

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

TO: Andres Power, Liaison to the Board of Supervisors, Mayor's Office
Jon Givner, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Naomi Kelly, City Administrator, Office of the City Administrator
Sheryl Evans Davis, Director, Human Rights Commission
William Scott, Police Chief, Police Department
Vicki Hennessy, Sheriff, Sheriff's Department
George Gascón, District Attorney, Office of the District Attorney
Jeff Adachi, Public Defender, Office of the Public Defender

FROM: *el*
bor Alisa Somera, Legislative Deputy Director, Rules Committee
Board of Supervisors

DATE: June 28, 2018

SUBJECT: INITIATIVE ORDINANCE INTRODUCED
November 6, 2018 Election

The Board of Supervisors' Rules Committee has received the following Initiative Ordinance for the November 6, 2018, Election, introduced by Supervisor Ronen on June 19, 2018. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 180668

Hearing to consider the proposed Initiative Ordinance submitted by four or more Supervisors to the voters at the November 6, 2018, Election, entitled "Ordinance amending the Administrative Code to establish procedures to identify discriminatory federal laws or policies, and any City resources used to assist in enforcing such laws or implementing such policies, with the intent that City resources be used to promote the well-being of City residents rather than to enforce or implement discriminatory laws or policies on behalf of the federal government."

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7711 or email: alisa.somera@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Shahde Tavakoli, Mayor's Office
Patrick Ford, Ethics Commission
Lynn Khaw, Office of the City Administrator
Lihmeei Leu, Office of the City Administrator
Rowena Carr, Police Department
Asja Steeves, Police Department
Theodore Toet, Sheriff's Department
Katherine Gorwood, Sheriff's Department
Nancy Crowley, Sheriff's Department
Cristine Soto DeBerry, Office of the District Attorney
Maxwell Szabo, Office of the District Attorney

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DEPARTMENT OF ELECTIONS

**Submittal Form
For Proposed Initiative Measure(s)
Prior to Submittal to the Department of Elections**

by 4 or more Supervisors or the Mayor

I, hereby submit the following proposed initiative measure(s) for hearing before the Board of Supervisors' Rules Committee prior to the submittal of the proposed initiative measure to the Department of Elections (Proposition C, November 2007).

This matter is for the **November 6th, 2018** Election.

Sponsor(s): Supervisor Hillary Ronen
Supervisor Norman Yee, Supervisor Sandra Fewer, Supervisor Katy Tang

Subject: Initiative Ordinance – Administrative Code - Promoting the Identification and Conservation of City Resources Used to Assist in the Enforcement or Implementation of Discriminatory Federal Laws or Policies

The text is listed below or attached:

(See attached.)

Supervisor Hillary Ronen: *Hillary Ronen*
Supervisor Norman Yee: *Norman Yee*
Supervisor Sandra Fewer: *Sandra Lee Fewer*
Supervisor Katy Tang: *Katy Tang*

(Clerk of the Board's Time Stamp)

BY JM
2018 JUN 19 PM 2:24
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PROPOSED INITIATIVE ORDINANCE TO BE SUBMITTED BY FOUR OR MORE SUPERVISORS TO THE VOTERS AT THE NOVEMBER 6, 2018 ELECTION.

[Under Charter Section 2.113(b), this measure must be submitted to the Board of Supervisors and filed with the Department of Elections no less than *45 days prior* to deadline for submission of such initiatives to the Department of Elections set in Municipal Elections Code Section 300(b).]

[Initiative Ordinance - Administrative Code - Promoting the Identification and Conservation of City Resources Used to Assist in the Enforcement or Implementation of Discriminatory Federal Laws or Policies]

Ordinance amending the Administrative Code to establish procedures to identify discriminatory federal laws or policies, and any City resources used to assist in enforcing such laws or implementing such policies, with the intent that City resources be used to promote the well-being of City residents rather than to enforce or implement discriminatory laws or policies on behalf of the federal government.

NOTE: **Unchanged Code text and uncodified text** are in plain font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Administrative Code is hereby amended by adding Chapter 110, to read as follows:

**CHAPTER 110. IDENTIFYING AND CONSERVING CITY RESOURCES ASSISTING
FEDERAL DISCRIMINATION.**

SEC. 110.1. FINDINGS AND PURPOSE.

The City and County of San Francisco has long used its resources to make San Francisco a safer, healthier, and stronger place for all City residents, and to protect the rights of those who most need protection. The People of the City and County of San Francisco are proud of the City's work to protect and serve all City residents, including those from groups that have historically faced discrimination on account of race, sex, gender, sexual orientation, disability, national origin, and other aspects of their identities. Using City resources in this way makes San Francisco a better home for all San Franciscans, and bolsters the People's confidence in and engagement with their City government.

Unfortunately, under the Trump Administration, the federal government has taken steps that harm the well-being of City residents—particularly those from groups that have historically faced discrimination because of their identities.

For example, the Trump Administration has sought decreased protection for members of the LGBT community. In an echo of earlier efforts aimed at gay, lesbian, and bisexual Americans, the Trump Administration has sought to ban transgender Americans from serving in the military. In court cases and governmental memoranda, the Trump Administration has argued that the federal Civil Rights Act does not protect individuals from discrimination on account of their sexual orientation or gender identity. And in a major Supreme Court case, the Trump Administration even argued that a business could refuse service to the members of a same-sex couple on account of their same-sex relationship.

The Trump Administration has also undercut other protections linked to sex and gender—for example, by rolling back federal guidance implementing Title IX's protections against campus sexual assault. The Trump Administration has been particularly disastrous for women's reproductive health: the Trump Administration has eliminated the Affordable Care Act's requirement that insurance plans

provide birth control coverage; has proposed rule changes which would be devastating to the Title X Family Planning Program, which provides crucial support for family-planning services; and has moved to slash federal funding for reproductive health care providers like Planned Parenthood.

In addition to undercutting protections linked to sex and gender, the Trump Administration has also sought decreased protection for other historically marginalized groups—groups like people of color, immigrants, and religious minorities. Attorney General Sessions has dismissed guidance bolstering the federal Civil Rights Act as “improper” and “unnecessary,” rescinding documents that helped protect people of color and foreign-born workers from discrimination. The Trump Administration has adopted policies to tear immigrant children from their families. And of course, before taking office, President Trump infamously called for “a total and complete shutdown of Muslims entering the United States.” Upon taking office, President Trump wasted no time in trying to ban nationals of seven Muslim-majority countries from entering the United States.

Measures like these are incompatible with the values of the People of San Francisco. They raise concerns that the federal government will adopt new discriminatory policies in the future. And they may require the City to spend more of its own resources to protect the well-being of City residents who are increasingly deprived of support from the federal government.

By enacting this Chapter 110, the People of San Francisco hereby communicate to their City government that participating in optional, discriminatory federal programs would undermine the People’s trust in and engagement with City government while misusing City resources. City participation in such discrimination would not only represent a betrayal of the City’s values, but would also squander precious resources that could be used on social services—such as housing, education, and health care—that improve the lives of City residents.

To maintain its People’s trust and engagement, the People urge the City to decline to use its resources to enforce discriminatory federal laws, or implement discriminatory federal policies, to the extent permitted by state and federal law. Instead, the People urge the City to use its resources to

promote the well-being of all City residents—including City residents who, because of their identities, are increasingly deprived of federal support.

SEC. 110.2. PROCEDURES TO PROMOTE THE IDENTIFICATION AND CONSERVATION OF CITY RESOURCES ASSISTING FEDERAL DISCRIMINATION.

The City shall implement the following safeguards to help ensure that City resources are used to promote the well-being of City residents, rather than to assist in the enforcement of discriminatory federal laws or the implementation of discriminatory federal policies:

(a) No later than February 1, 2019, and February 1 of each year thereafter, the City Administrator shall prepare and submit to the Board of Supervisors and the Mayor a report enumerating federal laws or policies that have, in the preceding calendar year, been applied in a manner that, in the judgment of the City Administrator, discriminated against historically marginalized groups on the basis of race, ethnicity, sex, gender (including, but not limited to, gender identity), sexual orientation, disability, national origin, citizenship or immigration status, or religious affiliation or nonaffiliation.

(b) No later than March 1, 2019, and March 1 of each year thereafter, each City department shall either:

(1) Certify to the Board of Supervisors and the Mayor that the department has not, in the preceding year, used any City funds or resources to assist in the enforcement or implementation of any federal laws or policies identified in the City Administrator report described in subsection (a);
or,

(2) Submit a report to the Board of Supervisors and the Mayor explaining, to the extent permitted by law, how the department has, in the preceding year, used City funds or resources to assist in the enforcement or implementation of any federal laws or policies identified in the City

Administrator report described in subsection (a), and why the department has used City funds to provide such assistance.

(c) It is the People's preference that, upon receiving any reports as described in subsection (b)(2), the Board of Supervisors consider whether to enact an ordinance prohibiting City departments from using City funds or resources to undertake the assistance identified in such reports, with the intent that City resources be used to promote the well-being of City residents rather than to enforce or implement discriminatory laws or policies on behalf of the federal government.

SEC. 110.3. RELATIONSHIP WITH OTHER LAWS.

Nothing in this Chapter 110 shall be construed to conflict with any duty imposed on the City by state or federal law, or with the Charter. This Chapter does not repeal or otherwise amend, and shall be construed consistent with, existing City laws concerning the use of City funds or resources to assist in the enforcement of federal law.

SEC. 110.4. AMENDMENT.

The Board of Supervisors may, by ordinance adopted by two-thirds vote, amend or repeal this Chapter.


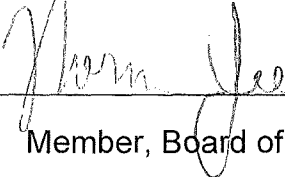

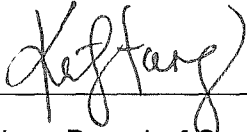
Section 2. Conflicting Measures.

The voters intend to adopt at the November 6, 2018 election only one measure that relates to the use of City funds or resources to assist in the enforcement or implementation of federal laws or policies. If the voters adopt this measure and any other measure related, in whole or in part, to the use of City funds or resources to assist in the enforcement or implementation of federal laws or policies, and this measure receives more votes, then the other measure shall not become operative in any respect. If the voters adopt this measure

and any other measure related, in whole or in part, to the use of City funds or resources to assist in the enforcement or implementation of federal laws or policies, and this measure receives fewer votes, then this measure shall become operative except to the extent there is a conflict between the two measures.

* * *

SUBMITTED.

 _____	Date: <u>6-19-18</u>
Member, Board of Supervisors	
 _____	Date: <u>6-19-18</u>
Member, Board of Supervisors	
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Member, Board of Supervisors	
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