

1 [Commending the Office of the City Attorney.]

2
3 **Resolution commending the Office of the City Attorney for its continued success in**
4 **defending the Minority/Women/Local Business Utilization Ordinance – IV against every**
5 **legal challenge brought against it.**

6
7 WHEREAS, In 1988 and 1989, in response to continuing complaints of widespread
8 discrimination in City contracting, the San Francisco Board of Supervisors (“Board”)
9 investigated City contracting practices; and,

10 WHEREAS, After reviewing this evidentiary record, the Board adopted the
11 Minority/Women/Local Business Utilization Ordinance – III (“1989 Ordinance”) to "ensure full
12 and equitable opportunities for Minority-Owned Business Enterprises ("MBEs"), Women-
13 Owned Business Enterprises ("WBEs") and Local Business Enterprises ("LBEs") to participate
14 as prime contractors in the provision of goods and services to the City."; and,

15 WHEREAS, The Office of the City Attorney participated in drafting and successfully
16 defended the 1989 Ordinance against a number of federal constitutional challenges,
17 culminating in a precedent-setting published decision in *Assoc. General Contractors of Cal.,*
18 *Inc. v. Coalition for Economic Equity* (9th Cir. 1991) 950 F.2d 1401; and,

19 WHEREAS, In 1997 and 1998, based on another investigation and new findings about
20 discrimination in City contracting, the Board adopted the Minority/Women/Local Business
21 Utilization Ordinance – IV (“1998 Ordinance”) to remedy identified discrimination in awarding
22 City prime contracts and subcontracts; and,

23 WHEREAS, In November 1996, California voters adopted Proposition 209, which
24 prohibits granting preferences on the basis of race and gender in public contracting,
25 employment and education; and,

1 WHEREAS, A number of equal opportunity programs adopted by the State of California
2 and other local jurisdictions have been invalidated under Proposition 209; and,

3 WHEREAS, In the past five years, several lawsuits have been filed challenging the
4 validity of the 1998 Ordinance under Proposition 209; and,

5 WHEREAS, Through the dedication, tireless efforts, ingenuity and exceptional legal
6 skills of its attorneys, the Office of the City Attorney has prevailed in each of these challenges,
7 on two occasions securing victories in the state court of appeal; and,

8 WHEREAS, Because of the continued success of the Office of the City Attorney in
9 defending the 1998 Ordinance, the critically important remedial purposes of the 1998
10 Ordinance continue to be fulfilled, ensuring that minority-owned and women-owned
11 businesses are able to compete for City contracts on a level playing field; and,

12 WHEREAS, The Office of the City Attorney also recently prevailed in a Proposition 209
13 challenge to the Airport's Equal Employment Opportunity Plan; and,

14 WHEREAS, In addition, the Office of the City Attorney has assisted a number of other
15 public entities in defending their contracting policies against Proposition 209 challenges by
16 filing friend of the court briefs on behalf of those entities; and,

17 WHEREAS, Deputy City Attorneys Randy Riddle, Teresa Stricker, Mara Rosales and
18 Buck Delventhal and former Deputy City Attorney Scott Emblidge have been principally
19 involved in the drafting and defense of the ordinance; now, therefore, be it

20 RESOLVED, That Board of Supervisors commends the Office of the City Attorney for
21 its continued success in defending the Minority/Women/Local Business Utilization Ordinance
22 – IV against every legal challenge brought against it.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 020926

Date Passed:

Resolution commending the Office of the City Attorney for its continued success in defending the Minority/Women/Local Business Utilization Ordinance - IV against every legal challenge brought against it.

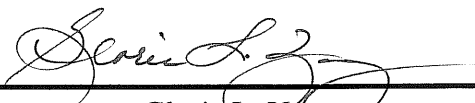
June 3, 2002 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval

Absent: 1 - Yee

File No. 020926

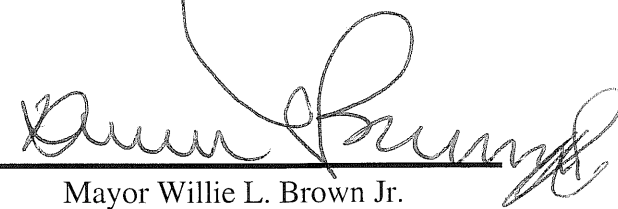
I hereby certify that the foregoing Resolution was ADOPTED on June 3, 2002 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

JUN 14 2002

Date Approved



Mayor Willie L. Brown Jr.