

FILE NO. 050655

RESOLUTION NO.

1 [Condemning Homophobia and Misogyny.]

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3 **Resolution condemning homophobic and misogynistic public remarks by the**  
4 **Executive Director and certain members of the Residential Builders Association of San**  
5 **Francisco and urging that all City meetings be conducted with respect and decorum.**  
6

7 WHEREAS, Section ~~12A.2~~ 12A.2 of the San Francisco Administrative Code states,  
8 “The policy of the City and County of San Francisco is to act to give effect to the rights of  
9 every inhabitant of the City and County to equal economic, political and educational  
10 opportunity, to equal accommodations in all business establishments in the City and County  
11 and to equal service and protection by public agencies”; and,

12 WHEREAS, Section ~~12~~ 12A.1 of the Administrative Code ~~continues, noting, states~~ “..In  
13 this City and County the practice of discrimination on the actual or perceived grounds of race,  
14 religion, color, ancestry, age, sex, sexual orientation, gender identity, disability, weight, height  
15 or place of birth and the exploitation of prejudice related thereto adversely affects members of  
16 minority groups.”; and

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

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

24 ~~WHEREAS, In 2002, the Board of Supervisors unanimously approved File # 020584, a~~  
25 ~~resolution condemning the hateful messages targeting the Arab community and Women in~~

1 the form of graffiti sprayed across one of the murals at the Women's Building in San  
2 Francisco's Mission District; and,

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

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

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

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

21 WHEREAS, On or around Thursday, February 10<sup>th</sup>, Joe O'Donoghue, the Executive  
22 Director of the Residential Builders Association of San Francisco, published a homophobic  
23 poem ~~clearly intended as a criticism of~~ about the Mayor of San Francisco in which he wrote,"  
24 Dear Gavin, this ditty as sent to you is out of a love that is deep and true .. Rumors about you  
25 they rise and swell, better you show if too shy to tell .. The question now on everyone's lips,

1 From what the glass you amorously sip? Are you or are you are you not, And if so, for whom  
2 are you hot? .. You like a batter who hides a bunt Different behind from what's up front, To  
3 every group you have sex appeal. Toward whom now do your favors weal? .. Spun you a  
4 folklore around your acts, Please separate now the fiction from facts”; and,

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

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

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

20 WHEREAS, Following the misogynistic and sexually discriminatory comments of  
21 various members of the Residential Builders Association of San Francisco regarding the  
22 ~~employment of Amy Lee~~ female City employee, Mr. O’Donoghue failed to disavow these  
23 comments, instead using his opportunity for public comment to further the professional  
24 criticisms of the female City employee Ms. Lee; and,

25

1           WHEREAS, San Francisco has a proud tradition of fighting to ensure basic human and  
2 civil rights for all individuals and has long been at the vanguard of the movement to eradicate  
3 all forms of discrimination based on of race, religion, color, ancestry, age, sex, sexual  
4 orientation, gender identity, disability, weight, height or place of birth; and,

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

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

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

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

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

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

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

9           FURTHER RESOLVED, That the Board of Supervisors urges all Commissions,  
10 Advisory Committees and Board to avail themselves of the San Francisco Sheriff and  
11 members of his staff to provide training and counsel to ensure that all public meetings are  
12 conducted with decorum and respect.