

EQUAL BENEFITS COMPLIANCE ORDINANCE NO. 4324, CHAPTER 2.84

2.84.010 Definitions

For the purposes of this chapter:

- (a) "Contract" means a legal agreement between the County and a Contractor for public works, consulting, or other services, or for purchase of supplies, material or equipment for which the consideration is in excess of \$5,000.
- (b) "Contractor" means a party who enters into a Contract with the County.
- (c) "Contract Awarding Authority" means the Board of Supervisors or the individual authorized by the Board of Supervisors to enter into Contracts on behalf of the County.
- (d) "Domestic Partner" means any person who is registered as a domestic partner with the Secretary of State, State of California registry or the registry of the state in which the employee is a resident.
- (e) "Employee Benefits" means the provision of any benefit other than pension and retirement benefits provided to spouses of employees or provided to an employee on account of the employee's having a spouse, including but not limited to bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts; moving expenses; vacation; travel benefits; and any other benefits given to employees, provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law. (Ord. 4324, 08/15/06)

2.84.020 Discrimination in the provision of benefits prohibited

(a) No Contractor on a County Contract shall discriminate in the provision of Employee Benefits between an employee with a domestic partner and an employee with a spouse, subject to the following conditions:

1. In the event that the Contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the Contractor's actual cost of providing a particular benefit to the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the Contractor shall not be deemed to discriminate in the provision of Employee Benefits if the Contractor conditions providing such benefit upon the employee's agreement to pay the excess costs.
2. The Contractor shall not be deemed to discriminate in the provision of Employee Benefits if, despite taking reasonable measures to do so, the Contractor is unable to extend a particular employee benefit to domestic partners, so long as the Contractor provides the employee with a cash payment equal to the Contractor's cost of providing the benefit to an employee's spouse.

(b) The Board of Supervisors may waive the requirements of this Chapter when it determines that it is in the best interests of the County. The County Manager may waive the requirements of this chapter for Contracts not needing the approval of the Board of Supervisors where waiver would be in the best interests of the County for such reasons as follows:

1. Award of a Contract or amendment is necessary to respond to an emergency;

2. The Contractor is a sole source;
 3. No compliant Contractors are capable of providing goods or services that respond to the County's requirements;
 4. The requirements are inconsistent with a grant, subvention or agreement with a public agency;
 5. The County is purchasing through a cooperative or joint purchasing agreement.
- (c) Contractors should submit requests for waivers of the terms of this Chapter to the Contract Awarding Authority for that Contract, or in the case of Contracts approved by the Board, the County Manager.
- (d) The Contract Awarding Authority, or in the case of Contracts approved by the Board, the County Manager, may reject an entity's bid or proposals, or terminate a Contract, if the Contract Awarding Authority determines that the entity was set up, or is being used, for the purpose of evading the intent of this Chapter.
- (e) No Contract Awarding Authority shall execute a Contract with a Contractor unless such Contractor has agreed that the Contractor will not discriminate in the provision of Employee Benefits as provided for in this Chapter. (Ord. 4324, 08/15/06)

2.84.030 Application of Chapter

The requirements of this Chapter shall only apply to those portions of a Contractor's operations that occur (a) within the County; (b) on real property outside of the County if the property is owned by the County or if the County has a right to occupy the property, and if the Contractor's presence at that location is connected to a Contract with the County; and (c) elsewhere in the United States where work related to a County Contract is being performed. The requirements of this Chapter shall not apply to subcontracts or subcontractors of any contract or Contractor. (Ord. 4324, 08/15/06)

2.84.040 Powers and duties of the County Manager

The County Manager's office shall have the authority to:

- (a) Adopt rules and regulations, in accordance with this Chapter and the Ordinance Code of the County of San Mateo, establishing standards and procedures for effectively carrying out this Chapter.
- (b) Receive notification from employees of Contractors regarding violations of this Chapter.
- (c) Determine and recommend to the Board of Supervisors for final decision the imposition of appropriate sanctions for violation of this Chapter by Contractors including, but not limited to:
 1. Disqualification of the Contractor from bidding on or being awarded a County contract for a period of up to 5 years; and;
 2. Contractual remedies, including, but not limited to termination of contract;
 3. Liquidated damages in the amount of \$2,500;
- (d) Examine Contractors' benefit programs covered by this chapter;
- (e) Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;
- (f) Allow for remedial action after a finding of non-compliance, as specified by rule;

(g) Perform such other duties as may be required or which are necessary to implement the purposes of this Chapter. (Ord. 4324, 08/15/06)

2.84.050 Date of Application

The provisions of this Chapter shall apply to any Contract awarded or amended on or after July 01, 2001, provided that if the Contractor is then signatory to a collective bargaining agreement, this Chapter shall only apply to any Contract with that Contractor which is awarded or amended after the effective date of the next collective bargaining agreement. (Ord. 4324, 08/15/06)

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CONTRACTOR EMPLOYEE JURY SERVICE ORDINANCE NO. 4324, CHAPTER 2.85

2.85.010 Definitions

For the purposes of this chapter:

(a) "Contract" means a legal agreement between the county and a contractor for public works, consulting, or other services, or for purchase of supplies, material or equipment.

(b) "Contractor" means a party who enters into a contract with the county for which the contractor receives consideration of \$100,000 or more.

(c) "Contract Authority" means the Board of Supervisors or the head of the department or agency presenting the proposed contract to the Board of Supervisors.

(d) "Employee" means any California resident who is a full-time employee of a contractor under the laws of California.

(e) "Full time" means 40 hours or more worked per week, or a lesser number of hours if (1) the lesser number is a recognized industry standard as determined by the County Manager, or (2) the contractor has a long standing practice that defines the lesser number of hours as full time. (Ord. 4324, 08/15/06)

2.85.020 Contractor Jury Service Policy

(a) A contractor shall have and adhere to a written policy that provides that its employees shall receive from the contractor, on an annual basis, no less than five days of regular pay for actual jury service in San Mateo County. The policy may provide that employees deposit any fees received for such jury service with the contractor or that the contractor deduct from the employees' regular pay the fees received for jury service.

(b) At the time of seeking a contract, a contractor shall certify to the county that it has and adheres to a policy consistent with this chapter or will have and adhere to such a policy prior to award of the contract.

(c) The Board of Supervisors may waive the requirements of this chapter when it determines that it is in the best interests of the County for such reasons as follows:

1. Award of a Contract or amendment is necessary to respond to an emergency;
2. The Contractor is a sole source;
3. No compliant Contractors are capable of providing goods or services that respond to the County's requirements;
4. The requirements are inconsistent with a grant, subvention or agreement with a public agency;
5. The County is purchasing through a cooperative or joint purchasing agreement.

(d) Contractors should submit requests for waivers of the terms of this chapter to the Contract Authority or the County Manager.

(e) The County Manager may reject a contractor's bid or proposal, or terminate a contract, if he determines that the contractor is in violation of the requirements of this chapter or was established, or is being used, for the purpose of evading the intent of this chapter.

(f) No contract shall be executed with a contractor unless such contractor is in compliance with this chapter. (Ord. 4324, 08/15/06)

2.85.030 Powers and duties of the County Manager

The County Manager's office shall have the authority to:

- (a) Adopt rules and regulations, in accordance with this chapter and the Ordinance Code of the County of San Mateo, establishing standards and procedures for effectively carrying out this chapter;
- (b) Receive notification from employees of contractors regarding violations of this chapter;
- (c) Determine and recommend to the Board of Supervisors for final decision the imposition of appropriate sanctions for violation of this chapter by contractors including, but not limited to:
 1. Disqualification of the contractor from bidding on or being awarded a County contract for a period of up to 5 years, and
 2. Contractual remedies, including, but not limited to termination of contract.
- (d) Impose other appropriate contractual sanctions for violations of this chapter;
- (e) Allow for remedial action after a finding of noncompliance.
- (g) Perform such other duties as may be required or which are necessary to implement the purposes of this chapter. (Ord. 4324, 08/15/06)

2.85.040 Date of Application

The provisions of this chapter shall apply to any contract awarded or amended on or after September 01, 2005, provided that if the contractor is then signatory to a collective bargaining agreement, this chapter shall only apply to any contract with that contractor which is awarded or amended after the effective date of the next collective bargaining agreement. (Ord. 4324, 08/15/06)

RECYCLING AND DIVERSION OF DEBRIS FROM CONSTRUCTION AND
DEMOLITION ORDINANCE NO. 4099, CHAPTER 4.105

4.105.010 Definitions

For purposes of this chapter, the following definitions apply:

(a) "Construction and demolition debris" means and includes:

1. Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, copper, aluminum, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project;
2. Remnants of new materials, including but not limited to: cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project.

(b) "Contractor" means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor, owner-builder, or otherwise) any construction, demolition, remodeling, renovation, or landscaping service relating to buildings or accessory structures in the unincorporated area of San Mateo County.

(c) "Covered Project" means and includes any project which consists of one or more of the following:

1. Demolition work only, where the cost of the work exceeds \$5,000 as determined by the Building Official;
2. The renovation, remodel or addition to an existing structure, or the construction of a new structure where the cost of the work exceeds \$250,000, as determined by the Building Official;
3. Commercial, residential or multi-family residential development, and any new structure that is equal to or greater than 2,000 square feet.

(d) "Designated recyclable and reusable materials" means and includes:

1. Inert solids
2. Wood materials, including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted;
3. Vegetative materials, including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use;
4. Metals, including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences;
5. Roofing materials including wood shingles and shakes as well as asphalt, stone and slate based roofing material;
6. Salvageable materials and structures, including, but not limited to doors, windows, fixtures, hardwood flooring, sinks, bathtubs and appliances;
7. Any other materials that the Building Official determines can be diverted due to the identification of a recycling facility, reuse facility, or market accessible from the

County.

(e) "Inert solids" includes asphalt, concrete, rock, stone, brick, sand, soil and fines;

(f) "Salvage" means the controlled removal of materials from a covered project, for the purpose of reuse or storage for later reuse;

(g) "Structure" means anything constructed or erected. (Ord. 4099, 02/26/02)

4.105.020 Deconstruction and salvage and recovery

(a) Contractors are encouraged to make every structure planned for demolition available for deconstruction, salvage, and recovery prior to demolition; and to recover the maximum feasible amount of salvageable designated recyclable and reusable materials prior to demolition.

(b) Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall be counted towards the diversion requirements of this chapter. (Ord. 4099, 02/26/02)

4.105.030 Diversion requirements

(a) One hundred percent (100%) of inert solids, and at least fifty percent (50%) of the remaining construction and demolition debris tonnage shall be diverted.

(b) For each covered project, the diversion requirements of this chapter shall be met by submitting and following a Waste Management Plan that includes the following:

1. Deconstructing and salvaging all or part of the structure as practicable. AND

2. Directing one hundred percent (100%) of inert solids to reuse or recycling facilities approved by the County. AND

3. Either

a. Taking all mixed construction and demolition debris to the Mixed Construction and Demolition Debris Recycling facilities approved by the County and taking all sorted or crushed construction and demolition debris to approved facilities. OR

b. Source separating non-inert materials, such as cardboard and paper, wood, metals, green waste, new gypsum wallboard, tile, porcelain fixtures, and other easily recycled materials, and directing them to recycling facilities approved by the County and taking the remainder (but no more than 50% by weight or yardage) to a facility for disposal. In this option, calculations must be provided to show that 50% of construction and demolition debris (in addition to 100% of inert solids) has been diverted. (Ord. 4099, 02/26/02)

4.105.040 Information required before issuance of permit.

Every contractor shall submit a properly completed "Waste Management Plan," on a form prescribed by the County, as an integral part of the building or demolition permit application process for a covered project. The Waste Management Plan shall indicate the intended salvage, reuse, and recycling facilities, chosen from a list of facilities approved by the County, for all construction and/or demolition debris from the project. Approval of alternative facilities or special salvage or

reuse options may be requested of the Building Official. Approval by the Building Official, or designee, of the Waste Management Plan as complying with this chapter shall be a condition precedent to the issuance of any building or demolition permit for a covered project. (Ord. 4099, 02/26/02)

4.105.050 Administrative fee

As a condition precedent to the issuance of any building or demolition permit for a covered project, the applicant shall pay to the County a fee as established by resolution to compensate the County for all expenses incurred in administering this chapter. (Ord. 4099, 02/26/02)

4.105.060 Reporting

(a) No later than thirty (30) days following the completion of a demolition project or construction project, the contractor shall, as a condition of final approval and for issuance of any certificate of occupancy, submit documentation to the County that demonstrates compliance with the requirements of this chapter.

(b) The documentation shall consist of photocopies of receipts and weight tags or other records of measurement or equivalent documentation from recycling companies, deconstruction contractors, and landfill and disposal companies. The contractor's approved "Waste Management Plan" shall be completed by recording and confirming the type of debris diverted and the facilities to which it was taken. The contractor shall sign the completed "Waste Management Plan" form to certify its accuracy as part of the documentation of compliance.

(c) Progress reports during construction may be required.

(d) All documentation submitted pursuant to this section is subject to verification by the County.

(e) It is unlawful for any person to submit documentation to the County under this section which that person knows to contain any false statements, including but not limited to false statements regarding tonnage of materials recycled or diverted, or to submit any false or fraudulent receipt or weight tag or other record of measurement. (Ord. 4099, 02/26/02)

4.105.070 Penalties and enforcement

(a) Each violation of the provisions of this chapter shall constitute a misdemeanor, and shall be punishable by imprisonment in the county jail for up to six (6) months, or by a fine of up to one thousand dollars (\$1,000), or both. Each day that a violation continues shall be deemed a new and separate offense.

(b) The Building Official shall have the authority to enforce this chapter as specified in section 9021 of the San Mateo County Building Regulations, including but not limited to the authority to order that work be stopped where any work is being done contrary to the provisions of this chapter. (Ord. 4099, 02/26/02)