



Council Agenda Report

Item 5g

Department: Administration
Cost Center: 1001
For Agenda of: 7/5/2022
Placement: Consent
Estimated Time: N/A

FROM: Derek Johnson, City Manager
Prepared By: Hans Poschman, Assistant to the City Manager

SUBJECT: RESOLUTION IN SUPPORT OF REPRODUCTIVE FREEDOM

RECOMMENDATION

Consider adoption of Resolution entitled, “A Resolution of the City Council of the City of San Luis Obispo, California, affirming support of reproductive freedom.”

POLICY CONTEXT

The resolution is consistent with the City’s Major City Goal of Diversity, Equity, and Inclusion as laws limiting reproductive freedom disproportionately impact low-income women, survivors of sexual assault the trans and nonbinary community, Black, Latinx, Indigenous and other people of color. A majority of Council Members requested to staff that this item be placed on the agenda.

DISCUSSION

Background

On January 22, 1973, the U.S. Supreme Court announced its decision in *Roe v. Wade* (410 U.S. 959), a constitutional challenge to a Texas statute that criminalized the termination of a pregnancy 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. Finding that Ms. Jane Roe’s constitutional rights had been violated, the court struck down the Texas law. In that landmark decision, the court recognized 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) 410 U.S. 113, 153.)

Roe v. Wade has come to be known as the case that affirmed the constitutional right across the nation for a woman to choose an abortion and have control over her own body. At the time the decision was handed down, many states outlawed abortion. *Roe v. Wade* rendered these laws unconstitutional, making reproductive health services safer and more accessible to women and persons who could become pregnant throughout the country.

On June 24, 2022, the Supreme Court overruled *Roe* in *Dobbs v. Jackson Women's Health Organization* on the grounds that “the Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision.” It is expected that more than half the states in the United States could pass laws that would preclude a woman’s right to choose whether to have an abortion or not.

Under California law, the rights of women and/or a pregnant person to make their own reproductive choices are protected in the California Constitution’s based on the right to privacy. On June 27, 2022, the California Legislature passed Senate Constitutional Amendment 10 (SCA 10) that will place on the ballot a proposition to add specific language to the California Constitution ensuring reproductive freedom.

Public Engagement

This item is scheduled for the July 5, 2022 City Council meeting and will follow all required postings and notifications. The public may provide comment on this item at or before the meeting.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act does not apply to the recommended action in this report, because the action does not constitute a “Project” under CEQA Guidelines Sec. 15378.

FISCAL IMPACT

Budgeted: No

Budget Year: 2021-22

Funding Identified: No

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	N/A	\$	\$	\$
State				
Federal				
Fees				
Other:				
Total	\$	\$	\$	\$

Because no additional staff work is anticipated as a result of this resolution, no new fiscal impact will be incurred.

ALTERNATIVES

The Council choose to not adopt a resolution regarding reproductive rights.

ATTACHMENTS

A - Draft Resolution in Support of Reproductive Freedom