

1 [Administrative Code - Local Hiring Policy - Jurisdictional Boundary for Mandatory
2 Participation]

3 **Ordinance amending the Administrative Code, to provide that the residents of the**
4 **Public Utilities Commission service area are considered “local” for purposes of**
5 **mandatory participation for the City’s Local Hiring Policy, on certain projects located**
6 **within 70 miles of the jurisdictional boundary of the City and County of San Francisco.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

15 Section 1. Findings. The San Francisco Local Hiring Policy for Construction (“Policy”)
16 requires that contracts issued by the City for construction contain mandatory participation
17 levels of San Francisco Residents.

18 The Policy requires that Office of Economic and Workforce Development (OEWD) in
19 coordination with the Controller's Office, evaluate the impact of existing mandatory
20 participation levels to (i) determine whether there is a sufficient supply of qualified
21 unemployed resident workers to meet the escalation rate set forth in the Policy; (ii) assess the
22 length of time required for each trade to develop a pool of qualified resident workers sufficient
23 to support a 50% mandatory participation target; and (iii) make relevant findings in support of
24 those determinations, and, if necessary, propose amendments to the mandatory participation
25 level by trade.

26 OEWD issued San Francisco Local Hiring Policy for Construction Annual Reports for
27 the years 2011-2012 and 2012-2013, which are on file with the Clerk of the Board of

1 Supervisors in File No. ____, which are hereby declared to be a part of this motion as if set
2 forth fully herein.

3 To facilitate that review the Mayor conveyed the Mayor’s Construction Workforce
4 Advisory Committee consisting of the City Administrator, Department Heads, representatives
5 of the construction industry, representative of the trades, and representatives of community
6 organizations. The Advisory Committee met on seven occasions, including two subcommittee
7 meetings, and reviewed and considered information and presentations of data, including the
8 Labor Market Analysis of San Francisco Construction Industry Final Report, dated October
9 15, 2013, which is on file with the Clerk of the Board of Supervisors in File No. ____, which is
10 hereby declared to be a part of this motion as if set forth fully herein.

11 The Advisory Committee issued recommendations for City Construction Policies, which
12 included the recommendations that for projects outside the City but within 70 miles of the
13 jurisdictional boundary, and wherein no reciprocity agreement is in effect, residents of the San
14 Francisco Public Utilities Commission service territory may be included in the local percentage
15 requirements.

16 Section 2. The Administrative Code is hereby amended by revising Section 6.22(G), to
17 read as follows:

18 **SEC. 6.22. PUBLIC WORK CONSTRUCTION CONTRACT TERMS AND WORKING**
19 **CONDITIONS.**

20 * * * *

21 (G) **Short Title.** This subsection 6.22(G) shall be known as and may be cited as the
22 San Francisco Local Hiring Policy for Construction ("Policy").

23 * * * *

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1 **(3) Coverage.**

2 **(a) Threshold for Public Work and Improvement Projects.** This Policy applies to
3 contracts with prime contractors for public works or improvements estimated to cost in excess
4 of the Threshold Amount set forth in Section 6.1 of this Chapter, as that amount may be
5 amended.

6 **(b) Projects Constructed Outside the City.** Covered City projects constructed within
7 70 miles from the jurisdictional boundary of the City and County of San Francisco shall be
8 governed by the terms of this Policy, except that percentage requirements shall apply in
9 proportion to the City's actual cost after reimbursement from non-City sources compared to
10 the total cost of the project, and, unless a reciprocity agreement exists, the "local" requirement shall
11 include San Francisco residents, workers local to the area where the work is located, and workers
12 residing within the San Francisco Public Utilities Commission service area. If a reciprocity agreement
13 with another local agency exists, the terms of that reciprocity agreement shall govern. Covered City
14 projects constructed 70 miles or more beyond the jurisdictional boundary of the City and
15 County of San Francisco shall be subject to this Policy, except the "local" requirement shall
16 include San Francisco residents, workers local to the area where the work is located, and
17 workers residing within the region where the work is located. Awarding departments shall
18 work with OEWD and regional local hiring programs to comply.

19 * * * *

20 **Section 3. Effective Date and Operative Date.** This ordinance shall become effective
21 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
22 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
23 or the Board of Supervisors overrides the Mayor's veto of the ordinance. The ordinance shall
24 become operative sixty (60) days after the effective date.

1 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

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

10 By: _____
11 RONALD P. FLYNN
12 Deputy City Attorney

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