

MEMORANDUM

TO: Government Operations and Fiscal Policy Committee

FROM: Selena Mendy Singleton, Racial Equity Manager

SUBJECT: **Worksession: Executive Regulation 15-21, Racial Equity and Social Justice**

PURPOSE: Worksession; Recommendation/Vote Expected

Expected Attendees:

- Tiffany Ward, Director, Office of Racial Equity and Social Justice

Background:

Executive Regulation 15-21, Racial Equity and Social Justice was received by the County Council on March 24, 2022. The regulation implements Bill 27-19, Administration - Human Rights - Office of Racial Equity and Social Justice - Racial Equity and Social Justice Committee - Established, which was enacted by the Council on December 2, 2019, and became effective on March 2, 2020; and Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, enacted on December 1, 2020, and effective on March 12, 2021 (section 2-81C in section 1 was effective on September 1, 2021).

The Council must review this regulation under Method 2 of Section 2A-15 of the County Code. Under Method 2 if the Council does not approve, disapprove, or extend the time for consideration within 60 calendar days (or by May 23, 2022), the regulation automatically takes effect. The Council may extend the 60-day time limit by resolution. On March 10, 2022, the Council extended time for Council consideration of the regulation until November 29, 2022. The transmittal memo notes that this regulation was advertised in the October 2021 register; one comment was received by CASA. The letter from CASA dated November 1, 2021, notes “CASA supports regulation 15-21 and respectfully urges for a favorable report.”

The purpose of the regulation is to articulate details about the nature of the work required for the County and its departments to meaningfully develop the capacities and processes necessary for applying a racial equity and social justice lens to the development and implementation of its policies, practices, and procedures. The regulations outline how departments can advance racial equity by incorporating community engagement, data collection and analysis, and systems change work into policy development, resource decisions, and service delivery.

Bill 27-19:

- (1) establishes a racial equity and social justice program;
- (2) establishes an Office of Racial Equity and Social Justice in the Executive Branch;

- (3) remove the Chief Equity Officer position in the Office of the Executive as a non-merit position;
- (4) requires the Executive to adopt, by Method 2 regulation, a racial equity and social justice action plan for the County;
- (5) requires each Department and Office to develop a racial equity and social justice action plan;
- (6) requires the Director of the Office of Legislative Oversight to submit a racial equity and social justice impact statement to the Council for each Bill;
- (7) requires the Executive to explain how each management initiative or program in the recommended budget would promote racial equity and social justice;
- (8) establishes a Racial Equity and Social Justice Advisory Committee and set forth the composition, compensation, and duties of the Committee;
- (9) requires the Planning Board to consider racial equity and social justice impact when preparing a Master Plan; and
- (10) generally amends the law governing racial equity and social justice.

Issues:

What is the fiscal and budget impact of Executive Regulation 15-21?

The Office of Management and Budget estimates that Executive Regulation 15-21 may have an impact on County expenditures. However, because departments are still in the process of developing action plans, OMB suggests that it is too early to perform comprehensive estimate on expenditure changes. OMB indicated that the required annual training and workshops will have a fiscal impact of \$1,871,133 for certain employees who can only take training *after* working hours. In addition, ORESJ cost to provide training will cost \$142, 440, and a salary for an additional Program Manager II will cost \$124,917 to assist with the implementation of the regulations. The total for training and assisting with the regulations over 6 years is estimated to be \$12,830,940.

The Council received one comment on the proposed regulation. Council staff does not have significant issues to raised regarding the proposed regulation. Substantively, Executive Regulation 15-21 appears to be consistent with the law and the intent of the law. A draft resolution to approve this regulation is on ©34-35.

Council staff recommendation:

Approve as transmitted.

This packet contains:

Circle #

- | | | |
|----|---|-------|
| 1. | Executive Regulation 15-21 – Memo from the County Executive | 1 |
| 2. | Executive Regulation 15-21 | 2-14 |
| 3. | Executive Regulation 15-21 – Underlined | 15-25 |
| 4. | Comments | 26-27 |
| 5. | Fiscal Impact Statement | 28-31 |
| 6. | Draft Resolution | 32-33 |




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

March 24, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Transmittal of Office of Racial Equity & Social Justice (ORESJ) Executive
Regulation No. 15 – 21, Racial Equity and Social Justice Action Plan

The purpose of this memorandum is to submit Executive Regulation #15-21, Racial Equity and Social Justice Action Plan to the County Council for your approval. The attached document details the process that departments should undertake to have meaningful community engagement with a racial equity lens. It also outlines the necessary components of departmental racial equity action plans, requirements for countywide racial equity and social justice training, and priority areas of the county.

Executive Regulation #15 – 21 was advertised in the Montgomery County Register for the period of October 1, 2021 through November 1, 2021. Based on the responses received, there were no significant changes made. If you have any questions or need additional information, please reach out to Tiffany Ward, Director of Office of Racial Equity and Social Justice.

cc: Ken Hartman, Director of Strategic Partnerships, Office of the County Executive
Edward Lattner, Attorney, Office of the County Attorney
Richard S. Madaleno, Chief Administrative Officer, Office of the County Executive
Tiffany Ward, Director, Office of the Racial Equity and Social Justice

Attachments: Fiscal Impact Statement
Executive Regulation
Executive Regulation bracket and underlined copy
CASA Comments



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject:

Racial Equity and Social Justice Action Plan

Number:

15-21

Originating Department:

The Office of Racial Equity and Social Justice (ORESJ)

Effective Date:

Montgomery County Regulation on

RACIAL EQUITY AND SOCIAL JUSTICE ACTION PLAN

Issued by: County Executive

Regulation No. 15-21

Authority:

Council Review: Method (2) under Code Section 2-64A(d)(1)

Register Vol. 38 No. 10

Effective Date: _____

Comment Deadline: Nov. 1, 2021

Summary: The purpose of the regulation is to articulate details about the nature of the work required for the County and its departments to meaningfully develop the capacities and processes necessary for applying a racial equity and social justice lens to the development and implementation of its policies, practices, and procedures. The regulations outline how departments can advance racial equity by incorporating community engagement, data collection and analysis, and systems change work into policy development, resource decisions, and service delivery.

Staff contact: Tiffany Ward, Chief Equity Officer

Address: Executive Office Building (EOB)
101 Monroe Street, 6th Floor
Rockville, MD 20850

COMCOR 02.64A.01 RACIAL EQUITY AND SOCIAL JUSTICE ACTION PLAN



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject:

Racial Equity and Social Justice Action Plan

Number:

15-21

Originating Department:

The Office of Racial Equity and Social Justice (ORESJ)

Effective Date:

- A. Scope:** This regulation applies to all departments and offices in the executive and legislative branch.
- B. Community Engagement Process:**
1. Purpose
 - a. Community engagement is a way of ensuring that community members have an opportunity to be able to contribute meaningfully to decisions and develop functional capabilities that enable them to participate fully.
 - b. Community engagement is a two-way exchange of information, ideas, and resources. Engagement activities include a range of approaches from informing to sharing leadership to resident-led efforts, depending on the degree of community and county involvement, decision-making and control.
 - c. 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.
 - d. Effective engagement removes barriers that may have previously prevented residents from successfully working with County government.
 - e. Community engagement can vary in implementation depending on program goals, time constraints, level of program and community readiness, capacity, and resources.



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2. When to use the community engagement process:

- a. While a department or office should consider using the community engagement process whenever it is making decisions that will impact County residents, it is particularly recommended whenever a department or office is developing a strategic plan or major initiative that will have substantive and significant impact on county residents (e.g., Climate Action Plan).
- b. Definition of Strategic Plan - a department or office's plan to achieve short and long term goals, determine its direction, allocate resources, or take actions needed to execute goals.
- c. Definition of Major Initiatives - plans made outside of a traditional strategic planning process or time period but that involve a change of a previously determined direction or a newly created plan intended to solve a particular problem or issue.

3. Process

- a. The County department or office should submit a written proposed community engagement plan to the Office Racial Equity and Social Justice detailing the topic or issue for the community engagement process, the intended stakeholders and partners, and the impacted communities. The plan must explain:
 - i. what the department or office hopes to achieve through the community engagement process and what is the main purpose of the department or office for involving the community?
 - ii. who is most impacted by, involved in, or has a specific interest in the issue area, and why?
 - iii. how the community engagement process will ensure impacted communities that have not historically been included in the initial decision-making phase will be included;



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- iv. the degree of public and community support for the engagement;
- v. the duration of the community engagement process;
- vi. potential for unintended consequences should the engagement not be implemented successfully;
- vii. anticipated costs and timeline for the engagement; and
- viii. plan for publicizing and promoting the community engagement process to County residents.

- b. The proposed plan must also present research and background information about the affected communities and populations the department or office intends to reach, including:

- i. language or dialect spoken, customs, historical or geographical data, and other relevant data;
- ii. known barriers and risks, such as trust issues among the community and the public that may prevent full engagement and community willingness to participate;
- iii. detailed steps and strategies that will be taken to address language and literacy needs.

4. Transparency and Recognition

- a. This plan must be made available to the public by the department or office after approval by the Office of Racial Equity and Social Justice. The Office has 30 days to take action on proposed plan if no action is taken by the Office of Racial Equity and Social Justice the department plan is deemed approved.



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- b. The department or office must conduct a follow-up communication or debrief meeting with the community engagement participants no later than 8 weeks after the conclusion of the engagement. The communication must:
 - i. acknowledge community members for their contributions;
 - ii. indicate opportunities for formal project/program updates and feedback;
 - iii. indicate opportunities for future dialogue and collaboration; and
 - iv. present any resultant decisions or outcomes of the community engagement process.
- c. The lead department or office must provide a final report to community engagement participants presenting any resultant decisions or outcomes after the conclusion of the program/project.

C. Racial Equity and Social Justice Workshops and Training:

- 1. All County employees must participate in at least eight (8) hours of training or workshops on racial equity and social justice on an annual basis. A training or a workshop is a meeting at which a group of people engage in intensive discussion and activity on a particular subject or project.
- 2. Racial equity and social justice training must be conducted by high-quality professionals and consultants in the field of racial equity and social justice.
- 3. Trainings will be conducted by the Office of Racial Equity and Social Justice, approved vendors, contractors, and/or county departments and offices.
- 4. Training curriculum and activities must:
 - a. provide immersive, interactive, and educational modules on comprehensive social, political, and economic history of race and racism and other forms of injustices and oppression in the United States and Montgomery County;



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Effective Date:

- b. increase the ability of County employees to understand concepts of structural inequity and its real-life implications;
 - c. increase the ability of County employees to recognize their individually held beliefs about all types of difference, including race, gender, age, socio-economic status, ethnicity, nationality, and religious background;
 - d. give county employees the ability to access how the policies, procedures and practices of their department impact the lives of County resident; and
 - e. give County employees frameworks for assessing their department/office and team cultures as well as strategies for making their department/office and team cultures more inclusive and equitable.
5. Training may be conducted in person or virtually.

D. Use of racial equity and social justice considerations in establishing new programs and evaluating existing programs:

1. Racial equity and social justice considerations help reveal how society's benefits and burdens are distributed such that race predicts privilege and disadvantage. It also aids in thinking about what can be done to change the equation. Using racial equity considerations means paying disciplined attention to race and ethnicity, while analyzing problems, looking for solutions, and defining success. A keen awareness of race and ethnicity, and of their impact on access to power and opportunity, is a distinct asset when using an equity lens. Racial equity considerations shed light on racial dynamics that shape social, economic, and political structures. Through examining data on race and ethnicity and openly asking the right questions, racial equity considerations support the development of strategy and programs, shaping guidelines and criteria, and promoting racial equity.
2. The Office of Racial Equity and Social Justice will employ racial equity and social justice considerations in its evaluation of new and existing programs.



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3. Racial equity considerations must articulate patterns of oppression, separate symptoms of inequity from causes, and identify new solutions.
4. Racial equity considerations may help clarify current objectives, then shape strategies and align resources to meet them.
5. Racial equity considerations can be used with other lenses. Other lenses illuminate other important dynamics that shape equity issues. “Intersectionality” — of race, class, gender, sexual orientation, and other social identities — is key to identifying the dynamics at play in a particular situation and how they combine and converge.

E. Promotion of racial equity and social justice in the budget:

1. The Executive is required to explain how each management initiative or new program that would be funded in the Executive’s annual recommended operating and capital budgets, including the recommended operating and capital budgets for the County Board of Education, or in a supplemental appropriation promotes racial equity and social justice.
2. To explain how budgets and supplemental appropriation support racial equity and social justice, the Executive must use a racial equity and social justice budget assessment tool that assesses:
 - a. who is burdened and who will benefit from the management initiative or program;
 - b. whether and how the initiative or program reduces social inequity in Montgomery County.
 - c. potential disproportionate effects on communities of color and low-income communities as a result of the initiative or program, and how those effects will be mitigated; and
 - d. additional considerations as determined by the Office of Racial Equity and Social Justice on an annual basis.



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Effective Date:**F. Short- and long-term goals for The Office of Racial Equity and Social Justice:**

1. Short-term goals should include the development of a County-wide equity team that will develop guidelines and monitor progress for each department or office.
2. Short-term goals should include collection of demographic information in leadership positions within County departments or offices.
3. Short-term goals should include an audit of demographic data each department or office collects from the community it serves (client base).
4. All goals must coordinate the design and implementation of an action plan, which emphasizes:
 - a. leadership, operations and services;
 - b. plans, policies and budgets;
 - c. workforce and workplace;
 - d. community partnerships;
 - e. communication and education; and
 - f. facility and system improvements.
5. Goals for promoting racial equity and social justice must include human capital goals, training goals, community development as well as a plan for leadership development and training for the department or office.
6. Goals must articulate systemic changes to the infrastructure that caused the disproportionalities and the resulting community impact.
7. Long-term goals should articulate the improvements in quality of life for underserved communities over time.



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G. Metrics for measuring the Office of Racial Equity and Social Justice 's progress in meeting these goals:

1. Existence of equity plans in each strategic area of services delivered by department and office.
2. Existence of data on staff in department and office.
3. Existence of targets for each department and office.
4. Completion of training for each department and office on definitions and strategies to improve equity.
5. Articulation of inequities and disproportionalities related to the functions of each office and department.
6. Audit on the diversity of vendors for each department and office.
7. Audit and analysis on equitable contracting processes.
8. Increased equity in County services for all members of the community.
9. Increases in the degree of public outreach and community engagement.
10. Increased access to County services for communities of color and immigrant communities.
11. Frequency and quantity of changes to existing County services using equity best practices and racial equity and social justice impact analyses.
12. By 2023, all supervisors, managers and directors will have equity and social justice measures written into their contracts and job descriptions for Director positions and below.
13. By 2023, racial equity and social justice indicators will be included in performance evaluations.
14. By 2025, there is a system for County wide display of progress on equity measures for each department or office. Departments and offices must update progress on equity measures every three (3) years.
15. By 2023, all departments and offices will establish racial equity and social justice values.



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16. By 2023, all departments and offices will include racial equity and social justice values in the guidance documents related to their operations, service delivery and programs, including:

- a. early childhood development;
- b. jobs and job training;
- c. health and human services;
- d. food systems;
- e. parks and natural resources;
- f. built and natural environment;
- g. transportation;
- h. community economic development;
- i. neighborhoods;
- j. housing;
- k. community and public safety; and
- l. law and justice.

H. Guidelines for each department and office to develop its own racial equity and social justice action plan:

1. By 2025, each department and office will develop an equity action plan which:
 - a. details specific targets and strategies for the improvement toward equity goals and
 - b. identifies the historical context and data for equity issues related to each office and department



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2. Goals must articulate the intended impact of each strategy.
3. Community input must be sought by each department and office. In the establishment of the equity plan per activities listed in A (2) above, including:
 - a. identifying the priorities of the local residents and businesses in the community and
 - b. determining the impact on those most impacted by the department and office.
4. The action plan must evaluate and analyze data related to equity. This audit should assess each department and office:
 - a. cultural and organizational diversity;
 - b. degree of equity and inclusion in the department or office's culture, and worksite culture, when appropriate;
 - c. suggestions for improvements that support the diversity in composition and engagement;
 - d. disaggregated data of the demographic makeup of employees, vendors, contractors, population of the community served (client base);
 - e. current equity strategies including levels of engagement and budget allocations for these efforts; and
 - f. resources currently spent on expanding diversity, improving equity in services provided, and tracking community satisfaction.
5. The action plan must address policies and practices such as:
 - a. structuring racial equity programming;
 - b. gathering data;
 - c. modeling diversity and inclusiveness;
 - d. communicating consistently; and
 - e. exercising community leadership.



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6. Racial equity and social justice action plans must be updated every two years.

I. Recommended racial equity and social justice tools and strategies for a department or office to use in redressing disparities based on race or social justice issues:

1. Strategies and tools for redressing disproportionate outcomes, racial equity and social justice issues must be recommended best practices by the Office of Racial Equity and Social Justice.
2. Tools for supporting racial equity and social justice issues should offer guidance in the planning, measurement, training, monitoring of strategies designed to impact equity.
3. Tools should assist in the articulation of racial equity disparities and disproportionality of outcomes.
4. Strategies must include staff training and consensus building on definitions of equity and approaches related to the work of each department and office.

J. Priority areas for additional County efforts:

1. Economic Opportunity: having economic opportunities and resources that enable residents to lead sustainable lives in their communities.
2. Affordability: having access to affordable housing and safety net services.
3. Mobility/transportation: getting where and when residents want to go safely and cost-effectively.
4. Safety: being safe in residents' home, at work, and in their communities.
5. Health: being able to maintain a healthy life both physically and mentally.
6. Cultural and Learning Opportunities: being enriched by our unique civic, cultural, ethnic, and learning opportunities.



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7. Government that Works: believing that County government works for everyone, that it is fair and equitable; serves as a good, continuously improving, and innovating steward of its resources; recruits and retains a high performing, ethical workforce; effectively collaborates with the public; and delivers the results people expect and an experience they welcome.

A handwritten signature in cursive script, appearing to read "Marc Elrich".

Marc Elrich, County Executive
Office of the County Executive

3/24/2022

Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY

By: A handwritten signature in cursive script, appearing to read "Edward B. Hutton".

Date: March 23, 2022



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Subject: Racial Equity and Social Justice Action Plan	Number: 15-21
Originating Department: The Office of Racial Equity and Social Justice	Effective Date:

Montgomery County Regulation on

RACIAL EQUITY AND SOCIAL JUSTICE ACTION PLAN

Issued by: County Executive

Regulation No. 15-21

Authority:

Council Review: Method (2) under Code Section 2-64A(d)(1)

Register Vol. 38 No. 10

Effective Date: _____

Comment Deadline: Nov. 1, 2021

Summary: The purpose of the regulation is to articulate details about the nature of the work required for the County and its departments to meaningfully develop the capacities and processes necessary for applying a racial equity and social justice lens to the development and implementation of its policies, practices, and procedures. The regulations outline how departments can advance racial equity by incorporating community engagement, data collection and analysis, and systems change work into policy development, resource decisions, and service delivery.

Staff contact: Tiffany Ward, Chief Equity Officer

Address: Executive Office Building (EOB)
101 Monroe Street, 6th Floor
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COMCOR 02.64A.01 RACIAL EQUITY AND SOCIAL JUSTICE ACTION PLAN



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject: Racial Equity and Social Justice Action Plan	Number: 15-21
Originating Department: The Office of Racial Equity and Social Justice	Effective Date:

A. Community Engagement Process

1. Definitions: Community engagement is a way of ensuring that community members have an opportunity to access valued social settings and activities, feel that they are able to contribute meaningfully to those activities and decisions, and develop functional capabilities that enable them to participate fully.
 - a. Community engagement is a two-way exchange of information, ideas and resources. Engagement activities include a range of approaches from informing to sharing leadership to resident-led efforts, depending on the degree of community and county involvement, decision-making and control.
 - b. 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.
 - c. Effective engagement removes barriers that may have previously prevented residents from successfully working with county government.
 - d. Community engagement can vary in implementation depending on program goals, time constraints, level of program and community readiness, and capacity and resources.
2. Process
 - a. The County department or office must submit a written proposed community engagement plan to the Office Racial Equity and Social Justice detailing the topic or issue for the community engagement process, the intended stakeholders and partners, and the impacted communities. The plan must explain:
 - i. what the department or office hopes to achieve through the community engagement process and what is the main purpose of the department or office for involving the community?
 - ii. who is most impacted by, involved in, or has a specific interest in the issue area, and why



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- iii. how the community engagement process will ensure impacted communities that have not historically been included in the initial decision-making phase will be included;
 - iv. the degree of public and community support for the engagement;
 - v. the duration of the community engagement process;
 - vi. potential for unintended consequences should the engagement not be implemented successfully;
 - vii. anticipated costs and timeline for the engagement; and
 - viii. plan for publicizing and promoting the community engagement process to County residents
- b. The proposed plan must also present research and background information about the affected communities and populations the department or office intends to reach, including:
- i. language or dialect spoken, customs, historical or geographical data, and other relevant data;
 - ii. known barriers and risks, such as trust issues among the community and the public that may prevent full engagement and community willingness to participate;
 - iii. detailed steps and strategies that will be taken to address language and literacy needs.
3. Transparency and Recognition
- a. This plan must be made available to the public by the department or office after approval by the Office of Racial Equity and Social Justice. The Office has 30 days to take action on proposed plan, if no action is taken by the Office of Racial Equity and Social Justice the department plan is deemed approved.
 - b. The department or office must conduct a follow-up communication or debrief meeting with the community engagement participants no later than 8 weeks after the conclusion of the engagement. The communication must
 - i. acknowledge community members for their contributions
 - ii. indicate opportunities for formal project/program updates and feedback
 - iii. indicate opportunities for future dialogue and collaboration



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- iv. present any resultant recommendations, decisions, or outcomes of the community engagement process
- c. The department of office must provide a final report to community engagement participants presenting any resultant recommendations, decisions, or outcomes after the conclusion of the program/project.

B. Racial Equity and Social Justice Workshops and Training

1. All County employees must participate in at least eight (8) hours of training or workshops on racial equity and social justice on an annual basis. A training or a workshop is a meeting at which a group of people engage in intensive discussion and activity on a particular subject or project.
2. Racial equity and social justice training must be conducted by well-known, well-respected, and high-quality professionals and consultants in the field of racial equity and social justice.
3. Training curriculum and activities must:
 - a. provide immersive, interactive, and educational modules on comprehensive social, political, and economic history of race and racism and other forms of injustices and oppression in the United States and Montgomery County;
 - b. increase the ability of County employees to understand concepts of structural inequity and its real-life implications;
 - c. increase the ability of County employees to recognize their individually held beliefs about all types of difference, including race, gender, age, socio-economic status, ethnicity, nationality, and religious background;
 - d. provide opportunities for County employees to practice interrupting moments of oppression (i.e. microaggressions and discrimination);
 - e. give County employees frameworks for assessing their department and team cultures as well as strategies for making their department and team cultures more inclusive and equitable
4. Training may be conducted in person or virtually.



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C. Use of racial equity and social justice considerations in establishing new programs and evaluating existing programs

1. Definitions: Racial equity and social justice considerations help reveal how society's benefits and burdens are distributed such that race predicts privilege and disadvantage. It also aids in thinking about what can be done to change the equation. Using racial equity considerations means paying disciplined attention to race, and ethnicity while analyzing problems, looking for solutions, and defining success. A keen awareness of race and ethnicity, and of their impact on access to power and opportunity, is a distinct asset when using an equity lens. Racial equity considerations shed light on racial dynamics that shape social, economic, and political structures. Through examining data on race and ethnicity and openly asking the right questions, a racial equity lens supports the development of strategy and programs, shaping guidelines and criteria, and promoting racial equity.
2. The Office will employ racial equity and social justice considerations in its evaluation of new and existing programs.
3. Racial equity considerations must articulate patterns of oppression, separate symptoms of inequity from causes, and identify new solutions.
4. Racial equity considerations may help clarify current objectives, then shape strategies and align resources to meet them.
5. Racial equity considerations can be used with other lenses. Other lenses illuminate other important dynamics that shape equity issues. "Intersectionality" — of race, class, gender, sexual orientation, and other social identities — is key to identifying the dynamics at play in a particular situation and how they combine and converge.



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D. Promotion of racial equity and social justice in the budget

1. The Executive is required to explain how each management initiative or program that would be funded in the Executive's annual recommended operating and capital budgets, including the recommended operating and capital budgets for the County Board of Education, or in a supplemental appropriation promotes racial equity and social justice.
2. To explain how budgets and supplemental appropriation support racial equity and social justice, the Executive must use a racial equity and social justice budget assessment tool that assesses:
 - a. Who is burdened and who will benefit from the management initiative or program;
 - b. Whether and how the initiative or program reduces social inequity in Montgomery County.
 - c. Potential disproportionate effects on communities of color and low-income communities as a result of the initiative or program, and how those effects will be mitigated; and
 - d. Additional considerations as determined by the Office of Racial Equity and Social Justice on an annual basis.

E. Short- and long-term goals for promoting racial equity and social justice

1. Short-term goals should include the development of a County-wide equity team that will develop guidelines and monitor progress for each department or office.
2. Short-term goals should include collection of demographic information in leadership positions within County departments and offices.
3. Short-term goals should include an audit of demographic data each department and office collects from the community it serves (client base).
4. All goals must coordinate the design and implementation of an action plan, which emphasizes:
 - a. Leadership, operations and services
 - b. Plans, policies and budgets



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- c. Workforce and workplace
 - d. Community partnerships
 - e. Communication and education
 - f. Facility and system improvements
5. Goals for promoting racial equity and social justice must include human capital goals, training goals, community development as well as a plan for leadership development and training for the department or office.
 6. Goals must articulate systemic changes to the infrastructure that caused the disproportionalities and the resulting community impact.
 7. Long-term goals should articulate the improvements in quality of life for underserved communities over time.

F. Metrics for measuring progress in meeting these goals

1. Existence of equity plans in each strategic area of services delivered by department and office.
2. Existence of data on staff in department and office.
3. Existence of targets for each department and office.
4. Completion of training for each office or department on definitions and strategies to improve equity.
5. Articulation of inequities and disproportionalities related to the functions of each office and department.
6. Audit on the diversity of vendors for each department and office
7. Audit and analysis on equitable contracting processes.
8. Increased equity in County services for all members of the community.
9. Increases in the degree of public outreach and community engagement.
10. Increased access to County services for communities of color and migrant communities.
11. Frequency and quantity of changes to existing County services using equity best practices and racial equity and social justice impact analyses.
12. By 2023, all supervisors, managers and directors will have equity and social justice measures written into their contracts and job descriptions for Director positions and below.



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13. By 2023, racial equity and social justice indicators will be included in performance evaluations.
14. Each year, staff will indicate a 3% increase in the degree of satisfaction indicated on the staff satisfaction survey measure: "I have the ability to apply equity and social justice to my work"
15. By 2023, there is a system for County wide display of progress on equity measures for each department or office. Departments and offices must update progress on equity measures every three (3) years.
16. By 2023, all departments and offices will establish racial equity and social justice values.
17. By 2023, all departments and offices will include racial equity and social justice values in the guidance documents related to their operations, service delivery and programs, including, but not limited to:
 - a. Early Childhood Development
 - b. Jobs and Job Training
 - c. Health and Human Services
 - d. Food Systems
 - e. Parks and Natural Resources
 - f. Built and Natural Environment
 - g. Transportation
 - h. Community Economic Development
 - i. Neighborhoods
 - j. Housing
 - k. Community and Public Safety
 - l. Law and Justice

G. Guidelines for each department and office to develop its own racial equity and social justice action plan

1. By 2023, each department and office will develop an equity action plan which
 - a. Details specific targets and strategies for the improvement toward equity goals, and



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- b. Identifies the historical context and data for equity issues related to each office and department
2. Goals must articulate the intended impact of each strategy.
3. Community input must be sought by each department and office in the establishment of the equity plan per activities listed in A (2) above, including
 - a. Identifying the priorities of the local residents and businesses in the community, and
 - b. Determining the impact on those most impacted by the office or department
4. The action plan must evaluate and analyze data related to equity. This audit should assess each office and department's:
 - a. Cultural and organizational diversity;
 - b. Degree of equity and inclusion in the department or office's culture, and worksite culture, when appropriate;
 - c. Suggestions for improvements that support the diversity in composition and engagement;
 - d. Disaggregated data of the demographic makeup of employees, vendors, contractors, population of the community served (client base);
 - e. Current equity strategies including levels of engagement and budget allocations for these efforts; and
 - f. Resources currently spent on expanding diversity, improving equity in services provided, and tracking community satisfaction.
5. The action plan must address policies and practices such as:
 - a. Structuring racial equity programming
 - b. Gathering data
 - c. Modeling diversity and inclusiveness
 - d. Communicating consistently
 - e. Exercising community leadership
6. Racial equity and social justice action plans must be updated each planning cycle.



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H. Recommended racial equity and social justice tools and strategies for a department or office to use in redressing disparities based on race or social justice issues

1. Strategies and tools for redressing disproportionate outcomes, racial equity and social justice issues must be recommended best practices by the Office of Racial Equity and Social Justice.
2. Tools for supporting racial equity and social justice issues should offer guidance in the planning, measurement, training, monitoring of strategies designed to impact equity.
3. Tools should assist in the articulation of racial equity disparities and disproportionality of outcomes.
4. Strategies must include staff training and consensus building on definitions of equity and approaches related to the work of each office.

I. Priority areas for additional County efforts

1. Economic Opportunity Having economic opportunities and resources that enable residents to lead sustainable lives in their communities.
2. Affordability: Having access to affordable housing and safety net services.
3. Mobility/transportation: Getting where and when residents want to go safely and cost-effectively.
4. Safety: Being safe in residents' home, at work, and in their communities
5. Health: Being able to maintain a healthy life both physically and mentally
6. Cultural and Learning Opportunities: Being enriched by our unique civic, cultural, ethnic, and learning opportunities
7. Government that Works: Believing that County government works for everyone, that it is fair and equitable; serves as a good, continuously improving and innovating steward of its resources; recruits and retains a high performing, ethical workforce; effectively collaborates with the public; and delivers the results people expect and an experience they welcome.



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Marc Elrich, County Executive
Office of the County Executive

Date

November 1, 2021

Marc Elrich
County Executive
101 Monroe Street, 2nd Floor
Rockville, MD 20850

RE: Support for Regulation 15-21, Montgomery County Regulation on RACIAL EQUITY AND SOCIAL JUSTICE ACTION PLAN

Dear County Executive Marc Elrich,

CASA is here to register comments in support of the proposed Montgomery County Executive Regulation, Racial Equity and Social Justice Action Plan 15-21 by The Office of Racial Equity and Social Justice (RESJ). At CASA, our mission is to create a more just society by building power and improving the quality of life in working class and immigrant communities. We believe the proposed RESJ action plan helps get us closer to achieving a more just society in Montgomery County. Since its creation, RESJ has been a regional leader providing the much-needed equity lens on all things Montgomery County. CASA believes with the full implementation of this plan, we can achieve even greater racial equity and social justice for our most marginalized communities throughout Montgomery County. We know that because of the COVID-19 pandemic, there have been challenges in connecting with the community and receiving feedback on programs, policies, actions that the county plans to take. This action plan outlines the steps the county should implement if they want to genuinely receive feedback from the community.

We are particularly excited about section F. and the metrics outlined for measuring progress for the goals. The intentionality of getting this work done by 2023 is critical to meet the needs of the community. We know that if we want to see a more inclusive Montgomery county, we will have

to evaluate each county agency's policies, practices, and procedures. The Racial Equity and Social Justice Action Plan presented by The Office of Racial Equity and Social Justice is a model for other jurisdictions on how best to evaluate the impacts the government has on its people. Section A., bullet 2. speaks to the process of community engagement. We are encouraged to see that "stakeholders and partners" must be outlined in detail in any plan submitted because, as a leading stakeholder in the immigrant community we can provide a wealth of information and bring trust to the community engagement process that will yield genuine feedback and make for better outcomes. CASA supports regulation 15-21 and respectfully urges for a favorable report.

Fiscal Impact Statement
Executive Regulation #15-21 & Racial Equity and Social Justice Action Plan

1. Executive Regulation Summary.

The purpose of the regulation is to articulate assumptions, principles, features, and aspects of the work required for the County and its departments to meaningfully develop the capacities and processes necessary to apply a racial equity and social justice lens to the development and implementation of policies, practices, and procedures. The regulations outline how departments can advance racial equity by incorporating community engagement, data collection and analysis, and systems change work into policy development, resource decisions, and service delivery.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

The Racial Equity and Social Justice Regulations may not cause changes in County revenues, but it may have an impact on County expenditures. At this moment, it is too early to perform a comprehensive estimate on expenditure changes because departments are still in the process of developing their action plans and strategies to redress disparities based on race or social justice in their departments and in their programs.

However, it is expected that eight hours of training and workshops per year for all County employees will have a fiscal impact of \$1,871,133. Departments impacted are the Department of Transportation, Department of Police, Department of Corrections, Fire and Rescue, and the Office of the Sheriff. In these Departments and Offices there are employees that can only take training after their working hours or regular shift. Additional working hours for these employees are paid as overtime at a rate of 1.5 times their regular pay. See table below.

	A	B	C = B/2,080	D	E
	Number of Employees	Annual Average Salary	Hourly Pay	8 hrs OT at 1.5 Times	Fica
Bus Drivers	705	\$ 55,000	\$ 26.44	\$ 223,702	\$ 17,113
Police Officers	1,631	\$ 78,320	\$ 37.65	\$ 736,961	\$ 56,378
Corrections Officers and Others	430	\$ 76,856	\$ 37	\$ 190,661	\$ 14,586
Deputy Sheriffs	155	\$ 86,932	\$ 42	\$ 77,737	\$ 5,947
TOTAL				\$ 1,229,062	\$ 94,023

Employees	Number of Employees	OTP Hourly Rate (Weighted Average) Includes FICA	8 Hrs of OT (includes Fica)
Fire	1,214	\$ 56.43	\$ 548,048
TOTAL			\$ 1,871,133

In addition, the Office of Racial Equity and Social Justice cost to provide training to Montgomery County employees including consultants, based on the approved FY22 budget, is \$142,440.

It is also expected that the implementation of these regulations will increase the workload of the Office of Racial Equity and Social Justice. Consequently, it is likely that this office will need an additional Program Manager II position. See table below:

Position	Grade	Salary	Fica	Insurance	Retirement	TOTAL
Program Manager II	25	\$ 96,000	\$ 7,344	\$ 13,893	\$ 7,680	\$ 124,917

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

The total estimated impact for training Montgomery County employees and an additional Program Manager II for the Office of Racial Equity and Social Justice covering the next six fiscal years is \$12,830,940. See below:

FY23	FY24 (*)	FY25 (*)	FY26 (*)	FY27 (*)	FY28 (*)	Total 6 year
\$ 2,138,490	\$ 2,138,490	\$ 2,138,490	\$ 2,138,490	\$ 2,138,490	\$ 2,138,490	\$ 12,830,940

(*) = Includes no compensation adjustments because those are subject to collected bargaining agreements that have not been negotiated yet.

4. An actuarial analysis through the entire amortization period for each regulation that would affect retiree pension or group insurance costs.

Not applicable.

5. Later actions that may affect future revenue and expenditures if the regulation authorizes future spending.

The work related to equity is evolving and departmental strategies to redress racial equity and social justice in the County could require actions in future years that will have an impact on expenditures and revenues. However, at this moment, the fiscal impact for later actions is unknown

6. An estimate of the staff time needed to implement the regulation.

- Community engagements:
 - For each community engagement it is estimated that staff at County departments or offices will use approximately 10 hours to develop a formal community engagement plan, coordinate the review of the proposal with the Office of Racial Equity and Social Justice, coordinate with appropriate parties for logistics such as

the rental of space, delivery of the engagement itself, and debriefing or follow up with participants.

- *Racial Equity and Social Justice Workshops and Trainings*

It is expected that Montgomery County employees will each invest annually a minimum of 8 hours in training and workshops on racial equity and social justice. This is a total of approximately 84,915 hours of annual training. Some staff may devote more hours due to additional responsibilities related to advancing racial equity and social justice in the County.

- Use of Racial Equity and Social Justice in establishing and evaluating new and existing programs:

At this moment, the Office of Racial Equity and Social Justice is still assessing the time it will take to perform the evaluation of new and existing programs using equity considerations.

- Promotion of racial equity and social justice in the budget:

It is unknown at this time the numbers of hours staff from County departments and offices will need to address the budget equity tool. It is estimated that for the Capital budget, small to medium size subcategories will require 4 to 6 hours and large ones 6 to 8 hours. For the Operating budget, it could also take 6 to 8 hours. This estimate will be better understood at the end of the FY23 budget cycle.

- Short-and-Long-term goals and metrics:

Although some of the data may exist, the gathering and development of these goals and metrics are expected to be embedded in staff's job descriptions and regular work assignments. No additional time is projected.

- Developing Racial Equity and Social Justice Action Plans:

We anticipate that each department will spend at least 40 hours developing their Racial Equity and Social Justice Action Plans.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

It is likely that the addition of new responsibilities will have an impact on staff workload. Job assignments might need to be rebalanced and collaboration increased within departments.

8. An estimate of costs when an additional appropriation is needed.

At this moment, it is unknown when additional appropriation would be needed.

9. A description of any variable that could affect revenue and cost estimates.

Estimates provided in this fiscal impact statement could be affected by compensation adjustments, staff turnover, and policy changes addressing racial equity work in departments.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

11. If a regulation is likely to have no fiscal impact, why that is the case.

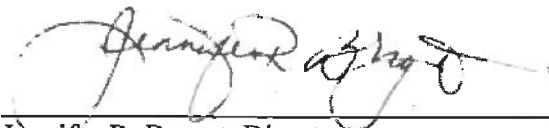
Not applicable.

12. Other fiscal impacts or comments.

No other fiscal impacts at this time.

13. The following contributed to and concurred with this analysis (enter name and dept.)

Edward Lattner, Office of the County Attorney, Chief
Tiffany Ward, Office of Racial Equity and Social Justice, Director
Veronica Jaua, Office of Management and Budget, Fiscal and Policy Analyst III



Jennifer R. Bryant, Director
Office of Management and Budget

3-21-22

Date

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Navarro

SUBJECT: Approval of Executive Regulation 15-21, Office of Racial Equity and Social Justice (ORESJ), Racial Equity and Social Justice Action Plan

Background

1. On March 24, 2022, the County Council received Executive Regulation 15-21, Office of Racial Equity and Social Justice (ORESJ), Racial Equity and Social Justice Action Plan.
2. Executive Regulation 15-21 articulates details about the work required for the County and its departments to develop the capacities and processes necessary to apply a racial equity and social justice lens to the development and implementation of its policies, practices, and procedures enacted through Bill 27-19 and Bill 44-20.
3. Under Method 2 if the Council does not approve, disapprove, or extend the time for consideration within 60 calendar days (May 23, 2022), the regulation automatically takes effect. The Council must review this regulation under Method 2. The Council may extend the 60-day time limit by resolution.
4. On March 10, 2022, the Council extended time for Council consideration of the regulation until November 29, 2022.
5. The Council reviewed the regulation under Method 2 of Section 2A-15 of the County Code.
6. The transmittal memo notes that this regulation was advertised in the October 2021 register; one comment was received by CASA. The letter from CASA dated November 1, 2021, notes "CASA supports regulation 15-21 and respectfully urges for a favorable report." © 28-29
7. On June 22, 2022, the Government Operations and Fiscal Policy Committee reviewed the proposed regulation and recommended {approval/disapproval/approval with amendments }.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

Executive Regulation 15-21, Office of Racial Equity and Social Justice, Racial Equity and Social Justice Action Plan, is {approved/disapproved/approved with amendments }.

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council