



## RACIAL EQUITY AND SOCIAL JUSTICE ADVISORY COMMITTEE

October 31, 2023

Re: Public Hearing Notice Requirements

Dear Council President Evan Glass and County Councilmembers:

As an advisory committee to the County Executive, County Council, and County agencies on racial equity and social justice, the Racial Equity and Social Justice Advisory Committee formally requests **that the Montgomery County Council provide a minimum of 3 weeks advance notice of public hearings for all bills and appropriations.**

We arrived at this recommendation upon review of the recently revised Council Rules of Procedure and their relation to the Racial Equity and Social Justice Act.

Earlier this year, the Council revised the Council Rules of Procedure, reducing the number of days the Council must provide advance notice for public hearings after the introduction of bills from 15 days to 14 days, effectively changing the advance notice for public hearings from 3 weeks to 2 weeks. This action inhibits the ability of the public to participate fully in the legislative process.

### **Community Engagement as required by the Racial Equity and Social Justice Act**

As a body, we reviewed the recently revised Council Rules of Procedure and compared them against best practices related to effective and meaningful community engagement and the goals enshrined in the Racial Equity and Social Justice Act. Effective and meaningful community engagement, including equitable opportunities for public input in the legislative process, is consistent with the principles of the Racial Equity and Social Justice Act.<sup>1</sup> The Executive Regulations of the Act provide:

“Community engagement should offer opportunities for communities to express their views and have a meaningful role in decision-making. It should also consider the diversity of our communities, including culture and ethnicity, and seek to create an inclusive and accessible process. Effective engagement removes barriers

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<sup>1</sup> The Racial Equity and Social Justice Act, Bill 27-19.

<https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/RacialEquity/Bill27-19.pdf>

that may have previously prevented residents from successfully working with county government.”<sup>2</sup>

The Government Alliance on Racial Equity (GARE) suggests governments can promote racially inclusive engagement by engaging those most deeply affected in developing strategies and long-term relationships.

Conversely, reducing the length of time between the introduction of and public hearings for bills and appropriations from 3 weeks to 2 weeks and shortening the time for individuals and community organizations to prepare testimony creates a barrier to civic engagement by reducing the presentation of a range of views of interested parties, including underrepresented communities, and diminishing the overall ability of the public to connect directly with legislators.

Public hearing testimony enhances the formulation of legislation by considering perspectives that draw on diverse lived experiences, prioritizing community knowledge, and strengthening legislators’ understanding.

Allowing more time between the introduction and public hearings will alleviate certain obstacles to participation. For example, an additional week will allow time to plan time off for work or arrangements for child or elder care, particular challenges for individuals from underserved communities, or those impacted by language or communication barriers. Greater participation and engagement can help increase the extent to which the community perceives the legislative process and government by assuring that the views of members of all communities count and are considered by the County Council. Ensuring community engagement by providing public hearing testimony empowers community members to own the transformations they want to see. Equitable processes lead to equitable outcomes.

### **Council Actions:**

On October 25, 2022, the Council introduced a “Resolution to amend Council Rules of Procedure.”<sup>3</sup> A public hearing was held one week later on November 1, 2022.<sup>4</sup> On November 15, 2022,<sup>5</sup> the Council voted to “[amend] the 15-day default rule for publication and amending the notice of public hearing to 14 days as permitted by the Maryland Constitution.”<sup>6</sup> No rationale for the change was included in the staff reports.

### **Rules of Procedure:**

Under Rule 4 (b), **Publication requirements**, the number of days advance notice for public hearings has been reduced from 15 days advance notice to 14 days advance notice; under Rule 4 (d)(1) **Board of Health regulations**, the number of days to advertise the public

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<sup>2</sup> <https://www.montgomerycountymd.gov/exec/Resources/Files/15-21.pdf>

<sup>3</sup> [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20221025/20221025\\_7C.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20221025/20221025_7C.pdf)

<sup>4</sup> [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20221101/20221101\\_8.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20221101/20221101_8.pdf)

<sup>5</sup> [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20221115/20221115\\_6.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20221115/20221115_6.pdf)

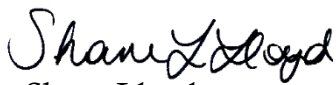
<sup>6</sup> Ibid., at 6 – 7.

Racial Equity and Social Justice Advisory Committee Letter to County Council Re: Public Hearing Notice Requirements  
October 31, 2023  
Page 3 of 3

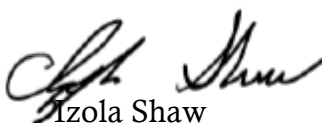
hearing has been reduced from 15 days to 14 days. Under Rule 4 (d)(2) **Board of Health regulations**, the notice to notify the governing body or chief executive officer of each municipality in the County has been reduced from 15 days to 14 days.

As you can see, these have created missed opportunities for the participation of the broader community, and therefore, we ask for your serious consideration of this recommendation. Should you have any questions, we would be happy to discuss this further.

Sincerely,

  
Shane Lloyd  
Chair

  
Jared Hautamaki  
Vice-Chair

  
Izola Shaw  
Second Vice-Chair

The Montgomery County Racial Equity and Social Justice Advisory Committee

cc: Marc Elrich, County Executive  
Ken Hartman, Director, Strategic Partnerships, Office of the County Executive