

| [03/02/2010 \(12\)](#)

| ~~ORDINANCE NO. [10038](#)-(N.S.)~~

AN ORDINANCE ADDING SECTION 428 TO THE
ADMINISTRATIVE CODE PROHIBITING THE COUNTY FROM
REQUIRING PROJECT LABOR AGREEMENTS ON COUNTY
CONSTRUCTION PROJECTS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. To promote competition in contracting and reduce the risk of cost increases to the taxpayer, the Board of Supervisors finds and determines that it is in the public interest to prohibit the County from requiring persons or firms engaged on County construction projects from having to comply with or negotiate project labor or similar pre-hire agreements.

Section 2. Section 428 is added to the San Diego County Administrative Code to read as follows:

Section 428: Prohibition on Use of Project Labor Agreements.

(a) For the purposes of this Section, the following definitions shall apply:

- (1) "Contractor" shall mean and include a contractor, subcontractor, material supplier, carrier or other person or firm engaged in the completion of a construction project.
- (2) "Construction project" shall mean and include any project for the construction, rehabilitation, alteration, conversion, extension, maintenance, repair, or improvement of any structures or real property.
- (3) "Project labor agreement" shall mean any pre-hire, collective bargaining or similar type of agreement entered into with one or more labor organizations, employees or employee representatives that establishes the terms and conditions of employment on a construction project.

(b) Except as otherwise required by State or federal law as a contracting or procurement obligation or as a condition of the receipt of State or federal funds, the County shall not require a contractor on a construction project to execute or

otherwise become a party to a project labor agreement as a condition of bidding, negotiating, award or performance of a contract.

(c) Nothing in this Section shall be construed as prohibiting private parties that may perform work on County construction projects from entering into project labor agreements or engaging in activity protected by law.

Section 3: This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 2nd day of March, 2010.

SUMMARY OF PROPOSED ORDINANCE

Notice is hereby given that the Board of Supervisors of the County of San Diego will consider for adoption an ordinance to add Section 428 to the San Diego County Administrative Code to prohibit the County from requiring compliance with a project labor agreement as a condition of the award of a contract for a County construction project except where required by State or federal law. Said proposed ordinance will be presented to the Board of Supervisors for the first reading on February 23, 2010 at which time public testimony will be received, and if the first reading is approved, said ordinance will be presented to the Board of Supervisors for adoption on March 2, 2010.

The Board meets at 9:00 a.m., in Room 310, County Administration Center, 1600 Pacific Highway, San Diego, California.

Interested persons are encouraged to review the text of the proposed ordinance in detail. A certified copy of the full text is posted in the Office of the Clerk of the Board of Supervisors, Room 402, of said Administration Center.

This summary is published pursuant to Government Code Section 25124 and Board of Supervisors' action of January 2, 1979, authorizing publication.