



**TO:** Mayor and Councilmembers

**FROM:** Michelle Greene, City Manager

**CONTACT:** Shannon Kirn, Management Analyst

**SUBJECT:** Resolution to Support Proposition 1 – Constitutional Right to Reproductive Freedom

**RECOMMENDATION:**

Consider adoption of Resolution No. 22-\_\_\_\_, entitled “A Resolution of the City Council of the City of Goleta, California Endorsing Proposition 1, a Constitutional Amendment Protecting Reproductive Freedom.”

**BACKGROUND:**

On January 22, 1973, the U.S. Supreme Court announced its decision in *Roe v. Wade*, a challenge to a Texas statute that made it a crime to perform an abortion unless a woman’s life was at stake. The case had been filed by “Jane Roe,” an unmarried woman who wanted to end her pregnancy safely and legally. Siding with Roe, the court struck down the Texas law. In a ruling, the court recognized for the first time that the constitutional right to privacy “...is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy” (*Roe v. Wade*, 1973).

*Roe v. Wade* has come to be known as the case that legalized abortion nationwide. At the time the decision was handed down, nearly all states outlawed abortion. *Roe v. Wade* rendered these laws unconstitutional, making abortion services safer and more accessible to women throughout the country.

On September 7, 2021, Councilmember James Kyriaco requested that staff bring a resolution that affirms the City’s support of reproductive freedom to the City Council for consideration. This was requested in response to Texas Governor Greg Abbott’s signing and the subsequent enactment into law of Texas Senate Bill 8, which bans almost all abortions in Texas and delegates enforcement responsibility to citizens. Mayor Paula Perotte supported the request. On September 21, 2021, the City Council unanimously adopted Resolution No. 21-42 affirming its support of reproductive freedom.

On June 24, 2022, the Supreme Court overturned *Roe v. Wade* in its ruling on *Dobbs v. Jackson Women's Health Organization*, a case centered on a Mississippi law that barred most abortions after 15 weeks of pregnancy, a standard that violated *Roe*. The Court held that there is not a fundamental constitutional right to have an abortion. The opinion further provided that states are allowed to interfere with an individual's reproductive freedom in their most personal medical decisions, including a pregnant person's fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives.

Current California law provides, under the Reproductive Privacy Act, that the Legislature finds and declares that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions. It is, therefore, the public policy of the State of California that every individual has the fundamental right to choose or refuse birth control, and every individual has the fundamental right to choose to bear a child or to choose to obtain an abortion. The Act further provides that the State may not deny or interfere with a person's right to choose or obtain an abortion with limited exceptions.

## **DISCUSSION:**

In June 2022, the Legislature approved Senate Constitutional Amendment 10 (SCA 10) to place Proposition 1 on the November 2022 statewide ballot in direct response to the U.S. Supreme Court's ruling that overturned *Roe v. Wade*. Approving a support position on Proposition 1 would allow the City to go on record and further the City's expressed commitment to the human rights previously afforded to all pregnant people under *Roe v. Wade*, regardless of socioeconomic, ethnic, racial, cultural, religious background, age or sexual orientation.

Proposition 1 is a constitutional amendment to make explicit in California a right to reproductive freedom, including the right to an abortion and to choose or refuse contraceptives. Proposition 1 would add the following language to Article 1 of the State Constitution:

"The state shall not deny or interfere with an individual's reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives. This section is intended to further the constitutional right to privacy guaranteed by Section 1, and the constitutional right to not be denied equal protection guaranteed by Section 7. Nothing herein narrows or limits the right to privacy or equal protection."

If Proposition 1 is passed by voters, it will enhance the public policy of the State by enshrining certain reproductive rights in the State Constitution. This will ensure that reproductive freedom remains a fundamental right in the State of California. The proposed resolution for Council's consideration (Attachment 1) upholds the City of Goleta's support for reproductive freedom.

**FISCAL IMPACTS:**

There are no fiscal impacts associated with this action.

**ALTERNATIVES:**

The City Council can choose not to adopt the proposed resolution.

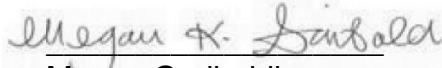
**Reviewed By:**

**Legal Review By:**

**Approved By:**



Kristine Schmidt  
Assistant City Manager



Megan Garibaldi  
City Attorney



Michelle Greene  
City Manager

**ATTACHMENTS:**

1. Resolution No. 22 \_\_\_\_ entitled "A Resolution of the City Council of the City of Goleta, California, Endorsing Proposition 1, a Constitutional Amendment Protecting Reproductive Freedom"

## **ATTACHMENT 1**

Resolution No. 22 - \_\_\_\_, entitled "A Resolution of the City Council of the City of Goleta, California, Endorsing Proposition 1, a Constitutional Amendment Protecting Reproductive Freedom"

## RESOLUTION NO. 22-

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, ENDORSING PROPOSITION 1, A CONSTITUTIONAL AMENDMENT PROTECTING REPRODUCTIVE FREEDOM

**WHEREAS**, the United States Supreme Court held in its 1973 landmark decision *Roe vs. Wade* that the ability to make a private medical decision impacting one's own reproductive health is a Constitutionally Protected Right; and

**WHEREAS**, prior to 1973, the year when *Roe v. Wade* was enacted, women faced significant obstacles to safe reproductive health services, resulting in widespread loss of life and serious illness; and

**WHEREAS**, the historic United States Supreme Court decision, *Roe v. Wade*, legalized abortion, and recognized women's freedom of reproductive choice as essential to the lives, rights, health and equality of women; and

**WHEREAS**, in the past 48 years since the *Roe v. Wade* decision, and the 55 years since the state of California legalized abortion, the people of Goleta, Santa Barbara County and the State of California have been able to legally exercise their reproductive freedoms; and

**WHEREAS**, on September 21, 2021, the City Council of the City of Goleta unanimously affirmed its support for reproductive freedom; and

**WHEREAS**, on June 24, 2022, the United States Supreme Court did away with nearly 50 years of precedent set in the *Roe* decision with its ruling in *Dobbs vs Jackson Women's Health Organization*; and

**WHEREAS**, the Supreme Court ruling in *Dobbs* allows individual states to deny or interfere with an individual's reproductive freedom in their most personal medical decisions, including a pregnant person's fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives; and

**WHEREAS**, since June 24, 2022 the right to safe, legal and accessible abortion has been restricted in 15 states, as many as 26 states are certain or likely to ban abortion now that *Roe* is no longer in place; and

**WHEREAS**, this has the effect of threatening the health and safety of people's lives, including the most marginalized: people with low incomes, from rural areas, refugees and immigrants; and

**WHEREAS**, passage of these laws disproportionately impacts women, trans and non-binary Black, Latinx, Indigenous and other people of color; and

**WHEREAS**, prohibitions on the right to freely exercise reproductive freedoms are harmful to public health and safety and are contrary to the values of the people of the City of Goleta, the County of Santa Barbara, and the State of California.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA, AS FOLLOWS:**

**SECTION 1.**

The City Council affirms its prior expressed commitment to the human rights previously afforded to all pregnant people under *Roe v. Wade*, regardless of socioeconomic, ethnic, racial, cultural or religious background, age or sexual orientation and urges support of Proposition 1, which will appear on the November 8, 2022, ballot.

**SECTION 2.**

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
DEBORAH LOPEZ  
CITY CLERK

\_\_\_\_\_  
MEGAN GARIBALDI  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SANTA BARBARA        )       ss.  
CITY OF GOLETA                        )

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 22- was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 6<sup>th</sup> day of September, 2022, by the following roll call vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

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DEBORAH S. LOPEZ  
CITY CLERK