



CITY COUNCILMEMBER
RIGEL ROBINSON
 DISTRICT 7

CONSENT CALENDAR
 March 12, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmember Rigel Robinson
 Subject: Use of Gender Neutral Language in City Documents

RECOMMENDATION

Refer to the City Manager to:

1. Develop and return to Council with a procedural and financial plan to modify all appropriate City forms to include an optional field for personal gender pronouns (she/her, he/him, they/them, and space to specify other).
2. Develop and return to Council with a procedural and financial plan to revise the Berkeley Municipal Code to replace all instances of gendered pronouns with the singular “they,” and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.

BACKGROUND

In recent years, broadening societal awareness of transgender and gender-nonconforming identities has brought to light the importance of non-binary gender inclusivity. Therefore, it is both timely and necessary to make the environment of City Hall and the language of city legislation consistent with the principles of inclusion.

In a commendable first step, as of February 2019, the City has extended the option to all employees to receive a name badge with preferred pronouns printed alongside professional category.

In continuing this trend, City staff should develop a timeline and financial plan for implementing an optional field for personal pronouns on forms that are used by the public or new employees. In all instances where such a form currently requires selection of “Female,” “Male,” or “Decline to State,” this designation should be eliminated and replaced with “She/Her,” “He/Him,” “They/Them,” or “Other _____”. Forms used by the public or new employees which do not currently have a form for indicating gender should be assessed to determine whether such a field should be added.

The five current Sections of the Berkeley Municipal Code regarding the interpretation of gendered pronouns are inconsistently worded, and three are constructed with an

exclusionary interpretation of gender as binary. Suggested amendments to correct Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 are attached.

Additionally, all instances of personal pronouns throughout the Berkeley Municipal Code should be changed to the neutral gender. Staff should develop a proposal to achieve these changes which limits cost and additional use of staff time. For the Charter and those parts of the Code requiring ballot measures to amend, future revisions placed before the voters of Berkeley for other reasons should also include amendments to adopt the neutral gender.

FINANCIAL IMPLICATIONS

Cost dependent on staff recommendation.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

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Attachments:

- 1: Ordinance
- 2: Merriam-Webster Definition of "they,"

ORDINANCE NO. -N.S.

AMENDING THE BERKELEY MUNICIPAL CODE TO ADOPT GENDER INCLUSIVE LANGUAGE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 1.04.020 is amended to read as follows:

Section 1.04.020 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the City of Berkeley:

- A. Gender. The ~~masculine~~ gender neutral pronoun includes the feminine and ~~masculine~~neuter genders, ~~and the neuter gender includes the masculine and feminine.~~
- B. Pronoun Singularity~~Singular and plural.~~ "They/them" shall indicate a singular individual, unless the context indicates the contrary. In most cases, tThe singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
- D. Use of words and phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

Section 2. That Berkeley Municipal Code Section 4.36.110 is amended to read as follows:

Section 4.36.110 Gender.

"Gender." Whenever a personal pronoun is used in the neutral masculine gender, it shall be deemed to include the feminine and masculine also.; "They/them" shall indicate a singular individual, unless the context indicates the contrary.

Section 3. That Berkeley Municipal Code is amended to read as follows:

Section 4.38.110 Gender.

"Gender." Whenever a personal pronoun is used in the neutral masculine gender, it shall be deemed to include the feminine and masculine also.

"They/them" shall indicate a singular individual, unless the context indicates the contrary.

Section 4. That Berkeley Municipal Code is amended to read as follows:

Section 4.39.110 Gender.

"Gender." Whenever a personal pronoun is used in the neutral masculine gender, it shall be deemed to include the feminine and masculine also. "They/them"; shall indicate a singular individual, unless the context indicates the contrary.

Section 5. That Berkeley Municipal Code is amended to read as follows:

Section 11.08.050 Construction of genders.

The neutral masculine gender includes the feminine and masculine; ~~the neuter; the feminine, the masculine and neuter; the neuter, the masculine and feminine.~~ "They/them" shall indicate a singular individual, unless the context indicates the contrary.

Section 6. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Merriam-Webster Definition of They

they pronoun, plural in construction

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Definition of they (Entry 1 of 2)

1.
 - a. those ones —used as third person pronoun serving as the plural of he, she, or it or referring to a group of two or more individuals not all of the same sex
 - i. they dance well
 - b. HE entry 1 sense 2 —often used with an **indefinite third person singular antecedent**
 - i. everyone knew where **they** stood — E. L. Doctorow
 - ii. nobody has to go to school if **they** don't want to — N. Y. Times
2.
 - a. PEOPLE sense 2 —used in a generic sense
 - i. as lazy as they come

