

1 [Extending the expiration date of the MBE/WBE/LBE Ordinance.]

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3 **Ordinance extending the expiration date of Chapter 12D.A, the City's**  
4 **Minority/Women/Local Business Utilization program until one year after the injunction**  
5 **in Coral Construction, Inc. v. City and County of San Francisco ( S.F. Sup. Ct. No.**  
6 **421249) is lifted or stayed, and provides for retroactivity.**

7 Note: Additions are single-underline italics Times New Roman;  
8 deletions are ~~strikethrough italics Times New Roman~~.  
9 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The San Francisco Administrative Code is hereby amended by amending  
12 Section 12D.A.22, to read as follows:

13 **SEC. 12D.A.22. EXPIRATION.**

14 Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249)  
15 invalidated portions of this Chapter and enjoined the City from implementing this program. As a  
16 result, the City implemented a race-and gender-neutral program under Chapter 14B of the San  
17 Francisco Administrative Code and suspended Chapter 12D.A. of the San Francisco Administrative  
18 Code so long as, and only to the extent that, the City is enjoined by the court from enforcing the  
19 provisions of this Chapter. In the event the injunction is lifted or stayed, ~~This~~ this ordinance shall expire  
20 one year from date of said action. ~~June 30, 2008. If, however, If, during that year,~~ the Commission,  
21 after conducting public hearings, finds that the purposes identified in ~~Section~~ Chapter 12D.A.3  
22 have not yet been achieved and the program continues to be required under federal law, the  
23 Commission shall certify that finding to this Board no later than 120 days prior to the  
24 expiration date. Thereafter, upon finding a good cause, this Board may extend the ordinance  
25 for additional three-year periods.

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Section 2. The continuation of Chapter 12.D.A effected by this ordinance shall be retroactive to July 1, 2008.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
Alicia Cabrera  
Deputy City Attorney