

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

SPONSORED BY CITY ATTORNEY BARBARA J. PARKER, MAYOR LIBBY SCHAAF, COUNCIL PRESIDENT REBECCA KAPLAN, COUNCILMEMBER SHENG THAO, COUNCILMEMBER LYNETTE GIBSON MCELHANEY, AND COUNCILMEMBER NIKKI FORTUNATO BAS

RESOLUTION ESTABLISHING A CITY POLICY TO CONDUCT CITY AFFAIRS IN A MANNER THAT USES GENDER-INCLUSIVE AND GENDER-NEUTRAL LANGUAGE IN THE DRAFTING OF NEW LEGISLATION OR REVISED LEGISLATION, POLICIES, AND OTHER CITY COMMUNICATIONS AND WRITINGS

WHEREAS, the City of Oakland has one of the highest concentrations of LGBTQ+ people in the United States, and is estimated to have the greatest percentage of transgender and nonbinary persons of any other metropolitan area in the United States; and

WHEREAS, the City of Oakland is committed to upholding and furthering the rights, protections, dignity, and inclusion of all its residents; and

WHEREAS, it is widely recognized that binary gender designations of female and male fail to adequately represent the full spectrum of human gender identities and experiences, including many transgender, nonbinary, and intersex people who may not ascribe to strictly fixed genders; and

WHEREAS, nonbinary gender identities have been recognized by cultures throughout history and around the world, as well as by legal systems, medical authorities, and researchers across the United States and other countries; and

WHEREAS, the State of California has recognized the prevalence of transgender and nonbinary persons and the need for gender inclusivity in state-issued identification documents, legislative drafting guidelines, anti-discrimination laws, and various policies related to employment, healthcare, and public facilities; and

WHEREAS, on June 15, 2020, the United States Supreme Court ruled that gender identity is a protected category for purposes of Title VII of the Civil Rights Act of 1964; and

WHEREAS, although Oakland has laws and policies that prohibit discrimination on the basis of sex and gender identity, certain laws, policies, and other writings continue to use gendered language that is non-inclusive and outdated; and

WHEREAS, it is becoming a more widespread and increasingly recommended practice to use gender-neutral and gender-inclusive language in the drafting of legislation, workplace policies, legal, academic, and journalistic writing, and various other means of communication; and

WHEREAS, use of the pronouns “he” or “she” for individuals is not inclusive of all persons, including nonbinary and transgender people who may not ascribe to a particular fixed gender, or people who otherwise use different pronouns; and

WHEREAS, one grammatical technique to avoid gendered pronouns is to reuse the noun in lieu of a pronoun, using plural forms for both nouns and reference words, and expansion of the word “they” to include its use as a singular pronoun, which is becoming increasingly accepted in writing style guides, such as the “Chicago Manual of Style” and the Associated Press stylebook, and which has been officially acknowledged as proper usage in the Merriam-Webster and Oxford English dictionaries;

WHEREAS, the use of “they” as a singular pronoun is inclusive of transgender and nonbinary persons in addition to persons of the male and female genders; and

WHEREAS, in 2018, the State of California passed a similar resolution (ACR-260) calling for the use of gender-neutral pronouns and gender-inclusive language in the drafting of all legislation, and for 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; and

WHEREAS, other cities such as Berkeley have passed legislation regarding the use of gender-neutral language, including an Ordinance replacing all gendered language and gendered pronouns throughout municipal code with non-gendered terminology and the gender-neutral singular pronoun “they/them;” and

WHEREAS, the City of Oakland is committed to using language that is inclusive and representative of all its residents; now, therefore, be it

RESOLVED: It shall be the policy of the City to conduct City affairs in a manner that uses gender-inclusive language, including non-gendered language and gender-neutral pronouns where appropriate. This policy shall apply in the drafting of

- (1) new or revised policies,
- (2) new or amended legislation, including resolutions, motions, amendments to ordinances and amendments to the City Charter, and
- (3) new or revised communications, and other writings, including but not limited to new emails and letters;

and be it

FURTHER RESOLVED: That consistent with this policy, the City Council expresses its intent to submit a Charter amendment to the voters in 2022 that will amend the City Charter in its entirety to use gender-inclusive language, including non-gendered language and gender-neutral pronouns; and the Council further requests that the City Administrator prepare such amendments, that the City Attorney review such amendments for form and legality, and that the City Administrator submit the amendments to the Council sufficiently in advance of the 2022 election to place the amendments on the 2022 ballot; and be it

FURTHER RESOLVED: That City employees are encouraged, but not required, to include in their email signatures and other correspondence the pronouns to be used in referring to them.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO
AND PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
Acting City Clerk and Clerk of the Council of
the City of Oakland, California