Resolution supporting California State Proposition 16, Opportunities for All, a proposition on the November 3, 2020, ballot which will repeal Proposition 209 and reinstate Affirmative Action in public contracting, hiring, and public education.

WHEREAS, Proposition 209, passed in November 1996, ended the use of race and gender conscious decision-making in California in the areas of public employment, public education, and public contracting or procurement, which had a major impact on the public procurement process of state and local governments; and

WHEREAS, California has historically demonstrated leadership in advancing social equity issues and yet is one of just nine states that bans affirmative action; and

WHEREAS, Women and people of color are paid less, given fewer chances to access higher education, and are denied job opportunities, and Affirmative Action promotes equal opportunity for women and people of color, working to level the playing field by allowing policymakers to consider race and gender—without quotas—when making decisions about contracts, hiring and education; and

WHEREAS, Black and Latino children and youth in particular face unique challenges that limit their access to high-quality schools and later good-paying jobs, even when compared to white children who come from families with similar income levels; and

WHEREAS, Studies show Asian American students and businesses are better off in states that have equal opportunity policies like affirmative action, and universities that practice affirmative action outside of California have seen greater gains in Asian American enrollment; and
WHEREAS, According to the Equal Justice Society, minority and women business enterprises (MWBEs), which had been erasing the disparity between their availability and their utilization, were heavily impacted by the passing of Prop 209; and

WHEREAS, A study released by the Equal Justice Society found that the passing of Prop 209 resulted in a loss of $1 billion to $1.1 billion annually for MWBEs including: (1) the loss of about $820 million per year in MWBE contracts with the State of California; (2) the loss of about $200 million per year in MWBE contracts with the City and County of San Francisco, with some of this loss materializing immediately after Proposition 209 and additional losses following the 2004 Coral Construction case, which definitively ended San Francisco’s race-conscious procurement program; (3) the loss of about $30 million per year in MWBE contracts with the City of Oakland; (4) the loss of an estimated $20 million per year in MWBE contracts with the City of San Jose following the 2000 Hi-Voltage Wire Works case, which definitively ended San Jose’s race-conscious contracting program; and

WHEREAS, For too long, a wealthy few have worked to divide the country on race and gender issues to their benefit by undermining progress and thereby keeping the best opportunities for themselves and people who share their backgrounds; and

WHEREAS, The Supreme Court ruled in UC Regents v. Bakke that racial quotas are unconstitutional, and quotas have not been used in college admissions since 1978; and

WHEREAS, Proposition 16 will be subject to strict oversight and will be monitored by California’s Department of Justice to ensure it expands opportunity without allowing quotas or discrimination; and

WHEREAS, Passing Prop 16 will send a strong message that Californians are against the racist policies and rhetoric of the Trump Administration; and

WHEREAS, Prop 16 has the support of Speaker Nancy Pelosi, Governor Gavin Newsom, and Senator Kamala Harris; and has received endorsements from the Planned
Parenthood Affiliates of California, the California chapter of the National Association for the Advancement of Colored People (NAACP), Asian Americans Advancing Justice; and is supported by community leaders and organizers including Dolores Huerta, Patrisse Cullors, and Bernice King; now, therefore, be it

RESOLVED, That the City and County of San Francisco hereby formally endorses Proposition 16, Opportunities for All, on the November 3, 2020, ballot; and, be it

FURTHER RESOLVED, That the City and County of San Francisco go on record in support of Proposition 16, on the November 3, 2020, ballot; and, be it

FURTHER RESOLVED, That the City and County of San Francisco urges other municipalities to support Proposition 16 on the November 3, 2020, ballot.
Resolution supporting California State Proposition 16, Opportunities for All, a proposition on the November 3, 2020, ballot which will repeal Proposition 209 and reinstate Affirmative Action in public contracting, hiring, and public education.

October 06, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing resolution was ADOPTED on 10/6/2020 by the Board of Supervisors of the City and County of San Francisco.

File No. 201136

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board