



AGENDA REPORT

TO: Rules & Legislation Committee

FROM: City Attorney Barbara J. Parker, City Administrator Edward D. Reiskin, Council President Nikki Fortunato Bas, and Councilmembers Noel Gallo, Dan Kalb, and Treva Reid

SUBJECT: Proposed Charter Amendments to Replace Gender Specific Charter Language with Gender-Neutral and Gender Inclusive Language

DATE: June 16, 2022

RECOMMENDATION

City Attorney Barbara J. Parker, City Administrator Edward D. Reiskin, Council President Nikki Fortunato Bas, and Councilmembers Noel Gallo, Dan Kalb, and Treva Reid

Recommends that the City Council Adopt The Following:

RESOLUTION ON THE CITY COUNCIL'S OWN MOTION SUBMITTING TO THE VOTERS FOR THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION A MEASURE THAT, PURSUANT TO COUNCIL RESOLUTION NO. 88320 C.M.S., WOULD AMEND THE CITY CHARTER IN ITS ENTIRETY TO:

- (1) REPLACE GENDER-SPECIFIC LANGUAGE WITH GENDER-INCLUSIVE LANGUAGE, IN RECOGNITION THAT WOMEN AND NON-BINARY PERSONS AS WELL AS MEN, HOLD POSITIONS AS CITY OFFICERS AND CITY STAFF; AND**
- (2) DELETE ARTICLES XIV AND XV PERTAINING TO OBSOLETE RETIREMENT SYSTEMS FOR POLICE OFFICERS AND FIREFIGHTERS, RESPECTIVELY; AND**

DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION, AND TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION

EXECUTIVE SUMMARY

This legislation would amend the City Charter in its entirety to replace gender specific language with gender neutral and gender inclusive language, including gender neutral pronouns as required by City Council Resolution No. 88320 C.M.S.

BACKGROUND / LEGISLATIVE HISTORY

In October 2020, the City Council adopted Resolution No. 88320 C.M.S. which established a City Policy that requires that the City conducted its affairs in a manner that uses gender neutral and gender-inclusive language, including non-gendered language and gender-neutral pronouns where appropriate, and expresses the Council's intent to submit a Charter amendment to the voters in November 2022 to amend the City Charter in its entirety to use gender-inclusive language, including non-gendered language and gender-neutral pronouns. This proposed legislation would amend the City Charter in accordance with Resolution No. 88320 C.M.S.

Adopted in 1968, the City Charter contains outdated and gendered language including referring to City Councilmembers, the Mayor, the City Clerk, the City Auditor, the City Administrator, and City employees using the masculine pronouns "he," "him," and "his." In addition, the Charter uses outdated gendered terminology such as referring to female police officers as "matrons," referring to surviving spouses as "widows," referring to workers as "workmen," and referring to firefighters as "firemen."

Over the past several years, there has been increasing public awareness and recognition of the existence of nonbinary gender identities, the importance of gender-inclusive language, and the need for government agencies to revise policies, laws, and other writings to appropriately reflect the diversity of constituents and remove language that is outdated and inherently biased.

In 2017, the California Legislature enacted the Gender Recognition Act (Senate Bill 179), amending the Health and Safety Code, the Vehicle Code, and other state codes to recognize a third gender option on California state-issued documents including driver's licenses, identification cards, and birth certificates. In 2018, the California State Legislature adopted Assembly Concurrent Resolution (ACR) 260, calling for the use of gender-neutral pronouns and gender-inclusive language in the drafting of all state legislation, and calling on state agencies to engage in similar efforts to use gender-neutral pronouns and avoid the use of gendered pronouns when drafting policies, regulations, and other guidance.

In 2018, the League of California Cities issued extensive guidance to municipalities setting forth best practices for city officials related to promoting inclusive workplaces. Amongst other recommendations, the League recommends updating all municipal codes, ordinances, policies, and procedures to replace all gendered language with terminology that is gender-neutral. The League also advised that failure to use appropriate pronouns in addressing transgender and/or gender nonconforming people may constitute harassment and recommended that local governments review operating procedures (such as record keeping, reporting, and

intergovernmental relations) to prepare for integration of the third gender marker authorized by SB 179.

ANALYSIS AND POLICY ALTERNATIVES

Language plays a significant role in shaping cultural and social attitudes, as well as signaling certain biases and historical inequities. Use of gendered (i.e., gender specific) language perpetuates stereotypes and excludes people who do not ascribe to or identify with strictly “male” or “female” pronouns and other gender markers. The proposed resolution includes the following changes in pronouns and terminology:

Original Term	Amendment
Fireman	Firefighter
He; He or She; He/she; She/He	They
Him; Him or Her	Them
Himself; Himself or Herself	Themselves, Themselves
His; His or Her; Her or His	Their
Matron; Substitute Matron	Member of the Police Department
Mother	Parent
Policewoman	Member of the Police Department
Widow; Widower	Surviving spouse
Workmen	Workers

Note: The amendments do not replace gender specific language that references the titles of obsolete Articles or pertains to calculation of benefits based on gender-based mortality tables.

FISCAL IMPACT

This resolution will have little if any direct or indirect fiscal impact or cost.

PUBLIC OUTREACH / INTEREST

The City Attorney’s Office consulted with the City’s Race and Equity Department and various interest groups in the development of this resolution.

COORDINATION

The City Attorney’s Office coordinated with the City Administrator’s Office and City Council co-sponsors, Council President Bas and Councilmembers Gallo, Kalb and Reid regarding the proposed resolution.

SUSTAINABLE OPPORTUNITIES

Economic: Having laws, policies, and other City communications that accurately reflect the diversity of residents and employees will help encourage greater civic participation, engagement, and productivity among residents and employees who may otherwise feel excluded, undervalued, and/or discouraged as a result of perceived bias, stigma, and/or frequent misgendering.

Environmental: Using language that is inclusive and affirming of people of all genders promotes a welcoming and safe environment and reduces negative health impacts of perceived bias and exclusion.

Race & Equity: The use of gender-inclusive and gender-neutral language is consistent with and directly promotes the City's commitment to equity. The use of gendered terminology reinforces outdated professional and social gender norms (for example, using the word "firemen" instead of "firefighters" reinforces the idea that only men are or should be firefighters). Moreover, the use of gendered language has an exclusionary impact on persons who identify as transgender, nonbinary, intersex, two-spirit, and/or who otherwise identify outside of the strictly "male" or "female" gender binary.

ACTION REQUESTED OF THE CITY COUNCIL

City Attorney Parker, City Administrator Reiskin, Council President Bas and Councilmembers Gallo, Kalb and Reid request that the Council pass a Resolution on the City Council's own motion submitting to the voters for the November 8, 2022, general municipal election:

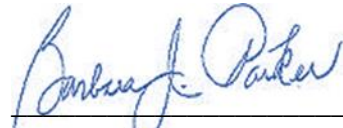
Resolution On The City Council's Own Motion Submitting To The Voters For The November 8, 2022, General Municipal Election A Measure That, Pursuant To Council Resolution No. 88320 C.M.S., Would Amend The City Charter In Its Entirety To:

(1) Replace Gender-Specific Language With Gender-Inclusive Language, In Recognition That Women And Non-Binary Persons As Well As Men, Hold Positions As City Officers And City Staff; And

(2) Delete Articles XIV And XV Pertaining To Obsolete Retirement Systems For Police Officers And Firefighters, Respectively

For questions regarding this report, please contact Laura Lane, Supervising Deputy City Attorney, at (510) 238-3838.

Respectfully submitted,



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City Administrator



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