

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE
COUNTY OF ORANGE TO INCLUDE PROVISIONS PROHIBITING THE
REQUIREMENT OF PROJECT LABOR AGREEMENTS AND OTHER
ANTICOMPETITIVE MEASURES EXCEPT WHERE OTHERWISE
REQUIRED BY STATE AND FEDERAL LAW**

The Board of Supervisors of the County of Orange ordains as follows:

Section 1. Sections 1-8-3 and 1-8-4 of the Codified Ordinances of Orange County California are hereby enacted to read as follows:

Section 1-8-3. Prohibition of Anti-Competitive or Discriminatory Requirements in Public Contracts.

Except as otherwise required by State or Federal law, in contracting for the construction, maintenance, repair, improvement or replacement of public works:

(a) The County shall not fund, in whole or in part, any contract containing a requirement that an owner, developer, contractor, subcontractor or material supplier [individually and collectively referred to for purposes of this Section as the “Contracting Party”]:

(1) shall execute, or become a party to, an agreement between organized labor, on the one hand, and the County or the Contracting Party on the other;

(2) shall become a signatory to a collective bargaining agreement; or

(3) shall require its employees to join a union, or pay dues or make contributions to a union or union benefit fund.

(b) The County shall not such impose, as a bid specification, contract prerequisite, contract term or otherwise, any requirement prohibited by subsection (a) of this Section.

(c) For purposes of this Section, the term “public works” means: a building, road, street, park, playground, sewer, storm water, water system, irrigation system, reclamation project, redevelopment project, or other facility funded, owned, or to be owned or

contracted for, by the County of Orange, the Orange County Flood Control District, the Orange County Housing Authority, the Orange County Development Agency, or any other governmental entity for which the Orange County Board of Supervisors acts as the governing body.

(d) Nothing in this Section shall prohibit parties covered by the National Labor Relations Act from entering into agreements or engaging in activity protected by law.

(e) Any person aggrieved or injured in any way by a violation of this Section shall be entitled to injunctive relief in the Superior Court of the State of California, County of San Orange, including by way of an action filed pursuant to California Code of Civil Procedure section 526a.

Section 1-8-4. Severability.

If any provision, section, subsection, paragraph, or clause of Section 1-8-3 of these Codified Ordinances of the County of Orange is held by a court of law to be invalid, the remainder of said Section 1-8-3 shall not be affected but shall remain in full force and effect, and to that end the provisions of said Section 1-8-3 are severable.