

1 [Amending Ordinance No. 28-15 - Inapplicability of Clean Construction Ordinance to Existing
2 Contracts]

3 **Ordinance amending Ordinance No. 28-15, which requires a Construction Emissions**
4 **Minimization Plan and monitoring for certain public works projects within an Air**
5 **Pollutant Exposure Zone and establishes controls on emission-producing equipment**
6 **used for public works projects outside of such zones, to clarify that Ordinance No. 28-**
7 **15 does not apply to existing contracts and will apply only to construction contracts**
8 **advertised or initiated on or after the effective date of this Ordinance.**

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

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

17 Section 1. Findings.

18 Ordinance No. 28-15 was enacted on March 19, 2015 and became effective on April
19 18, 2015. The ordinance amended the Environment Code to require a Construction
20 Emissions Minimization Plan and monitoring for certain public works projects within an Air
21 Pollutant Exposure Zone and to require controls on emission-producing equipment used for
22 public works projects outside of such zones, and amended the Administrative Code to
23 incorporate these requirements in construction contracts where applicable.

24 Section 3 of Ordinance No. 28-15 stated that the operative date would be January 1,
25 2015. The intent of the Board of Supervisors in adopting Ordinance No. 28-15, which was
originally introduced in July 2014, was that the new requirements would not impact existing
contracts and that affected City departments would have additional time beyond the effective

1 date to implement the new requirements. Therefore, the Board is adopting this subsequent
2 ordinance, Ordinance No. _____, to make it clear that the requirements of Ordinance No.
3 28-15 only apply to new contracts and to allow additional time within which to implement that
4 ordinance, as stated in Section 2, below.

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6 Section 2. The requirements of Ordinance No. 28-15 shall apply only to construction
7 contracts first advertised or initiated on or after the effective date of this Ordinance No.
8 _____. All actions taken by the City with regards to implementation of Ordinance No. 28-15
9 between April 19, 2015 and the effective date of this Ordinance No. _____ are hereby
10 approved.

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12 Section 3. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

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

19 By: _____
20 ANDREA RUIZ-ESQUIDE
21 Deputy City Attorney

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