

1 [Supporting California State Proposition 16 - Opportunities for All - November 3, 2020, Ballot]

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

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

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

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

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

21 WHEREAS, Studies show Asian American students and businesses are better off in
22 states that have equal opportunity policies like affirmative action, and universities that practice
23 affirmative action outside of California have seen greater gains in Asian American enrollment;
24 and

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1 WHEREAS, According to the Equal Justice Society, minority and women business
2 enterprises (MWBEs), which had been erasing the disparity between their availability and their
3 utilization, were heavily impacted by the passing of Prop 209; and

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

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

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

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

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

24 WHEREAS, Prop 16 has the support of Speaker Nancy Pelosi, Governor Gavin
25 Newsom, and Senator Kamala Harris; and has received endorsements from the Planned

1 Parenthood Affiliates of California, the California chapter of the National Association for the
2 Advancement of Colored People (NAACP), Asian Americans Advancing Justice; and is
3 supported by community leaders and organizers including Dolores Huerta, Patrisse Cullors,
4 and Bernice King; now, therefore, be it

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

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

9 FURTHER RESOLVED, That the City and County of San Francisco urges other
10 municipalities to support Proposition 16 on the November 3, 2020, ballot.

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City and County of San Francisco

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

Tails
Resolution

File Number: 201136

Date Passed: October 06, 2020

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

File No. 201136

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.

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

10/16/2020

Date Approved

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.

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board

10/16/2020

Date