



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

DATE: April 26, 2022 and May 10, 2022

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TO: Board of Supervisors

SUBJECT

AN ORDINANCE TO PROVIDE FOR THE LOCAL IMPLEMENTATION OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) (DISTRICTS: ALL)

OVERVIEW

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international bill of rights for women. The United Nations General Assembly adopted CEDAW in 1979. CEDAW, which consists of a preamble and 30 articles, defines what constitutes discrimination against women and sets forth an agenda for action to end such discrimination. Across multiple sectors, discrimination against women causes negative impacts in economic, political, and social participation of women. This in turn results in loss of economic opportunities and poverty, among other things.

On July 17, 1980, President Carter signed CEDAW. However, the United States is one of only a handful of other nations, which has yet to ratify the treaty. Nonetheless, numerous cities and counties across this nation have taken action to adopt local ordinances that reflect the principles of CEDAW to work towards the elimination of all discrimination against women. Adopting a CEDAW ordinance locally will help the County of San Diego (County) achieve gender parity, decrease gender-based discrimination, and work towards the elimination of all acts of discrimination against women and girls in our county.

On November 16, 2021 (19), the Board of Supervisors (Board) took action to approve and direct the Chief Administrative Officer to identify appropriate County staff from the Office of Equity and Racial Justice and other relevant departments to work with the San Diego County Commission on the Status of Women & Girls to: (1) draft a San Diego County CEDAW Ordinance for adoption and approval by the Board; and (2) begin the process to conduct a gender equity strategy to help guide the implementation of this ordinance upon its adoption.

The recommendation today is to approve the first reading of the CEDAW ordinance. If the Board approves the first reading today, the recommended action is to adopt the CEDAW ordinance after a second reading at the Board of Supervisors' regular meeting on May 10, 2022.

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RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Approve the introduction of the ordinance (first reading):

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO PROVIDE FOR THE LOCAL IMPLEMENTATION OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

2. If, on April 26, 2022, the Board takes action as recommended in item 1. then, on May 10, 2022 (second reading):

Submit ordinance for further Board consideration and adoption on May 10, 2022 (second reading).

EQUITY IMPACT STATEMENT

Discrimination against women violates basic human rights because all human beings are inherently entitled to equal rights and respect for dignity. Furthermore, discrimination against women causes adverse, unequal, and/or unfavorable treatment of women and girls based on sex, gender, gender identity, and/or gender expression with regard to economic development, the legal system, political and civic engagement, and healthcare. Adopting a CEDAW ordinance will help the County of San Diego (County) achieve gender parity, decrease gender- based discrimination, and work towards the elimination of all acts of discrimination against women and girls in our county.

The Board of Supervisors created the San Diego County Commission on the Status of Women and Girls (Commission) to identify the needs and problems of women and girls in the county and to eliminate the practice of discrimination and prejudice against women and girls. The Commission identified that a CEDAW ordinance is necessary to further address these issues. It is integral that the Commission and County departments, offices, programs, boards, commissions, and other operational units explore the disparate impacts facing women and girls. Critical to the implementation of this ordinance will be consideration for an intersectional and inclusive view of gender equity.

The Board of Supervisors created the Office of Equity and Racial Justice (OERJ) to prevent and eliminate inequality and discrimination, including discrimination against women and transgender, cisgender, and gender nonconforming individuals. The OERJ is the most appropriate oversight body to help guide the implementation of this ordinance and shall consult with the Commission throughout the process. The OERJ will provide technical assistance throughout the intersectional gender analysis process and oversee the development and implementation of intersectional gender equity action plans by each county department, office, program, board, and commission. This effectuates the goal and purpose for which the Board established the OERJ.

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FISCAL IMPACT

Today's action does not have a fiscal impact. However, it is anticipated there will be fiscal impacts associated with the implementation of this ordinance, if it is adopted. The ordinance requires an intersectional gender analysis, which will inform Intersectional Gender Equity Action Plans to be developed by every County operational unit. If additional resources are required for these actions, details and the request for additional funding will be presented to the Board at that time.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

The San Diego County Commission on the Status of Women and Girls requested the Board of Supervisors adopt a CEDAW ordinance.

BACKGROUND

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international bill of rights for women. The United Nations General Assembly adopted the CEDAW in 1979. The CEDAW, which consists of a preamble and 30 articles, defines what constitutes discrimination against women and sets forth an agenda for action to end such discrimination:

For the purpose of the present Convention, the term "discrimination against women" means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

On July 17, 1980, President Carter signed the CEDAW. However, United States legislature has never ratified the treaty. During the Obama Administration, despite expressed support for the CEDAW's ratification, Congress did not take action. Nonetheless, the California Senate passed Senate Concurrent Resolution No. 78 in 2018 to acknowledge that there is a continued need for the State of California to protect the human rights of women and girls and to analyze the operations of state departments, policies, and programs to identify discrimination and, if identified, to remedy that discrimination. Resolution No. 78 supports the implementation of the principles underlying the CEDAW. In addition, numerous cities and counties across the country adopted local ordinances that reflect the principles of the CEDAW. Adopting the CEDAW as local law has effectively addressed barriers that reduce the quality of life and equity of opportunity for women and girls and fostered more transparent and accountable governance

The CEDAW is a roadmap to end gender-based discrimination and requires governments take proactive action to prevent the violation of women's human rights. Local cities and counties that adopted the CEDAW ordinances effectively evaluated their programs and budgets and worked to ensure that both affect men and women equitably. The evidence from these local outcomes indicates that adopting a CEDAW ordinance is a feasible and effective way to achieve gender

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parity, decrease gender-based discrimination, and work towards the elimination of all acts of discrimination against women.

The County of San Diego as an employer is proud to share our own workforce analytics demonstrating how gender equity can be a driving force to successful organizations. The County Charter requires the hiring of individuals based solely on job-related factors and establishes a merit-based civil service system for the County's classified employees governed by the Civil Service Rules. As of April 1, 2022, the overall County workforce is comprised of 60% women and 40% men. Women hold 59% of all County leadership positions. Since 2018, 63% of all promotional hires were also women. Of the women that comprise our workforce, 63% are women of color.

On November 16, 2021 (19), the Board of Supervisors (Board) took action to approve and direct the Chief Administrative Officer (CAO) to identify appropriate county staff from the Office of Equity and Racial Justice (OERJ) and other relevant departments to work with the San Diego County Commission on the Status of Women & Girls (Commission) to: (1) draft a San Diego County CEDAW Ordinance for adoption and approval by the Board of Supervisors; and (2) begin the progress to develop a gender equity strategy to help guide the implementation of this ordinance upon its adoption.

Over the last four months, the Commission, OERJ and the Office of County Counsel worked to develop a CEDAW ordinance. At the Commission's regular meeting on March 7, 2022, the Commission approved a proposed draft ordinance and opened it for public comment. The Commission organized and held virtual public forums on March 19 and 22. In addition, the Commission received several written comments on the proposed ordinance. The comments received from the public overwhelmingly supported the proposed ordinance. Organizations, including the Association of California Commissions for Women, California League of Women Voters, and Women's Intercultural Network were among those also voicing support.

Similarly, interested County of San Diego (County) departments received the Commission's proposed draft for review and input, including the Health and Human Services Agency, Human Resources, Office of Ethics, Compliance and Labor Standards, Registrar of Voters, Clerk of the Board of Supervisors, District Attorney, Probation and Sheriff. County departments recommended modifications to align the ordinance with County operations.

The Commission, OERJ and Office of County Counsel worked to incorporate feedback from the public and County departments. The CAO reviewed recommendations from the Commission and County staff as to the most effective and appropriate provisions for a successful CEDAW ordinance.

There are three primary components to the CEDAW Ordinance presented to the Board. The first is a statement of values and goals to prevent and eliminate discrimination, and to achieve gender equality. Discrimination against women extends to transgender women, gender nonconforming women, youth, and girls and those assigned female at birth, which includes transgender men and

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intersex communities; and the term "discrimination against women" includes any distinction, exclusion, or restriction on the basis of gender and sex assigned at birth. Second, the implementation of a countywide intersectional gender analyses. Through the gender analyses, the County would identify barriers to gender equity and factors perpetuating gender inequity. Third, a gender-equity strategy for County operations throughout the region. This would include intersectional gender equity action plans for County departments, offices, programs, boards, commissions, and other operational units, and a five-year countywide intersectional gender equity action plan. In this context, "intersectional," as defined in the ordinance, means taking into account the interconnected nature of social categorizations and individual characteristics that overlap as systems of discrimination.

The ordinance incorporates the model CEDAW ordinance available from the Women's Intercultural Network, Cities for the CEDAW campaign. In addition, the ordinance incorporates similar provisions enacted by the County of Los Angeles, City of Los Angeles and City and County of San Francisco. The ordinance presented to the Board today embodies the values and goals to prevent and eliminate discrimination against women and a realistic framework to implement these goals within the county. The proposed ordinance for the Board's consideration most closely tracks the ordinance formally adopted by the Commission on March 7, 2022 and incorporates some of the subsequent public comment and departmental feedback received over the last month. It should be noted that while the proposed ordinance guides and provides principles for County operations, and directs data collection and other efforts as specified, the ordinance does not regulate individual conduct of residents in the County.

While some members of the public requested additional provisions to this ordinance, the County's jurisdiction is limited. As a local government, the County can only regulate and address those subject matters within the authority of the Board of Supervisors as established by the California Constitution, state law, County Charter and other controlling rules. It should also be kept in mind that public entities may 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 or public contracting. Further, the ordinance must not be construed or implemented in a manner that conflicts with federal, state, or local law.

In 2021, the Board established OERJ to address and remedy inequality and discrimination. It is for this reason that OERJ, under the direction of the CAO, shall act as the oversight body for the CEDAW ordinance. This clearly effectuates the purpose for which the Board created OERJ. In addition, for many years, the Commission on the Status of Women and Girls has been an important citizen advisory board. They are a critical partner in implementing the mission of the CEDAW ordinance. Therefore, OERJ shall consult with the Commission on the intersectional gender analyses and gender equity action plans to ensure the county achieves the local principles of the CEDAW.

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LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action to adopt a CEDAW ordinance for San Diego County supports the Equity and Justice Strategic Initiatives in the County of San Diego's 2022-2027 Strategic Plan by focusing on policy approaches to ensure equal opportunity for health and well-being, advancing opportunities for economic growth and development to all individuals and the community, and focusing efforts on reducing disparities and disproportionality across systems.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Helen N. Robbins-Meyer".

HELEN N. ROBBINS-MEYER
Chief Administrative Officer

ATTACHMENT(S)

Attachment A - AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO PROVIDE FOR THE LOCAL IMPLEMENTATION OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)