

ORDINANCE NO. 4774
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO
STATE OF CALIFORNIA

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**AN ORDINANCE AMENDING CHAPTER 2.88 OF TITLE 2 OF
THE SAN MATEO ORDINANCE CODE**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

SECTION 1. AMENDMENTS.

Section 2.88.020, "Definitions," is amended as follows:

1. The first sentence of subsection 2.88.020(f) is amended to read:
"Covered Employee' means any permanent or temporary employee employed by a Contractor or a Subcontractor on a full-time or part-time basis to provide Services under a Covered Contract." The remainder of subsection 2.88.020(f) remains unchanged and in full force and effect.
2. Subsection 2.88.020(l) is amended to read:
"Services' mean any professional, technical, or non-technical services specified in a legal agreement with the County. Services do not include:
 - a. The provision of goods, products, or real estate; or
 - b. The acquisition of goods or services related to information technology, such as computer hardware, software licenses, software development, and maintenance of hardware and software."

Section 2.88.030, "Covered Contract Requirements and Certification," is amended as follows:

1. Subsection 2.88.030(k) is added, which reads:
"Nothing in this ordinance shall be construed to limit the California Equal Pay Act, which requires equal pay for employees who perform substantially similar work, when viewed as a composite of skill, effort and responsibility."

Section 2.88.050, "Exclusions and Exemptions from Covered Contracts," is amended as follows:

1. Subsection 2.88.050(a)(2) is amended to read:
"Any agreement in which the County serves only as a fiscal agent and the contract is a 100% pass-through of state, federal, or other non-County funds."
2. Subsection 2.88.050(c) is added, which reads:
"The requirements of this chapter shall not apply to any contract between the County and a Nonprofit Organization, and such contracts shall be deemed exempt from this Chapter where:
 - a. The contract is a single contract that is financed less than 50% by County funds (i.e., funds for the contract come from multiple sources and County funds make up less than 50% of those funds); or
 - b. The contract between the County and the Nonprofit Organization is one or multiple contracts that fund a single program of the Nonprofit Organization, and the County contract comprises less than 50% of the total funding for that single program. The Contract Awarding Authority shall have the discretion to determine whether activities funded by a contract between the County and the Nonprofit Organization constitute a single program and, if so, the scope of the program and the County's proportional share of funding for the program."

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective thirty days after its adoption.

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Regularly passed and adopted this 28th day of February 2017

AYES and in favor of said ordinance:

Supervisors:

DAVE PINE

CAROLE GROOM

DON HORSLEY

WARREN SLOCUM

DAVID J. CANEPA

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE



President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



Assistant Clerk of the Board of Supervisors