

1 [Including biotechnology business to the First Source Hiring Program.]

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3 **Ordinance amending Administrative Code section 83.4 to define and include**
4 **biotechnology business as a "commercial activity" and a "development project" for**
5 **purposes of the First Source Hiring Program.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are *strikethrough italics Times New Roman*.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. The San Francisco Administrative Code is hereby amended by amending
11 Section 83.4 to read as follows:

12 **SEC. 83.4 DEFINITIONS.**

13 (a) "Approved Plan" shall mean a First Source Hiring Implementation and
14 Monitoring Plan developed by a City department and approved by the FSHA. Once a
15 department's overall plan has been approved by the FSHA, the department is not required to
16 seek authorization from the FSHA for individual Contracts, Property Contracts or Permits
17 unless otherwise instructed to do so in the Approved Plan.

18 (b) "Biotechnology business" shall mean conducting biotechnology research and
19 experimental development, and operating laboratories for biotechnology research and experimental
20 development, using recombinant DNA, cell fusion, and bioprocessing techniques, as well as the
21 application thereof to the development of diagnostic products and/or devices to improve human health,
22 animal health, and agriculture.

23 (c) "City" shall mean the City and County of San Francisco.

24 (d) "Commercial Activity" shall include retail sales and services, restaurant, hotel,
25 office uses, biotechnology business, and other commercial uses.

1 (*ed*) "Contract" shall mean an agreement for public works or improvements to be
2 performed, or for goods or services to be purchased, or grants to be provided, at the expense
3 of the City, or to be paid out of moneys deposited in the Treasury of the City, or out of trust
4 moneys under the control of, or collected by, the City involving an expenditure in excess of
5 \$350,000 for construction contracts, and in excess of \$200,000 for services. Contract shall
6 also mean loans or grants in excess of \$200,000 which are awarded by the Mayor's Office of
7 Housing, the Mayor's Office of Community Development, the Mayor's Office of Children Youth
8 and their Families, or by any other City department.

9 The requirements of this Chapter shall apply to: (1) Entry Level Positions for work
10 performed on the Contract in the City; (2) Entry Level Positions for work performed on the
11 Contract in counties contiguous to the City; and (3) Entry Level Positions for work performed
12 on the Contract on property owned by the City.

13 For purposes of this Chapter, "Contract" shall include subcontracts under the Contract
14 subject to First Source Hiring, unless otherwise exempted under this Chapter.

15 For purposes of this Chapter, "Contract" shall not include contracts for urgent litigation
16 expenses as determined by the City Attorney, emergency contracts under San Francisco
17 Administrative Code §6.30, or §21.25, sole source contracts, tolling agreements, cooperative
18 purchasing agreements with other governmental entities or contracts with other governmental
19 entities.

20 (*fe*) "Contractor" shall mean any person(s), firm, partnership, corporation, or
21 combination thereof, who enters into a Contract or Property Contract with a department head
22 or officer empowered by law to enter into contracts or property contracts on the part of the
23 City.

1 (gf) "Developer" shall mean the property owner, agents of the property owner,
2 including but not limited to management companies, person or persons, firm, partnership,
3 corporation, or combination thereof, having the right under the San Francisco Planning Code
4 and/or the San Francisco Building Code to make an application for approval of a Commercial
5 Activity.

6 (hg) "Development Project" shall mean Commercial Activity(ies) that requires a
7 Permit that is subject to the requirements of this Chapter, including applicable permits related to
8 biotechnology business.

9 (ih) "Economically Disadvantaged Individual" shall mean an individual who is either:
10 (1) Eligible for services under the Job Training Partnership Act, 29 U.S.C. §1503, as
11 determined by the San Francisco Private Industry Council; or (2) Designated "economically
12 disadvantaged" by the First Source Hiring Administration, as an individual who is at risk of
13 relying upon, or returning to, public assistance.

14 (ij) "Employer" shall mean a Contractor, subcontractor, Developer, agents of the
15 Developer, tenants or other occupants, or person(s), firm, partnership, corporation, or
16 combination thereof engaged in the Commercial Activity(ies) in the Development Project, who
17 is subject to the requirements of this Chapter.

18 (kj) "Entry Level Position" shall mean a non-managerial position that requires either:
19 (1) No education above a high school diploma or certified equivalency; or (2) Less than two
20 years of training or specific preparation; and shall include temporary and permanent jobs, and
21 construction jobs related to the development of a Commercial Activity.

22 (lk) "First Source Hiring Agreement" shall mean the written agreement entered into
23 by the Employer with the City which details the particular First Source Hiring requirements
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1 with which an Employer must comply, as further defined in Sections 83.9 and 83.11 of this
2 Chapter.

3 (~~ml~~) "FSHA" shall mean the First Source Hiring Administration.

4 (~~nm~~) "Permit" shall mean, during Phase I, as defined in Section 83.4(n) below, either
5 or both of the following: (1) Any building permit application for a Commercial Activity over
6 50,000 square feet in floor area and involving new construction, an addition, or alteration
7 which results in the expansion of Entry Level Positions for a Commercial Activity; (2) Any
8 application which requires discretionary action by the City's Planning Commission relating to a
9 Commercial Activity over 50,000 square feet including, but not limited to, a conditional use,
10 project authorization under San Francisco Planning Code § 309, and office development
11 under San Francisco Planning Code § 320, et seq.

12 During Phase II, as defined Section 83.4(o) below, either or both of the following: (1)
13 Any building permit application for a Commercial Activity over 25,000 square feet in floor area
14 and involving new construction, an addition, or alteration which results in the expansion of
15 Entry Level Positions for a Commercial Activity; (2) Any application which requires
16 discretionary action by the City's Planning Commission relating to a Commercial Activity over
17 25,000 square feet including, but not limited to conditional use, project authorization under
18 San Francisco Planning Code § 309, and office development under San Francisco Planning
19 Code § 320, et seq.

20 The requirements of this Chapter shall apply to Entry Level Positions for work done
21 under a Permit authorizing a Development Project in the City.

22 (~~oh~~) "Phase I" shall refer to the first stage of implementation of this Article which shall
23 become operative 30 days after the ordinance adopting this Chapter becomes effective, and
24 shall apply to Contracts for public works or improvements to be performed, Property
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1 Contracts, grants or loans issued by the Mayor's Office of Housing, or by the Mayor's Office of
2 Community Development, and Permits issued for Commercial Activity over 50,000 square
3 feet.

4 (pe) "Phase II" shall refer to the second stage of implementation of this Chapter
5 which shall become operative 24 (twenty four) months after the adoption of a resolution by the
6 FSHA that Phase I has been implemented, and shall apply to Contracts for services in the
7 amount of \$200,000, Contracts for the procurement of goods, materials equipment or supplies
8 as determined by the Purchaser under Section 83.7(d) of this Chapter, Permits issued for
9 Commercial Activity exceeding 25,000 square feet; and grants and loans in excess of
10 \$200,000 issued by other City departments.

11 (qp) "Property Contract" shall mean a written agreement, including leases,
12 concessions, franchises and easements, between the City and a private party for the
13 exclusive use of real property, owned or controlled by the City, for a term exceeding 29 days
14 in any calendar year (whether by a singular instrument or by cumulative instruments) for the
15 operation or use of such real property for the operation of a business establishment, that
16 creates available Entry Level Positions. For purposes of this Chapter, "Property Contract"
17 does not include an agreement for the City to use or occupy real property owned by others, or
18 leases, easements or permits entered into by the Public Utilities Commission for pipeline
19 rights of way property and watershed property.

20 (rq) "Publicize" shall mean to advertise or post, and shall include participation in job
21 fairs, or other forums in which employment information is available.

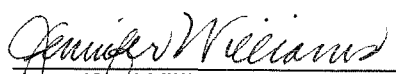
22 (sf) "Qualified" with reference to an Economically Disadvantaged Individual shall
23 mean an individual who meets the minimum bona fide occupational qualifications provided by
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1 the prospective Employer to the San Francisco Workforce Development System in the job
2 availability notices required by this Chapter.

3 (~~ts~~) "Retention" shall, when used in this Chapter, be construed to apply to the Entry
4 Level Position, not to any particular individual.

5 (~~ut~~) "San Francisco Workforce Development System" ("System") shall mean the
6 system established by the City and County of San Francisco, and managed by the FSHA, for
7 maintaining: (1) A pool of qualified individuals; and (2) The mechanism by which such
8 individuals are certified and referred to prospective Employers covered by the First Source
9 Hiring requirements under this Chapter.

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12 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

13 By: 
14 Jennifer Williams
15 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 040987

Date Passed:

Ordinance amending Administrative Code section 83.4 to define and include biotechnology business as a "commercial activity" and a "development project" for purposes of the First Source Hiring Program.

July 20, 2004 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell,
McGoldrick, Peskin, Sandoval

July 27, 2004 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell,
McGoldrick, Peskin, Sandoval

File No. 040987

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on July 27, 2004 by
the Board of Supervisors of the City and
County of San Francisco.

AUG 05 2004

Date Approved

Kay Lulberg
for Gloria L. Young
Clerk of the Board

Gavin Newsom
Mayor Gavin Newsom