

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE
OR RESOLUTION ADOPTED BY CITY COUNCIL**

AN ORDINANCE

**ADOPTING THE FINDINGS OF THE 2023 DISPARITY STUDY CONDUCTED BY
COLETTE HOLT AND ASSOCIATES (CHA) RELATING TO THE CITY'S SMALL
BUSINESS ECONOMIC DEVELOPMENT ADVOCACY (SBEDA) ORDINANCE
AND EXTENDING THE ORDINANCE SUNSET CLAUSE FROM DECEMBER 31,
2023 UNTIL THE EARLIER OF CITY COUNCIL ADOPTION OF AN AMENDED
ORDINANCE OR DECEMBER 31, 2024.**

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WHEREAS, the Small Business Economic Development Advocacy (SBEDA) Ordinance, adopted by the City Council of San Antonio in 2010 and later amended and adopted in 2016, seeks to encourage the full and fair utilization of small, minority and women-owned business entities (S/M/WBEs) on city contracts; and

WHEREAS, the SBEDA Ordinance requires the periodic completion of a Disparity Causation Analysis Study (Disparity Study) to review the factual predicate for the SBEDA Program and evaluate whether barriers to participation in contracting continue to exist in the San Antonio marketplace for minority and woman-owned business entities (M/WBEs); and

WHEREAS; on August 19, 2021, City Council authorized a contract with Colette Holt & Associates to conduct an updated Disparity Study to evaluate the SBEDA Program for conformance with race and gender-conscious constitutional standards and national best practices, and to provide evidence for the continuation, modification or termination of the SBEDA Ordinance; and

WHEREAS, CHA completed the Disparity Study, which found various continuing disparities between available M/WBEs in the market area and the participation of such firms across all industries of City contracts, as well as market-based disparities impacting M/WBE formation, earnings, and access to capital; and

WHEREAS, the Disparity Study was released to the public on May 12, 2023 and City staff held meetings with numerous local small business stakeholder groups, including professional and trade organizations, chambers of commerce, and the City's Small Business Advisory Commission, a group of citizens appointed to advise the Mayor and City Council on policies concerning small businesses; and

WHEREAS, on June 28, 2023, the Economic and Workforce Development Council Committee was briefed and on June 29, 2023, the SBEDA Committee, a group of citizens appointed by the Mayor and City council to advise on issues concerning the SBEDA Ordinance, voted to recommend that the City Council adopt the Disparity Study. **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. City Council hereby adopts the 2023 Disparity Study, attached hereto as Exhibit I, and its findings and directs staff to proceed with the development of policy options and, as appropriate, amendments to the SBEDA Ordinance based on the findings and recommendations contained within the Disparity Study, for future City Council consideration.

SECTION 2. The sunset clause of the SBEDA Ordinance No. 2015-05-19-0367 is hereby extended from December 31, 2023 until the earlier of City Council adoption of an amended ordinance or December 31, 2024. The provisions of the SBEDA Ordinance shall be void and unenforceable after December 31, 2024, unless further extended by enabling legislation.

SECTION 3. This Ordinance shall be effective upon passage by eight affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED AND APPROVED this ___th day of August, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney