



Councilmember Ben Bartlett  
City of Berkeley, District 3

CONSENT CALENDAR  
October 13, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmembers Ben Bartlett, Kate Harrison, Rigel Robinson,  
and Sophie Hahn

Subject: Letter of Support for Proposition 16: Repeal Proposition 209 Affirmative  
Action Amendment (2020)

RECOMMENDATION

That the Mayor of Berkeley and Members of the City Council support Proposition 16--a ballot measure that would remove the ban on affirmative action--by sending 2 letters, 1) the YES ON 16, Opportunity for All Coalition Campaign and 2) State Assemblymembers Shirley Weber, Mike Gipson, Miguel Santiago, and Buffy Wicks.

BACKGROUND

On June 30, 2020, Councilmember Rigel Robinson introduced a resolution in support of Assembly Constitutional Amendment (ACA) 5, which eventually led to Proposition 16. The Council adopted the resolution. This item seeks to reinforce the City's support for affirmative action by referring the Council to send a letter to California state legislators and to the YES ON 16, Opportunity for All Coalition Campaign in favor of the passage of Proposition 16. If passed, Proposition 16 will repeal Proposition 209 (1996).

Proposition 209, known as the California Civil Rights Initiative, added Section 31 to Article I of the California Constitution, which reads, "*The State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.*"<sup>1</sup> Since its passage in 1996, California has become one of only eight states that do not allow race or gender to be among the many factors considered in public employment, education, and contracting. Removing essential tools to fight discrimination against women and people of color, Proposition 209 set up obstacles to success for marginalized and underrepresented groups.

Allowing racial, gender, and ethnic diversity to be considered as one of many factors in public employment, contracting, and education will allow the City to effectively and equitably serve its constituents. As a city that is home to one of the largest public universities in California and committed to equal opportunity, the City of Berkeley should

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<sup>1</sup>[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=1](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=1)

send a letter of support for Proposition 16 to State Assemblymembers Shirley Weber, Mike Gipson, Miguel Santiago, Lorena Gonzalez, and Buffy Wicks.

ENVIRONMENTAL SUSTAINABILITY

No environmental impact.

FISCAL IMPACTS

No fiscal impact.

CONTACT PERSON

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ATTACHMENTS AND MATERIALS

1. Sample Letter of Support to the YES ON 16, Opportunity for All Coalition Campaign
2. Sample Letter of Support to Assemblymembers Shirley Weber, Mike Gipson, Miguel Santiago, Lorena Gonzalez, and Buffy Wicks

Attachment 1

October XX, 2020

YES ON 16 - Opportunity for All Coalition Campaign

Re: Proposition 16 Support

Dear leaders of the YES ON 16 - Opportunity for All Coalition Campaign,

The Honorable Mayor and Members of the Berkeley City Council are pleased to support Proposition 16 and demonstrate our solidarity with the YES on 16 - Opportunity for All Coalition campaign.

The current political climate and the COVID-19 pandemic illuminates the ways in which California must unite communities and work together to help those most vulnerable in our state. Now, more than ever, we must support and pass Proposition 16 in order to ensure that the most impacted communities receive equitable support and to take a strong stance against racism, sexism, xenophobia, and the current policies on the federal level that use race and gender to divide our communities.

Let's pass Proposition 16 and fight for equal opportunities for all!

Respectfully,  
the Honorable Mayor and Members of the Berkeley City Council

Jesse Arreguin  
Mayor, City of Berkeley

Members of the Berkeley City Council

**Attachment 2**

October XX, 2020

The Honorable Shirley Weber  
Member of the California State Assembly

The Honorable Mike Gipson  
Member of the California State Assembly

The Honorable Miguel Santiago  
Member of the California State Assembly

The Honorable Lorena Gonzalez  
Member of the California State Assembly

The Honorable Buffy Wicks  
Member of the California State Assembly

Re: Proposition 16 Support

Dear Assemblymembers Shirley Weber, Mike Gipson, Miguel Santiago, Lorena Gonzalez, and Buffy Wicks,

The Honorable Mayor and Members of the Berkeley City Council are pleased to support Proposition 16. Proposition 16 will repeal Proposition 209 (1996), allowing the State of California to pursue minority equal opportunities with access initiatives in public employment, education, and contracting.

The current political climate and the COVID-19 pandemic illuminates the ways in which Minority-owned businesses have been disproportionately impacted by the COVID-19 pandemic and current political climate. Such impacts require a plan for equitable economic recovery that consists of racially conscious governmental intervention.

Now, more than ever, we must support and pass Proposition 16 in order to ensure that the most impacted communities receive equitable support and to take a strong stance against racism, sexism, and xenophobia, and the current policies on the federal level that use race and gender to divide our communities.

Respectfully,  
the Honorable Mayor and Members of the Berkeley City Council

Jesse Arreguin  
Mayor, City of Berkeley

Members of the Berkeley City Council

