Resolution condemning homophobic and misogynistic public remarks by the Executive Director and certain members of the Residential Builders Association of San Francisco and urging that all City meetings be conducted with respect and decorum.

WHEREAS, Section 42A-2 of the San Francisco Administrative Code states, "The policy of the City and County of San Francisco is to act to give effect to the rights of every inhabitant of the City and County to equal economic, political and educational opportunity, to equal accommodations in all business establishments in the City and County and to equal service and protection by public agencies"; and,

WHEREAS, Section 42A.1 of the Administrative Code continues, noting, states "...In this City and County the practice of discrimination on the actual or perceived grounds of race, religion, color, ancestry, age, sex, sexual orientation, gender identity, disability, weight, height or place of birth and the exploitation of prejudice related thereto adversely affects members of minority groups."; and

WHEREAS, The products of discrimination accumulate continuously, with the result that the social, economic and educational gaps between those suffering discrimination and the majority of the community constantly widen; and,

WHEREAS, The Board of Supervisors has repeatedly acted to condemn behavior both here in San Francisco and elsewhere in California and across the country which sought to widen social, economic and educational gaps between those suffering discrimination and the majority of the community; and,

WHEREAS, In 2002, the Board of Supervisors unanimously approved File # 020584, a resolution condemning the hateful messages targeting the Arab community and Women in...
the form of graffiti sprayed across one of the murals at the Women's Building in San Francisco's Mission District; and,

WHEREAS, In 1999, the Board of Supervisors approved File # 991658, a resolution condemning the racist and anti-Latino misogynist newsletter entitled "Smoke Eaters Gazette" that was published and distributed to members of the San Francisco firefighters and further urging the San Francisco Fire Department, the Hate Crimes Division of the San Francisco Police Department, the District Attorney and the Human Rights Commission to fully investigate the matter and to immediately terminate, penalize and prosecute the perpetrators as soon as they are apprehended; and,

WHEREAS, Under California's Fair Employment and Housing Codes, Section 12926, it states that "Discrimination by employers because of pregnancy constitutes discrimination because of sex under Government Code sections 12926, subdivision (o), and 12940, subdivisions (a), (d), (f), (g), (h), and (l); and

WHEREAS, Under Federal Law, Title 42 of the Public Health and Welfare Code, Chapter 21 and Subchapter VI deem it unlawful for an employer to discriminate against any employee because of such individual's sex; and

WHEREAS, Title 42, Section 2000E further establishes that for the purposes of prohibiting gender-based discrimination, under Federal Law, "The terms ‘because of sex’ or ‘on the basis of sex’ include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and

WHEREAS, On or around Thursday, February 10th, Joe O'Donoghue, the Executive Director of the Residential Builders Association of San Francisco, published a homophobic poem clearly intended as a criticism of about the Mayor of San Francisco in which he wrote," Dear Gavin, this ditty as sent to you is out of a love that is deep and true .. Rumors about you they rise and swell, better you show if too shy to tell .. The question now on everyone's lips,
From what the glass you amorously sip? Are you or are you are you not, And if so, for whom are you hot? .. You like a batter who hides a bunt Dif ferent behind from what's up front, To every group you have sex appeal. Toward whom now do your favors weal? .. Spun you a folklore around your acts, Please separate now the fiction from facts”; and,

WHEREAS, During a regularly scheduled meeting of the San Francisco Building Inspection Commission (SF BIC) on April 4th, 2005, certain members of the Residential Builders Association repeatedly attacked the professional qualifications of a female employee of the City and County of San Francisco by criticizing her status as an expectant mother incapable of performing her duties and implying her pending maternity leave would be a detriment to the City of San Francisco; and,

WHEREAS, During the SF BIC meeting on April 4th, a member of the Residential Builders Association criticized the professional qualifications of San Francisco employee Amy Lee by claiming his wife was unable to make business decisions during her pregnancy due to “pregnancy brain” and asking members of the Commission, “Are you going to replace this man (Acting Director Jim Hutchinson) with pregnancy brain?”; and,

WHEREAS, During the same meeting, another member of the Residential Builders Association criticized Ms. Lee’s professional qualifications by stating, “I know a little bit about women ... You don’t have to be a woman to understand ... Amy is going to have to take some medical leave. What’s going to happen then? Who are you going to bring in then?”; and,

WHEREAS, Following the misogynistic and sexually discriminatory comments of various members of the Residential Builders Association of San Francisco regarding the employment of Amy Lee female City employee, Mr. O’Donoghue failed to disavow these comments, instead using his opportunity for public comment to further the professional criticisms of the female City employee Ms. Lee; and,
WHEREAS, San Francisco has a proud tradition of fighting to ensure basic human and
civil rights for all individuals and has long been at the vanguard of the movement to eradicate
all forms of discrimination based on of race, religion, color, ancestry, age, sex, sexual
orientation, gender identity, disability, weight, height or place of birth; and,

WHEREAS, The Board of Supervisors has gone on record on numerous occasions
condemning behavior that encourages an atmosphere of intolerance; and,

WHEREAS, The recent pattern of public comments degrading women and lesbian,
gay, bisexual and transgendered individuals by members and leaders of the Residential
Builders Association of San Francisco must be addressed and firmly disavowed by the City of
San Francisco in order to reconfirm our commitment to fighting all forms of bias and
intolerance; now, therefore, be it

RESOLVED, That the Board of Supervisors of the City and County of San Francisco
condemns recent homophobic and misogynistic statements made by members and leaders of
the Residential Builders Association of San Francisco; and, be it

FURTHER RESOLVED, That the Board of Supervisors calls upon the Executive
Director of the Residential Builders Association (RBA) to undertake training or other
measures to ensure that the membership of the RBA understands the damage and hurt
caused by discriminatory remarks; and, be it

FURTHER RESOLVED, That the Board of Supervisors reaffirms its commitment to
eradicating discrimination and intolerance in all its forms pursuant to the policy of City and
County of San Francisco as stated in Section 12 of the Administrative Code; and, be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors does not
encourage or condone public testimony that seeks to deny employment or promotion based
upon pregnancy status in clear violation of local, state and federal laws prohibiting such
discrimination; and

SUPERVISOR PESKIN
BOARD OF SUPERVISORS
FURTHER RESOLVED, That all City Commissions, Advisory Committees and other convenors of official City meetings should be advised by the Clerk of the Board or their respective Department Director or Commission Secretary of San Francisco Sheriff’s Department Policies and Procedures, (included as part of this legislative file) guiding safe conduct of public meetings and procedures, especially when meetings get out of hand in terms of protecting public safety or ensuring that discourse by Committee Members and members of the public does not become intemperate because of threatening or discriminatory remarks; and

FURTHER RESOLVED, That the Board of Supervisors urges all Commissions, Advisory Committees and Board to avail themselves of the San Francisco Sheriff and members of his staff to provide training and counsel to ensure that all public meetings are conducted with decorum and respect.
Resolution condemning homophobic and misogynistic public remarks by the Executive Director and certain members of the Residential Builders Association of San Francisco and urging that all City meetings be conducted with respect and decorum.

April 19, 2005  Board of Supervisors — REFERRED: City Operations and Neighborhood Services Committee

May 10, 2005  Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
I hereby certify that the foregoing Resolution was ADOPTED on May 10, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

MAY 20 2005
Date Approved

Mayor Gavin Newsom