

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

2
3 **Ordinance extending the expiration date of Chapter 12DA, 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.**

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, ~~th~~is 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.*

Mayor Newsom, Supervisor Alioto-Pier

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

By: _____
Alicia Cabrera
Deputy City Attorney