FILE NO. 150526

ORDINANCE NO. 156-15

[Amending Ordinance No. 28-15 - Inapplicability of Clean Construction Ordinance to Existing **Contracts**¹ Ordinance amending Ordinance No. 28-15, which requires a Construction Emissions Minimization Plan and monitoring for certain public works projects within an Air Pollutant Exposure Zone and establishes controls on emission-producing equipment used for public works projects outside of such zones, to clarify that Ordinance No. 28-15 does not apply to existing contracts and will apply only to construction contracts advertised or initiated on or after the effective date of this Ordinance. NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables. Be it ordained by the People of the City and County of San Francisco: Section 1. Findings. Ordinance No. 28-15 was enacted on March 19, 2015 and became effective on April 18, 2015. The ordinance amended the Environment Code to require a Construction Emissions Minimization Plan and monitoring for certain public works projects within an Air Pollutant Exposure Zone and to require controls on emission-producing equipment used for public works projects outside of such zones, and amended the Administrative Code to incorporate these requirements in construction contracts where applicable. Section 3 of Ordinance No. 28-15 stated that the operative date would be January 1. 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

date to implement the new requirements. Therefore, the Board is adopting this subsequent ordinance, Ordinance No. <u>156-15</u>, to make it clear that the requirements of Ordinance No. 28-15 only apply to new contracts and to allow additional time within which to implement that ordinance, as stated in Section 2, below.

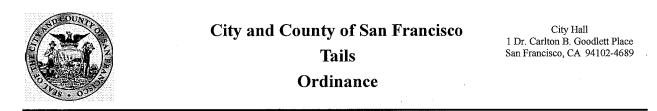
Section 2. The requirements of Ordinance No. 28-15 shall apply only to construction contracts first advertised or initiated on or after the effective date of this Ordinance No. <u>156-15</u>. All actions taken by the City with regards to implementation of Ordinance No. 28-15 between April 19, 2015 and the effective date of this Ordinance No. <u>156-15</u> are hereby approved.

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

APPROVED AS TO FORM: DENNIS J. HERRERA, City Attorney By: ANDREA RUIZ-ESQUIDE Deputy City Attorney

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Supervisor Cohen BOARD OF SUPERVISORS



File Number: 150526

Date Passed: July 28, 2015

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

July 13, 2015 Land Use and Transportation Committee - RECOMMENDED

July 21, 2015 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee Excused: 1 - Campos

July 28, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150526

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/28/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board

Date Approved