

2019-2020

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June 19, 2020

The Honorable Anthony Portantino  
Chair, Senate Appropriations Committee  
State Capitol Building, Room #2206  
Sacramento, CA 95814

**RE: ACA 5 (Weber) Government Preferences  
Notice of Support (As Revised, June 04, 2020)**

Dear Senator Portantino:

The League of California Cities is pleased to support Assembly Constitutional Amendment (ACA) 5.

This measure, if approved by the Legislature, would put the question before the voters as to whether Section 31 of Article I of the California Constitution, created by Proposition 209 (1996), should be repealed.

This measure presents voters the first opportunity, since Proposition 209's passage in 1996, to revisit the question about the limitations placed on programs designed to remedy previous inequities and discrimination in public employment, public education, and public contracting. This measure is fundamentally a local control issue in so far as its passage and approval by the voters would allow cities the flexibility to craft programs that could meet the employment and contracting needs of their communities. For example, the City of San Jose had a robust Minority and Women Owned Business Enterprise (MWBE) program designed to address prior discrimination in large city contracts by requiring prime contractors to demonstrate either use of MWBE subcontractors at specified percentages, or good faith efforts to do so. This program, both its participation and outreach components were found to violate Proposition 209 in *Hi-Voltage Wire Works v. City of San Jose*.

The League believes that now is an appropriate time for this pivotal question to be revisited by the voters.

For these reasons, the League supports ACA 5. If you have any questions, please feel free to contact me at (916) 882-9886.

Sincerely,



Bijan Mehryar  
Legislative Representative



cc. The Honorable Shirley Webber  
Members, Senate Appropriations Committee  
Robert Ingenito, Consultant, Senate Appropriations Committee  
Chantele Denny, Consultant, Senate Republican Caucus