



Member, Board of Supervisors
District 8

City and County of San Francisco

RAFAEL MANDELMAN

October 18, 2022

City Administrator Carmen Chu
1 Dr. Carlton B. Goodlett Place
City Hall Room 362
San Francisco, CA 94102

Dear Administrator Chu,

Following the U.S. Supreme Court's landmark 2015 decision that recognized the constitutional right of same-sex couples to marry, a number of states responded by enacting laws to discriminate against the LGBT community. The Board of Supervisors responded in October 2016 by approving an ordinance that prohibited City-funded travel to states that enact anti-LGBT laws. The newly adopted Chapter 12X of the Administrative Code also prohibited the City from contracting with companies headquartered in these states, or where work on the contract would be performed in these states. The Board expanded Chapter 12X in July 2019 to include states with restrictive abortion laws, and in October 2021 amended Chapter 12X a third time to expand the travel and contracting bans to states that suppress voting rights.

As of September 2022, Chapter 12X prohibits City staff from traveling to and contracting with companies headquartered in 30 states. By prohibiting the City from doing business with half the nation, this policy has resulted in significant administrative costs and potentially far more significant contracting costs by limiting bidder competition. It is also unclear if this policy has been effective in changing the policymaking choices of states subject to San Francisco's 12X Covered State List. We believe now is the time to revisit this legislation, analyze its efficacy, and explore potential policy alternatives to advance our shared social policy goals.

Pursuant to the unlimited power of inquiry assigned to the Board of Supervisors in the San Francisco City Charter, we hereby ask the City Administrator to develop a recommendation on policy options to amend Chapter 12X of the Administrative Code. The recommendation should include a review of the efficacy of the current 12X legislation, the impact of 12X on City operations, an analysis of whether other jurisdictions have enacted similar policies that could serve as best practices, and a range of policy alternatives for the Board's considerations.

We look forward to your response to this letter of inquiry and request that your office draft the recommendation by May 31, 2023.

Sincerely,



Rafael Mandelman
Member, San Francisco Board of Supervisors



Catherine Stefani
Member, San Francisco Board of Supervisors



Aaron Peskin
Member, San Francisco Board of Supervisors



Hillary Ronen
Member, San Francisco Board of Supervisors



Alisha Safai
Member, San Francisco Board of Supervisors