



TO: Mayor and Councilmembers

FROM: Michelle Greene, City Manager

CONTACT: Ryan Kintz, Assistant to the City Manager

SUBJECT: Resolution Affirming the City of Goleta's Support of Reproductive Freedom

RECOMMENDATION:

Consider adoption of Resolution No. 21 - _____, entitled "A Resolution of the City Council of the City of Goleta, California, Affirming Support of 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, Mayor Pro Tempore 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 9, 2021, the United States Department of Justice filed a lawsuit to prevent the State of Texas from enforcing Senate Bill 8, which went into effect on September 1, 2021. The complaint seeks a declaratory judgment that Senate Bill 8 is invalid under the Supremacy Clause and the Fourteenth Amendment, is preempted by federal law, and

violates the doctrine of intergovernmental immunity. The United States also seeks an order, preliminarily and permanently, prohibiting the State of Texas, including its officers, employees and agents, as well as private parties who would bring suit under the law, from implementing or enforcing Senate Bill 8.

DISCUSSION:

The City of Goleta has a proud record of proclaiming its commitment to inclusivity, diversity and equity and the City Council has expressed a commitment to making Goleta a welcoming, inclusive, and safe community for everyone, promoting free thought and speech, while condemning racism and police brutality, hate speech, bigotry, violence and prejudice against all. In addition, on July 21, 2020, the City Council adopted Resolution No. 20-48 entitled "A Resolution of the City Council of the City of Goleta, California, in Support of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women." Article 12.1 of the adopted convention states the following:

"States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning."

The City's adoption of Resolution No. 20-48 and adoption of the Nations Convention on the Elimination of all Forms of Discrimination Against Women further affirms the City's commitment to protecting the rights of all women, including the rights related to family planning. In furtherance of the City's stance on protecting the rights of women, the proposed resolution for Council's consideration (Attachment 1) affirms the City of Goleta's support of 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:



Kristine Schmidt
Assistant City Manager

Legal Review By:



Michael Jenkins
City Attorney

Approved By:



Michelle Greene
City Manager

ATTACHMENTS:

1. Resolution No. 21- ____ of the City Council of the City of Goleta, California, Affirming Support of Reproductive Freedom

ATTACHMENT 1

Resolution No. 21 -_____, entitled "A Resolution of the City Council of the City of Goleta, California, affirming support of Reproductive Freedom."

RESOLUTION NO. 21-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, AFFIRMING SUPPORT OF REPRODUCTIVE FREEDOM

WHEREAS, the Supreme Court of the United States acknowledged 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 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 54 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, in August 2021 the Supreme Court abdicated its responsibility to uphold the precedent set in the Roe decision, and allowed Texas to enact Senate Bill 8 into law and by doing so the 29 million people residing in Texas now live in a state where Roe vs. Wade has been, for all intents and purposes, functionally repealed; and

WHEREAS, the right to safe, legal and accessible abortion continues to be undermined by the state of Florida and other U.S. state legislatures that have signaled they are moving to enact similar laws, threatening the health and safety of women's lives, including the most marginalized women: low-income women, women of color, refugee and immigrant women; 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; and

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

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

SECTION 1.

The City Council affirms its commitment to the human rights afforded to all

women under Roe v. Wade, regardless of socioeconomic, ethnic, racial, cultural or religious background, age or sexual orientation and to opposing any laws or regulations that pose a threat to reproductive freedom, reproductive rights, sexual freedom and/or self-determination.

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 _____ 2021.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
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. 21- was duly adopted
by the City Council of the City of Goleta at a regular meeting held on the ____
day of September, 2021 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK