



SUBJECT

Bill 27-19, Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Committee - Established
Lead Sponsor: Council President Navarro
Co-Sponsors: Councilmembers Jawando, Rice, Hucker, Riemer, Council Vice President Katz, Councilmembers Albornoz, Friedson and Glass

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce Bill – no vote expected

DESCRIPTION/ISSUE

Bill 27-19 would:

- (1) establish a racial equity and social justice program;
- (2) establish 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) require the Executive to adopt, by Method 2 regulation, a racial equity and social justice action plan for the County;
- (5) require each Department and Office to develop a racial equity and social justice action plan;
- (6) require the Executive to submit a racial equity and social justice impact statement to the Council for each Bill and for each management initiative or program in the recommended budget;
- (7) establish a Racial Equity and Social Justice Committee and set forth the composition and duties of the Committee; and
- (8) require the Planning Board to consider racial equity and social justice impact when preparing a Master Plan.

SUMMARY OF KEY DISCUSSION POINTS

- None

This report contains:

Staff Report

Bill 27-19
Legislative Request Report
Council President Navarro memorandum

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MEMORANDUM

September 12, 2019

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: Bill 27-19, Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Committee - Established

PURPOSE: Introduction – no Council votes required

Bill 27-19, Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Committee - Established, sponsored by Lead Sponsor Council President Navarro, and Co-Sponsors Councilmembers Jawando, Rice, Hucker, Riemer, Council Vice President Katz, Councilmembers Alborno, Friedson and Glass, is scheduled to be introduced on September 17, 2019. A public hearing is tentatively scheduled for October 22, 2019 at 1:30 p.m. and 7:30 p.m.¹

Bill 27-19 would:

- (1) establish a racial equity and social justice program;
- (2) establish 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) require the Executive to adopt, by Method 2 regulation, a racial equity and social justice action plan for the County;
- (5) require each Department and Office to develop a racial equity and social justice action plan;
- (6) require the Executive to submit a racial equity and social justice impact statement to the Council for each Bill and for each management initiative or program in the recommended budget;
- (7) establish a Racial Equity and Social Justice Committee and set forth the composition and duties of the Committee; and
- (8) require the Planning Board to consider racial equity and social justice impact when preparing a Master Plan.

The Council's Office of Legislative Oversight released Report No. 2018-8, "Racial Equity in Government Decision-Making: Lessons from the Field" on September 25, 2018. The Council held a series of community meetings about disparate outcomes among County residents in wealth, housing, criminal justice, education, and health due to race. Bill 27-19 would establish a formal process for

¹#EquityMattersinMoCo

the County to address these difficult issues that have persisted in the nation for at least 400 years. Council President Navarro’s memorandum describing the need for this work is at ©15-16.

This packet contains:

Bill 27-19

Legislative Request Report

Council President Navarro memorandum

Circle #

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Bill No. 27-19
Concerning: Administration -- Human Rights - Office of Racial Equity and Social Justice -- Racial Equity and Social Justice Advisory Committee - Established
Revised: 9/11/2019 Draft No. 7
Introduced: September 17, 2019
Expires: March 17, 2021
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Navarro
Co-Sponsors: Councilmembers Jawando, Rice, Huckler, Riemer, Vice President Katz,
Councilmembers Alborno, Friedson and Glass

AN ACT to:

- (1) establish a racial equity and social justice program;
- (2) establish 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) require the Executive to adopt, by Method 2 regulation, a racial equity and social justice action plan for the County;
- (5) require each Department and Office to develop a racial equity and social justice action plan;
- (6) require the Executive to submit a racial equity and social justice impact statement to the Council for each Bill and for each management initiative or program in the recommended budget;
- (7) establish a Racial Equity and Social Justice Advisory Committee and set forth the composition and duties of the Committee;
- (8) require the Planning Board to consider racial equity and social justice impact when preparing a Master Plan; and
- (9) generally amend the law governing racial equity and social justice.

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Section 1A-201

Chapter 2, Administration

Sections 2-26 and 2-64A

Chapter 33A, Planning Procedures
Section 33A-14

By adding

Montgomery County Code
Chapter 2, Administration
Section 2-81C

Article XIV.
Chapter 27, Human Rights and Civil Liberties
Section 27-83

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

Sec. 1. Sections 1A-201, 2-26, 2-64A, and 33A-14 are amended and Sections 2-81C and 27-83 are added as follows:

1A-201. Establishing departments and principal offices.

(a) Executive Branch.

(1) These are the departments and principal offices of the Executive Branch.

* * *

Public Libraries (Section 2-45 et seq.)

Racial Equity and Social Justice (Section 2-64A)

Recreation (Section 2-58)

* * *

2-26. Non-merit positions.

The following positions in the Office of the County Executive are non-merit positions:

- (a) 5 Directors of the Regional Services Centers;
- (b) Director, Office of Community Partnerships;
- (c) Director, Criminal Justice Coordinating Commission;
- (d) 4 Assistant Chief Administrative Officers;
- (e) Special Projects Manager;
- (f) Chief Labor Relations Officer; and
- (g) Chief Digital Officer [; and
- (h) Chief Equity Officer].

Division 13. [Reserved] Office of Racial Equity and Social Justice.

2-64A. [Reserved] Office of Racial Equity and Social Justice.

(a) Findings.

(1) Although not unique to the County, many County residents suffer from stark disparities linked to race.

28 (2) These disparate outcomes among County residents include wealth,
 29 housing, criminal justice, education, and health.

30 (3) Inequitable outcomes linked to race will persist in the County
 31 without intentional intervention.

32 (4) The work to dismantle racial inequity must occur on an individual,
 33 institutional, and structural basis.

34 (b) Definitions. As used in this Division:

35 Director means the Director of the Office of Racial Equity and Social
 36 Justice or the Director’s designee.

37 Equity means fair and just opportunities and outcomes for all people.

38 Equity assessment means a systematic process of identifying policies and
 39 practices that may be implemented to identify and redress disparate
 40 outcomes on the basis of race.

41 Individual racism means explicit or implicit pre-judgment bias or
 42 discrimination by an individual based on race.

43 Inequity means systematic and patterned differences in well-being that
 44 disadvantage one group in favor of another caused by past and current
 45 decisions, systems of power and privilege, and policies.

46 Institutional racism means policies, practices, and procedures that work
 47 better for some members of a community than others based on race.

48 Office means the Office of Racial Equity and Social Justice.

49 Race means a social construct that artificially divides people into distinct
 50 groups based on characteristics such as physical appearance (including
 51 color), ancestral heritage, cultural affiliation, cultural history, ethnic
 52 classification, and the social, economic and political needs of a society at
 53 a given period.

54 Racial equity means changes in policy, practice and allocation of County
 55 resources so that race does not predict one's success, while also
 56 improving opportunities and outcomes for all people.

57 Racial equity action plan means a comprehensive plan to incorporate and
 58 embed racial equity principles and strategies into operations, programs,
 59 service policies, and community engagement.

60 Social justice means a social construct that artificially divides people into
 61 distinct groups based on age, gender, sexual orientation, gender
 62 identification, religion, or disability.

63 Structural racism means the history and current reality of institutional
 64 racism across public and private institutions which combine to create a
 65 system that negatively impacts certain groups based on race.

66 (c) Functions. After consulting with each department and office, the Office
 67 must:

- 68 (1) perform an equity assessment to identify County policies and
 69 practices that must be modified to redress disparate outcomes
 70 based on race or social justice;
- 71 (2) develop metrics to measure progress in redressing disparate
 72 outcomes based on race or social justice;
- 73 (3) work with each County department and office to develop a racial
 74 and social justice equity action plan designed to remedy individual,
 75 institutional, and structural racism or social justice issues adversely
 76 impacting County residents;
- 77 (4) provide racial and social justice equity training to County
 78 employees;
- 79 (5) develop short term and long term goals for success in redressing
 80 disparate outcomes based on race or social justice issues;

- 81 (6) measure progress in meeting both short term and long term goals;
- 82 and
- 83 (7) provide staff support for the Racial and Social Justice Equity
- 84 Advisory Committee.
- 85 (d) Racial and Social Justice Equity Action Plan.
- 86 (1) The Executive must adopt, by Method 2 regulation, a racial and
- 87 social justice equity action plan.
- 88 (2) The racial and social justice equity action plan must include:
- 89 (A) a community engagement process;
- 90 (B) mandatory racial equity training for managers and
- 91 supervisors;
- 92 (C) the use of a racial and social justice equity lens in
- 93 establishing new programs and evaluating existing
- 94 programs;
- 95 (D) a requirement for the Executive to submit a racial equity and
- 96 social justice impact statement to the Council for each
- 97 management initiative or program that would be funded in
- 98 the Executive’s annual recommended operating and capital
- 99 budgets;
- 100 (E) short term and long term goals for redressing inequity;
- 101 (F) metrics for measuring progress in meeting these goals;
- 102 (G) guidelines for each department and office to develop its own
- 103 equity action plan;
- 104 (H) recommended racial and social justice equity tools and
- 105 strategies for a department or office to use in redressing
- 106 disparities based on race or social justice issues; and
- 107 (I) priority areas for additional County efforts.

- 108 (e) Reports. The Director must submit an annual report on the activities of
 109 the Office to the Executive and the Council on or before each September
 110 30. The report must include:
- 111 (1) the metrics used to measure the success of each short term and long
 112 term goal of the approved racial and social justice equity action
 113 plan;
- 114 (2) the progress toward meeting the goals of the approved racial and
 115 social justice equity action plan; and
- 116 (3) any recommendations for changes in law, regulation, or operating
 117 budget resources to assist in meeting the goals of the racial and
 118 social justice equity action plan.
- 119 (f) Responsibilities of each department and office. Each Executive and
 120 Legislative Branch department and office must:
- 121 (1) designate an employee to serve as the racial and social justice
 122 equity lead for the department or office to coordinate work with
 123 the Office;
- 124 (2) develop a department or office racial and social justice equity
 125 action plan in coordination with the Office; and
- 126 (3) provide information to the Office as needed.
- 127 (g) Responsibility of the Council. The Council must establish a structure to
 128 provide oversight of the County's progress in meeting its racial equity
 129 and social justice goals. The Council may retain experts from academic
 130 and scientific organizations to assist the Council with this oversight
 131 responsibility.

132 **2-81C. Racial and Social Justice Equity Impact Statements.**

- 133 (a) Definitions. In this Section, the following words and phrases have the
 134 following meanings:

135 Director means the Director of the Office of Racial Equity and Social
 136 Justice or the Director’s designee.

137 Race means a social construct that artificially divides people into distinct
 138 groups based on characteristics such as physical appearance (including
 139 color), ancestral heritage, cultural affiliation, cultural history, ethnic
 140 classification, and the social, economic and political needs of a society at
 141 a given period.

142 Racial equity means changes in policy, practice and allocation of County
 143 resources so that race does not predict one’s success, while also
 144 improving opportunities and outcomes for all people.

145 Racial equity impact means an estimate of changes in racial equity in the
 146 County attributable to a change in the law.

147 Social justice means a social construct that artificially divides people into
 148 distinct groups based on age, gender, sexual orientation, gender
 149 identification, religion, or disability.

150 (b) Racial and Social Justice Equity impact statement. The Director must
 151 submit a statement to the Council describing the racial and social justice
 152 equity impact, if any, of each bill under consideration by the Council.
 153 The Director must submit a separate statement for each bill.

154 (c) Time for submission. A racial impact statement should be submitted to
 155 the Council:

- 156 (1) no later than 7 days before the public hearing on each bill
- 157 introduced by the Council President at the request of the County
- 158 Executive; and
- 159 (2) no more than 21 days after a bill sponsored by a Councilmember
- 160 is introduced.

161 If the Director is unable to submit the statement within the time required
 162 by paragraph (2), the Director must notify the Council President in
 163 writing of the delay, the reason for the delay, and the revised delivery
 164 date. If the Council President finds that the revised delivery date is
 165 unreasonable, the Council President may set a different delivery deadline.

166 (d) Content of racial and social justice impact statement. Each racial and
 167 social justice impact statement must include:

- 168 (1) the sources of information, assumptions, and methodologies used;
- 169 (2) an estimate of both positive and negative changes in racial and
 170 social justice equity in the County as a result of the implementation
 171 of the bill;
- 172 (3) recommended amendments that may promote racial and social
 173 justice equity; and
- 174 (4) if a bill is likely to have no racial or social justice equity impact,
 175 why that is the case.

176 (e) Compliance. Council action on a bill that is otherwise valid is not invalid
 177 because of any failure to follow the requirements of this Section.

178 **ARTICLE XIV. RACIAL EQUITY AND SOCIAL JUSTICE ADVISORY**
 179 **COMMITTEE**

180 **27-83. Racial Equity and Social Justice Advisory Committee.**

181 (a) Members. The Executive must appoint, subject to confirmation by the
 182 Council, a Racial Equity and Social Justice Advisory Committee. The
 183 Committee must have 9 voting members. At least 6 of the voting
 184 members must, when appointed, either reside in or be an employee of the
 185 County.

- 186 (1) Voting members. The members must reflect a range of ethnicities,
 187 professional backgrounds, socioeconomic status, and places of

188 origin to reflect the racial and economic diversity of the County's
 189 communities, with an emphasis on those most proportionately
 190 impacted by inequities. Each member should have some
 191 experience in redressing disparate impacts based on race.

192 (A) One member should be an employee of the Montgomery
 193 County Public Schools.

194 (B) One member should be an employee of the Housing
 195 Opportunities Commission.

196 (C) One member should be a designee of the County Council.

197 (D) One member should be an employee of the County
 198 Department of Health and Human Services.

199 (E) One member should be an employee of the County
 200 Department of Correction and Rehabilitation.

201 (F) One member should be an employee of the Police
 202 Department.

203 (G) Three members should be a public member with experience
 204 in redressing disparate impacts based on race.

205 (2) Term. Each member serves a 3-year term. A member must not
 206 serve more than 2 consecutive full terms. A member appointed to
 207 fill a vacancy serves the rest of the unexpired term. Members
 208 continue in office until their successors are appointed and
 209 qualified.

210 (3) Compensation. Members must receive no compensation for their
 211 services. A public member may receive reimbursement for
 212 expenses incurred in serving.

213 (4) Removal. The Executive, with the consent of the Council, may
 214 remove a member for neglect or inability to perform the duties of

215 the office, misconduct in office, or a serious violation of law.
 216 Before the Executive removes a member, the Executive must give
 217 the member notice of the reason for removal and a reasonable
 218 opportunity to reply.

219 (b) Chair and Vice Chair. The Committee must annually elect one member
 220 as chair and another as vice chair and may elect other officers.

221 (c) Meetings. The Committee may meet at the call of the chair as often as
 222 required to perform its duties, but at least 6 times each year. The
 223 Committee must also meet if a majority of the members submit a written
 224 request for a meeting to the chair at least 7 days before the proposed
 225 meeting. A majority of the members are a quorum for the transaction of
 226 business, and a majority of members present at any meeting with a
 227 quorum may take an action.

228 (d) Staff. The Office of Racial Equity and Social Justice must provide the
 229 Committee with staff, offices, and supplies as are appropriate.

230 (e) Duties. The Committee must:
 231 (1) adopt rules and procedures as necessary to perform its functions;
 232 (2) keep a record of its activities and minutes of all meetings, which
 233 must be kept on file and open to the public during business hours
 234 upon request;
 235 (3) develop and distribute information about racial equity and social
 236 justice in the County;
 237 (4) promote educational activities that increase the understanding of
 238 racial equity and social justice in the County;
 239 (5) recommend coordinated strategies for reducing racial and social
 240 justice inequity in the County;

241 (6) advise the Council, the Executive, and County agencies about
 242 racial equity and social justice in the County, and recommend
 243 policies, programs, legislation, or regulations necessary to reduce
 244 racial and social justice inequity; and

245 (7) submit an annual report by December 1 of each year to the
 246 Executive and Council on the activities of the Committee.

247 (f) Advocacy. The Committee must not engage in any advocacy activity at
 248 the State or federal levels unless that activity is approved by the Office of
 249 Intergovernmental Relations.

250 **33A-14. Greenhouse Gas Emissions and Racial Equity and Social Justice.**

251 As part of the factors and conditions outlined in [§7-108] Section 21-204 of the
 252 Regional District Act and [§ 1.01 and § 1.03 of Article 66B,] Section 1-201 of the Land
 253 Use Article of the Maryland Code in preparing the Plan, the Planning Board must:

254 (a) consider the environmental impact of the plan by:

255 (1) [assess] assessing the Plan’s potential impact on greenhouse gas
 256 emissions in the County, including a carbon footprint analysis;

257 (2) [(b) consider] considering ways to reduce vehicle miles traveled
 258 in the County; and

259 (3) [(c) consider] considering options that would minimize
 260 greenhouse gas emissions; and

261 (b) consider the impact of the plan on racial equity and social justice in the
 262 County.

263 **Sec. 2. Transition.**

264 The first report of the Office of Racial Equity and Social Justice required in
 265 Section 1 must be submitted to the Council on or before September 30, 2020 and the
 266 first report of the Racial Equity and Social Justice Committee required in Section 1
 267 must be submitted to the Executive and the Council on or before December 1, 2020.

LEGISLATIVE REQUEST REPORT

Bill 27-19

Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Committee – Established

- DESCRIPTION:** Bill 27-19, Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Committee - Established, would:
- (1) establish a racial equity and social justice program;
 - (2) establish 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) require the Executive to adopt, by Method 2 regulation, a racial equity and social justice action plan for the County;
 - (5) require each Department and Office to develop a racial equity and social justice action plan;
 - (6) require the Executive to submit a racial equity and social justice impact statement to the Council for each Bill and for each management initiative or program in the recommended budget;
 - (7) establish a Racial Equity and Social Justice Committee and set forth the composition and duties of the Committee; and
 - (8) require the Planning Board to consider racial equity and social justice impact when preparing a Master Plan.
- PROBLEM:** Disparate outcomes for County residents in wealth, housing, criminal justice, education, and health due to race and other social justice issues.
- GOALS AND OBJECTIVES:** Establish a formal process for the County to work to eliminate these disparate outcomes.
- COORDINATION:** County Executive
- FISCAL IMPACT:**
- ECONOMIC IMPACT:** To be done.
- EVALUATION:** To be done.
- EXPERIENCE ELSEWHERE:** To be researched.
- SOURCE OF INFORMATION:** Robert H. Drummer, Senior Legislative Attorney
- APPLICATION**

**WITHIN
MUNICIPALITIES: N/A**

PENALTIES: N/A

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**MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND**

COUNCIL PRESIDENT NANCY NAVARRO

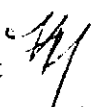
**CHAIR, GOVERNMENT OPERATIONS AND
FISCAL POLICY COMMITTEE**

DISTRICT 4

EDUCATION AND CULTURE COMMIT

MEMORANDUM

Wednesday, September 11, 2019

TO: Councilmembers
FROM: Nancy Navarro, Council President 
SUBJECT: Bill 27-19, Racial Equity and Social Justice Legislation

I am proud to transmit for your consideration, the attached bill on racial equity and social justice which seeks to codify and institutionalize the consideration of norms of equity and social justice in the important work of county government. This draft bill is a result of our work as a team, alongside the County executive, his staff, and our constituents who provided valuable feedback during the County's community conversations on racial equity and social justice this summer, as well as through the application of our community engagement toolkit that was distributed online and in print to encourage residents to host their own community conversations on racial equity and social justice.

Below are key elements of the bill:

1. Establish a racial equity and social justice program;
2. establish 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 (this is consistent with merit system law and the way non-merit positions are classified in the Executive Branch);

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COUNCILMEMBER.NAVARRO@MONTGOMERYCOUNTYMD.GOV • WWW.COUNCILMEMBERNAVARRO.COM

4. require the Executive to adopt, by Method 2 regulation, a racial equity and social justice action plan for the County;
5. require each Department and Office to develop a racial equity and social justice action plan;
6. require the Executive to submit a racial equity and social justice impact statement to the Council for each Bill and for each management initiative or program in the recommended budget;
7. establish a Racial Equity and Social Justice Advisory Committee and set forth the composition and duties of the Committee;
8. require the Planning Board to consider racial equity and social justice impact when preparing a Master Plan; and
9. generally amend the law governing racial equity and social justice.

Recognizing that the implementation of Bill 27-19 rests with the Executive Branch, this bill also calls for the creation of a structure at the Council to provide oversight of the County's progress in meeting its racial equity and social justice goals. After the introduction of this bill on Tuesday, September 17, in addition to soliciting feedback in writing, there is an afternoon and an evening public hearing scheduled for October 22 at 1:30 p.m. and 7:00 p.m. here at the Council. This bill has been assigned to the Government Operations and Fiscal Policy Committee and I look forward to continuing the work there alongside my colleagues. The plan is to have the final legislation adopted in late November. Please let me know if you would like to be a co-sponsor of this bill.