



COUNCIL AGENDA: 6/7/2022

ITEM: 3.7

FILE NO: 22-861

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** SEE BELOW

**DATE:** June 7, 2022

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**SUBJECT: Protecting Reproductive Rights in the City of San José**

## Recommendation

As recommended by the Rules and Open Government Committee on May 18, 2022:

(a) Discuss creating public safety protections for women seeking abortion procedures, anyone assisting the individual seeking an abortion, as well as protection for providers of abortion services.

(b) Direct the City Attorney's office to research and recommend the best legal protection that our city can provide beyond a ceremonial sanctuary city status, as well as potential land use protections for providers of abortion services, and return to council with (a) recommendation(s).

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Davis, Carrasco, Esparza, Arenas, and Foley)

[Rules Committee referral 5/18/2022 - Item C.1]



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Councilmember Dev Davis  
Councilmember Magdalena Carrasco  
Councilmember Maya Esparza  
Councilmember Sylvia Arenas  
Councilmember Pam Foley

**SUBJECT:** Protecting Reproductive Rights in the  
City of San Jose

**DATE:** May 12, 2022

Approved  Date: 5/12/2022

## RECOMMENDATIONS:

1. Agendize a discussion of creating public safety protections for women seeking abortion procedures, anyone assisting the individual seeking an abortion, as well as protection for providers of abortion services in the City of San Jose for the June 7, 2022, City Council meeting.
2. Direct the City Attorney's office to research and recommend the best legal protection that our city can provide beyond a ceremonial sanctuary city status, as well as potential land use protections for providers of abortion services, and return to council with (a) recommendation(s).

## DISCUSSION:

After nearly 50 years of hard-fought abortion rights, the U. S. Supreme Court, in a leaked draft opinion, will soon be considering taking away those rights. The time is critical for San Jose to stand up and defend our rights by protecting women seeking abortions as well as protecting the providers of abortion services. While other cities in California and across the nation are preparing their own reaction to the possible reversal of *Roe vs. Wade* by declaring sanctuary cities, San Jose needs to do more. According to U. C. Hastings Law professor David Levine, making a city a sanctuary city is only symbolic and doesn't mean anything legally. What we need to do is to assert our right as a city to pass public safety laws that protect women seeking abortions, abortion providers and anyone assisting the individual seeking an abortion.

As Jodi Hicks, President and CEO of Planned Parenthood Affiliates of California, said during a recent online program, "It is our moral imperative that we continue to provide the leadership that people are looking for." That leadership should be found in our city.

On October 28, 2021, we submitted a memo requesting a resolution affirming the City of San Jose's support for reproductive freedom and rights, and calling on Congress to protect reproductive freedom nationwide as prescribed in *Roe v. Wade*. In that memo, we also discussed the importance of safe and legal abortion services for all women. Now more than ever, we need

to protect and defend a woman's right to safe, legal healthcare intervention. According to the World Health Organization, "unsafe abortion is a leading – but preventable – cause of maternal deaths and morbidities. It can lead to physical and mental health complications and social and financial burdens for women, communities and health systems. Lack of access to safe, timely, affordable and respectful abortion care is a critical public health and human rights issue."

While we wait for the Supreme Court decision and the State of California to approve a legislative package (probably not becoming law until next year), the City of San Jose can more nimbly move to protect women, their supporters/advocates, and their healthcare providers.

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*