchise procedure under which they may be governed by other sections of this code or state law. (Prior code § 9-1)

5.28.020 Permits—Required when.

In addition to the payment of a license fee as provided for in Chapters 5.12, 5.16, 5.20, 5.24 and 5.68, certain businesses, professions, trades or occupations as set forth in this chapter and Chapters 5.32, 5.36 and 5.68, shall first obtain a permit to operate such business, profession, trade or occupation within the city. No person shall operate a business, profession, trade or occupation set forth in this chapter or Chapters 5.32, 5.36 or 5.68, without first obtaining a permit to do so. The city clerk or his authorized deputy shall not issue a license or accept a license fee from any person to conduct a business, profession, trade or occupation set forth in this chapter or Chapters 5.32, 5.36 or 5.68, unless such person has in existence a valid and unexpired permit to perform such business, profession, trade or occupation.

The following businesses, professions, trades and occupations shall require a permit under this chapter and Chapters 5.32, 5.36 and 5.68 as follows:

- A. Accessory game arcade;
- B. Ambulance Drivers. The city clerk shall not issue a permit to any ambulance driver until such ambulance driver shall, within thirty days after applying for an ambulance driver's permit, register with the American Red Cross and obtain and keep in his possession a standard Red Cross aid card.

Notwithstanding any other provision of this chapter or Chapters 5.32, 5.36 or 5.68, to the contrary, ambulance driver permits shall be renewed annually on or before the anniversary date of the issuance of such permit. Such permit may be renewed by the city clerk; provided, that he received a favorable report therefor from the police department. Notwithstanding any other provision of this chapter or Chapters 5.32, 5.36 or 5.68, to the contrary, application fees for permits and for the annual renewal thereof pertaining to ambulance drivers shall be five dollars each;

- C. Ambulance Operators. From and after January 1, 1973, the city clerk shall not issue a permit to any ambulance operator for the establishment of a new main or branch office within the city limits until a public hearing has been held by the city council

to determine the effect on the public health, peace, welfare and safety of the granting of any such permit, and in particular any impact which may be detrimental to proper ambulance service within the city. Reasonable notice of such hearing shall be given to ambulance operators who maintain existing main or branch offices in the city;

D. Auction Establishments or Auctioneers. No auctioneer's permit or license shall be required from any person selling his own property at his own private residence;

E. Bankrupt stock, bankrupt sales or close-out sales;

F. Billiard and pool halls;

G. Carnivals, Circuses and Rodeos.

1. The definition of carnival and circus shall not apply to any "kiddie ride" or parks for children only where such kiddie ride or children's park is located in a proper zone and where all provisions of this code have been complied with,

2. No permit shall be granted for any carnival, circus or rodeo unless located within the proper zone therefor;

H. Dance Halls and Dance Clubs. Teenage dances shall require neither a license nor a permit; provided, that the person or organization sponsoring or conducting such teenage dance delivers to the city clerk, either personally or by first class mail, postage prepaid, the time and place of such dance at least three days in advance of such dance;

I. Drive-in or take-out restaurants;

J. Entertainment;

1. Any entertainment to be shown, staged, performed, exhibited or produced in any restaurant, hotel, cafe, coffee house, cabaret, club, barroom, beer hall, beer garden, public dance hall, burlesque show, burlesque review or burlesque theater.

2. "Entertainment" as used in this subsection does not include the following:

a. Instrumental or mechanical music only,

b. Private dances participated in only by the occupants of and guests at a private residence for which no fee or admission or charge of any nature is imposed,

c. Public dances participated in only by patrons or customers and for which a permit has been issued,

d. Teenage dances participated in only by persons under twenty-one years of age and subject to the rules and regulations of this code,

e. Theaters, but entertainment does include burlesque shows or reviews conducted in halls or theaters as the sole or primary attraction;

K. Fortunetelling;

L. Guards;

1. A person who guards property and who is not a member of a private patrol system or a patrol system and who is employed exclusively and regularly by one employer in connection with the affairs of such employer, only and where there exists an employer-employee relationship,

2. Notwithstanding any other provision of this chapter or Chapters 5.32, 5.36 or 5.68 to the contrary, guard permits shall be renewed annually on or before the anniversary date of the issuance of such permit. Such permit may be renewed by the city clerk; provided that he has received a favorable report therefor from the police department. Notwithstanding any other provision of this chapter or Chapters 5.32, 5.36

or 5.68 to the contrary, the application fee for permits and for the annual renewal thereof, pertaining to a guard, shall be five dollars each,

3. In lieu of the application fee required by Section 5.36.010, each applicant for a guard permit shall pay a five dollar application fee in advance,

4. All such applications shall be forwarded to the police department for a report and recommendation,

5. No business license shall be required of a guard where employed by an employer who is licensed under Chapters 5.04, 5.12, 5.16, 5.20, 5.24 and 5.68;

M. Hawkers and Retail Vendors of Food and Ice Cream Products.

1. Every person peddling, selling or delivering liquids or edibles for human consumption from packs, baskets, handcarts, wagons or vehicles, retail from door-to-door shall first obtain annually each year a health permit and then obtain a permit under the provisions of this chapter and Chapters 5.32, 5.36 and 5.68,

2. Such permit shall be for one year only and shall be subject to annual renewal; provided, that such person complies with the provisions of this code,

3. This subsection does not apply to the following:

a. Persons selling or delivering to retail establishments,

b. Distributors of milk, bottled water, ice, packaged or food products rendering the service of delivering their products to regular customers,

c. A person who sells edibles from a wayside stand located on property owned or controlled by him, all of which edibles are grown or raised on such property by such person or by members of his or her immediate family,

d. The operator of a public eating place;

N. House number painters;

O. Locksmiths;

P. Massage establishment, [as a primary or accessory use](#);

Q. Massage Technician. Massage technicians shall not require a license nor a permit; provided, that the individual desiring to practice massage therapy has been issued state certification by the California Massage Therapy Organization;

R. Patrol Systems.

1. Every person applying for a patrol system permit shall first procure a license from the state. The provisions of this chapter and Chapters 5.32, 5.36 and 5.68 shall not apply to any person operating a private patrol service as defined in Section 7521 of the Business and Professions Code of the state or to any person coming within the definition of "guard" set forth in Section 5.08.230 unless such person in connection with such activity conducts or engages in a street patrol system or service as defined in Section 5.08.310,

2. Every permit to conduct a patrol system shall contain among other things an accurate description of the area in which operations are permitted and the names of all patrolmen permitted to such permittee,

3. A permit to conduct a patrol system shall not authorize any person, either as a patrolman, agent or owner, to patrol any territory outside of the area specified in the permit of such patrol system;

S. Patrolmen.

1. Patrolman does not include a person who guards property exclusively for one employer as defined in Section 5.08.300. The definition of patrolman does include

all persons working within the city, whether for a private patrol system or street patrol system or service,

2. Notwithstanding any other provision of this chapter or Chapter 5.32, 5.36 or 5.68 to the contrary, patrolman permits shall be renewed annually on or before the anniversary date of the issuance of such permit. Such permit may be renewed by the city clerk; provided, that he has received a favorable report therefor from the police department. Notwithstanding any other provision of this chapter or Chapter 5.32, 5.36 or 5.68 to the contrary, application fees for permits and for the annual renewal thereof, pertaining to patrolmen, shall be five dollars each;

- T. Pawnbrokers;
- U. Rodeos;
- V. Secondhand dealers;
- W. Sightseeing recreational tours;
- X. Solicitors;
- Y. Taxicab Drivers.

Notwithstanding any other provision of this chapter or Chapter 5.32, 5.36 or 5.68 to the contrary, taxicab driver permits shall be renewed annually on or before the anniversary date of the issuance of such permit. Such permit may be renewed by the city clerk; provided, that he has received a favorable report therefor from the police department. Notwithstanding any other provision of this chapter or Chapter 5.32, 5.36 or 5.68 to the contrary, application fees for permits and for the annual renewal thereof, pertaining to taxicab drivers, shall be five dollars each;

Z. Taxicab operators. (Ord. 1190 § 2, 2009; Ord. 1085 § 3, 1998; Ord. 1014 § 2, 1994; Ord. 911 § 2, 1990; Ord. 856 § 3, 1987; Ord. 391 § 1, 1973; prior code § 9-2)

EXHIBIT F

Municipal Code Text Amendment 15-05

*Deleted text is in ~~Red and Strikethrough~~

Chapter 5.32 PERMIT APPLICATIONS

5.32.010 Investigation—Hearing.

The license and permit hearing board shall formulate all necessary rules and regulations governing the applications to be made for a permit required by this chapter and Chapters 5.28, 5.36 and 5.68, investigation of such application and concerning the hearing before the board on such application. The board shall require reports from the police department and other city officials and agencies concerning the character, fitness, qualifications of any such applicant as well as concerning the effect on the public health, peace, welfare and safety of the granting of any such application. Any applicant shall be entitled to a public hearing before such board and to reasonable notice of the time and place of such hearing and the right to be represented by counsel and to present all pertinent and relevant evidence pertaining to such application. (Prior code § 9-3)

5.32.020 Issuance—Denial.

The license and permit hearing board, after investigation or hearing, shall have the power to grant or deny a permit required by this chapter and Chapters 5.28, 5.36 and 5.68. Such board also may, in those cases where it is deemed that the public interest will be best served, refer the granting of such permit to the city council for a public hearing thereon without taking further action. Such board, or the city council, shall grant or refuse any application for a permit where it determines upon the evidence submitted and within its sound discretion that the public peace, health, safety, morals or welfare of the city and its inhabitants will be best served by granting or refusing such permit. If such permit is granted the board or the city council may impose such terms, conditions and restrictions upon the operation and conduct of such business, not in conflict with any paramount law, as it may deem necessary or expedient to protect the public peace, health, morals or welfare of the city or its inhabitants. If a permit is denied, the license fee for such business shall be refunded, but the permit fee therefor shall not be refunded. (Prior code § 9-4)

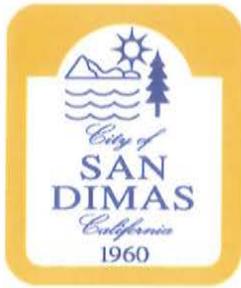
5.32.030 Issuance—City clerk authority.

Notwithstanding the provisions of this chapter and Chapters 5.28, 5.36 and 5.68 providing for the issuance of permits for the certain businesses by the license and permit hearing board or the city council, the city clerk may issue permits for businesses named in this section without submission of the same to the license and permit hearing board or the city council when he has obtained the necessary clearance from the police department, health department or other investigating agency, and where he has received no evidence indicating that the public health, safety or welfare or the purposes of this chapter or Chapters 5.28, 5.36 and 5.68 will be injured by the granting of such a permit, and where

in addition there are no protests or objections to such permit. In the event any such condition should exist, the city clerk shall refer the application for a permit to the license and permit hearing board, or the city council if so directed by the license and permit hearing board. In addition, the city clerk may refer any applications for hearing before the license and permit hearing board without considering the same himself in his discretion, and the city clerk shall refer all applications for permits for the enumerated businesses for hearing before the license and permit hearing board when the action of the city clerk would be to deny such permit. This section applies to the following enumerated businesses:

- A. Ambulances;
- B. Ambulance drivers;
- C. Auction establishment or auctioneer;
- D. Bankrupt stock, bankrupt sales or close-out sales;
- E. Guard;
- F. Hawkers and retail vendors of food and ice cream products;
- G. Locksmith;
- H. Patrolmen;
- I. Pawnbroker;
- J. Secondhand dealer;
- K. Solicitor;

~~L. ——— Massage Technician. Massage technicians shall not require a license nor a permit; provided, that the individual desiring to practice massage therapy has been issued state certification by the California Massage Therapy Organization.~~ (Ord. 1190 § 3, 2009; Ord. 1085 § 4, 1998; Ord. 911 § 3, 1990; prior code § 9-5)



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
For the meeting of February 9, 2016

From: Blaine Michaelis, City Manager

Initiated by: Ken Duran, Assistant City Manager

Subject: San Dimas Mandatory Commercial Organics Recycling Plan

SUMMARY

Governor Brown signed AB 1826, requiring businesses and multifamily units of 5 or more to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. The waste requirement will start with businesses at eight cubic yards and decrease over the next few years to incorporate smaller businesses that produce less organic waste. Ultimately, CalRecycle's goal is to reduce organic waste by 50% by 2020.

BACKGROUND

In October 2014, AB 1826 was adopted which requires all commercial businesses that generate eight or more cubic yards of organic waste per week, or multi-family complexes with five or more units, to recycle their organic waste in an attempt to achieve a 50% reduction rate by 2020. This regulation becomes effective April 1, 2016. Organic waste is defined as, "Food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste".

The Goals of this Regulation are to:

- Reduce commercial organic waste in landfills
- Increase levels of compost and mulch

AB 1826 Mandatory Commercial Recycling
February 9, 2016

- Reduce greenhouse gas emissions
- Create jobs and expand recycling manufacturing in California

Business Requirements

Businesses that generate eight or more cubic yards of organic waste per week and multi-family units of five or more are required to recycle using any combination of the following:

- Subscribe to separate organic waste recycling service using the franchise hauler
- Self-hauling to an organic recycler
- Sell or donate the generated organic waste.
- Recycle the material on-site, such as composting, anaerobic digestion, vermicomposting.

City Requirements

Cities must implement an organics recycling plan which consists of:

- Identifying which businesses are subject to the mandated recycling requirements
- Notifying affected businesses and informing them of the new regulation
- Surveying affected businesses to determine their current recycling status
- Education/Outreach – Informing businesses of their recycling options
- Monitoring – Identifying businesses that are not recycling after the implementation date and informing them of the state requirement.
- Enforcement – At this time, the City is seeking voluntary compliance with the Mandatory Commercial Organics Recycling Program.

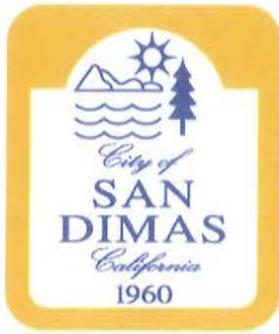
In 2012 the City partnered with Waste Management to put together a Mandatory Commercial Recycling plan to identify, educate, and monitor commercial businesses and multifamily complexes that were affected by AB 341. In 2014 the City reported its progress and commercial recycling program to CalRecycle and set up AB 341 public and commercial education plans for 2015. Similar to AB 341, AB 1826 requires cities to assist those affected by the provisions of AB 1826 with compliance through monitoring, education, and outreach efforts. The City will build on the practices used to comply with AB 341 in the implementation of the Mandatory Organic Waste Recycling Plan. What will make compliance with this mandate more difficult is that Waste Management currently does not provide organic recycling services and is in the process of developing them.

Recommendation:

Staff recommends that the City Council adopt the attached Mandatory Commercial Organics Recycling Plan.

AB 1826 Mandatory Commercial Recycling
February 9, 2016

Attachment "A" – San Dimas Mandatory Commercial Organics Recycling Plan



“Attachment A”

San Dimas Mandatory Commercial Organics Recycling Plan

AB 1826: Establishes a policy, beginning April 1, 2016 that requires all commercial businesses that generate eight or more yards of organic waste, or multi-family complexes with five or more units, to recycle organics in an attempt to achieve a 50% reduction by 2020. Cities are required to have a mandatory commercial organics recycling plan in place.

Recycle - The act of removing, separating, or diverting reusable and renewable non-contaminated waste from non-renewable waste in an attempt to meet the diversion goals of Assembly bill 1826.

Organic Waste - Food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

Compliance: Businesses shall take one or any combination of the following actions in order to reuse, recycle, compost or otherwise divert commercial organic waste from disposal:

- Subscribe to separate organic waste recycling service using the franchise hauler
- Self-hauling to an organic recycler
- Sell or donate the generated organic waste.
- Recycle the material on-site, such as composting, anaerobic digestion, vermicomposting.

Identification:

In Coordination with Waste Management, the City of San Dimas will create a list of all commercial businesses and multi-family units that are subject to the mandatory commercial organic recycling requirement.

Initial Contact:

Step 1 - An introductory letter will be sent to all applicable parties informing them of the new bill's requirements and their recycling options. The City will also ask if they currently have an organic recycling program in place. A personal appointment will be arranged if necessary.

Step 2 - A follow-up letter will be sent to applicable parties that are currently utilizing one of the acceptable recycling options. The letter will thank them for being compliant and encourage them to find further ways to recycle.

Education:

1) Electronic:

- a) The City will post Mandatory Commercial Organic Recycling requirements on City of San Dimas website as an article in the running thread of current events. In addition, the website will provide organic recycling options and tips.
- b) The City will include a Mandatory Organic Recycling article in the City's E-Newsletter.
- c) Waste Management will post information on the Waste Management website, www.keepingсандimasclean.com
- d) The City will post announcements on the City's cable station.
- e) Waste Management will include Mandatory Organic Recycling information in the Chamber of Commerce E-Blast.

2) Print:

- a) Waste Management will place an article in all issues of the San Dimas Chamber of Commerce "Pioneer" newsletter which is distributed to all businesses.
- b) Waste Management will insert quarterly billing stuffers to Waste Management commercial/multi-family accounts.
- c) Biannual article in San Dimas Community News by Waste Management.
- d) Biannual annual direct mail to all commercial/multi-family customers by Waste Management.
- e) City will develop an information sheet to give to new Business License applicants.

3) Direct Contact:

i. Multi-family:

- a) Biannually, Waste Management will host Organic Recycling workshops with the City's multi-family property owners and managers group.
- b) Waste Management will meet, at a minimum twice annually, with homeowner's association board of directors.

ii. Businesses:

- a) Waste Management will host Organic Recycling Chamber of Commerce workshops.
- b) Waste Management will arrange for direct visits to all identified businesses not in compliance with organic recycling.

4) Tracking and Monitoring:

The City will maintain a database of all applicable businesses to monitor their compliance.

Some of the elements of tracking will include:

- a) Establishing a baseline starting point prior to the campaign, outreach program.
- b) Identify and track outreach activities
 - i. Number of phone calls, site visits (tracking sheet)
 - ii. Presentations to business groups
- c) Waste Management will conduct an annual 3rd party audit to identify and confirm all businesses utilizing a 3rd party recycler.

Implementation Dates:

January 1, 2016: Local jurisdictions shall have an organic waste recycling plan in place. Jurisdictions shall conduct outreach and education to inform businesses how to recycle organic waste in the jurisdiction.

April 1, 2016: Businesses that generate eight cubic yards of organic waste per week shall arrange for organic waste recycling services.

January 1, 2017: Businesses that generate four cubic yards of organic waste per week shall arrange for organic waste recycling services.

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August 1, 2017 and ongoing: Jurisdictions shall provide information about their organic waste recycling program implementation in their annual report submitted to Cal Recycle (Electronic Annual Report (EAR)).

Fall 2018: After Receipt of the 2016 annual reports submitted on August 1, 2017, CalRecycle shall conduct its formal review of those jurisdictions that are on a two-year review cycle.

January 1, 2019: Businesses that generate four cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.

Fall 2020: After receipt of the 2019 annual reports submitted on August 1, 2020, CalRecycle shall conduct its formal review of all jurisdictions.

Summer/Fall 2021: If CalRecycle determines that the statewide disposal of organic waste in 2020 has not been reduced by 50 percent of the level of disposal during 2014; the organic recycling requirements on businesses will expand to cover businesses that generate two cubic yards of commercial solid waste per week. Additionally certain exceptions, previously discussed, may no longer be available if this target is not met.

*Note: Multifamily dwellings are not required to have a food waste diversion program.

Enforcement- At this time the City is seeking voluntary compliance with the Mandatory Commercial Recycling program. The list of all applicable businesses will be consistently updated with the help of Waste Management and the City will be able to identify any parties that are not in compliance. All non-compliant parties will receive informational letters informing them on how to be compliant.

Exemptions:

All businesses who wish to be exempt from AB 1826 must include their rationale in the electronic annual report they submit to CalRecycle. Possible reasons for exemption may include:

- Lack of sufficient space in multifamily complexes or businesses to provide additional organic material recycling bins.
- The current implementation by a business of actions that result in the recycling of a significant portion of its organic waste.
- Limited-term exemptions for extraordinary and unforeseen events.

Reporting

The City will submit the 2016 Electronic Annual Report (EAR), which is due August 1, 2017. The information in the report must contain:

- Existing local organic waste recycling facilities and the respective capacities available for materials to be accepted.
- Existing solid waste and organic waste recycling facilities within the jurisdiction that may be suitable for potential expansion or colocation of organic waste processing or recycling facilities.
- Efforts underway to develop new private or public regional organic waste recycling facilities that may serve some or all of the organic waste recycling needs of the commercial waste generators within the jurisdiction, and the anticipated time frame for completion of those facilities.