

Bill No. 27-19
Concerning: Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee - Established
Revised: 11/19/2019 Draft No. 10
Introduced: September 17, 2019
Enacted: November 19, 2019
Executive: December 2, 2019
Effective: March 2, 2020
Section 2-81C effective on August 1, 2020
Sunset Date: None
Ch. 27, Laws of Mont. Co. 2019

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Navarro
Co-Sponsors: Councilmembers Jawando, Rice, Hucker, 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]]~~ Director of the Office of Legislative Oversight to submit a racial equity and social justice impact statement to the Council for each Bill;
- (7) require the Executive to explain how ~~[[and for]]~~ each management initiative or program in the recommended budget would promote racial equity and social justice;
- (8) [[(7)]] establish a Racial Equity and Social Justice Advisory Committee and set forth the composition, compensation, and duties of the Committee;
- (9) [[(8)]] require the Planning Board to consider racial equity and social justice impact when preparing a Master Plan; and
- (10) [[(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:

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

3 **1A-201. Establishing departments and principal offices.**

4 (a) Executive Branch.

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

7 * * *

8 Public Libraries (Section 2-45 et seq.)

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

10 Recreation (Section 2-58)

11 * * *

12 **2-26. Non-merit positions.**

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

15 (a) 5 Directors of the Regional Services Centers;

16 (b) Director, Office of Community Partnerships;

17 (c) Director, Criminal Justice Coordinating Commission;

18 (d) 4 Assistant Chief Administrative Officers;

19 (e) Special Projects Manager;

20 (f) Chief Labor Relations Officer; and

21 (g) Chief Digital Officer [; and

22 (h) Chief Equity Officer].

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

24 **2-64A. [Reserved] Office of Racial Equity and Social Justice.**

25 (a) Findings.

26 (1) Although not unique to the County, many County residents suffer
27 from stark disparities linked to race and social justice issues.

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

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

32 (4) The work to dismantle racial and social justice inequity must occur
 33 on an individual, 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 or social justice issues.

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 and social justice means changes in policy, practice and
 55 allocation of County resources so that race or social justice constructs do
 56 [[does]] not predict one’s success, while also improving opportunities and
 57 outcomes for all people.

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

62 Social justice means [[a social construct that artificially divides people
 63 into distinct groups based on]] that everyone deserves to benefit from the
 64 same economic, political and social rights and opportunities, free from
 65 health disparities, regardless of race, socioeconomic status, age, [[gender,
 66 sexual orientation, gender identification]] sex – including on the basis of
 67 gender identity or orientation, religion, [[or]] disability, or other
 68 characteristics.

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

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

- 74 (1) perform an equity assessment to identify County policies and
 75 practices that must be modified to redress disparate outcomes
 76 based on race or social justice;
- 77 (2) develop metrics to measure progress in redressing disparate
 78 outcomes based on race or social justice;
- 79 (3) work with each County department and office to develop a racial
 80 equity and social justice [[equity]] action plan designed to remedy

- 81 individual, institutional, and structural racism or social justice
 82 issues adversely impacting County residents;
 83 (4) provide racial equity and social justice [[equity]] training to
 84 County employees;
 85 (5) develop short term and long term goals for success in redressing
 86 disparate outcomes based on race or social justice issues;
 87 (6) measure progress in meeting both short term and long term goals;
 88 and
 89 (7) provide staff support for the Racial Equity and Social Justice
 90 [[Equity]] Advisory Committee.
 91 (d) Racial Equity and Social Justice [[Equity]] Action Plan.
 92 (1) The Executive must adopt, by Method 2 regulation, a racial equity
 93 and social justice [[equity]] action plan.
 94 (2) The racial equity and social justice [[equity]] action plan must
 95 include:
 96 (A) a community engagement process;
 97 (B) mandatory racial equity and social justice training for
 98 [[managers and supervisors]] all County employees;
 99 (C) the use of [[a]] explicit racial equity and social justice
 100 [[equity lens]] considerations in establishing new programs
 101 and evaluating existing programs;
 102 (D) a requirement for the Executive to [[submit a racial equity
 103 and social justice impact statement to the Council for]]
 104 explain how each management initiative or program that
 105 would be funded in the Executive’s annual recommended
 106 operating and capital budgets promotes racial equity and
 107 social justice;

- 108 (E) short term and long term goals for [[redressing inequity]]
- 109 promoting racial equity and social justice;
- 110 (F) metrics for measuring progress in meeting these goals;
- 111 (G) guidelines for each department and office to develop its own
- 112 equity action plan;
- 113 (H) recommended racial equity and social justice [[equity]]
- 114 tools and strategies for a department or office to use in
- 115 redressing disparities based on race or social justice issues;
- 116 and
- 117 (I) priority areas for additional County efforts.
- 118 (e) Reports. The Director must submit an annual report on the activities of
- 119 the Office to the Executive and the Council on or before each September
- 120 30. The report must include:
- 121 (1) the metrics used to measure the success of each short term and long
- 122 term goal of the approved racial equity and social justice [[equity]]
- 123 action plan;
- 124 (2) the progress toward meeting the goals of the approved racial equity
- 125 and social justice [[equity]] action plan; and
- 126 (3) any recommendations for changes in law, regulation, or operating
- 127 budget resources to assist in meeting the goals of the racial equity
- 128 and social justice [[equity]] action plan.
- 129 (f) Responsibilities of each department and office. Each Executive and
- 130 Legislative Branch department and office must:
- 131 (1) designate an employee to serve as the racial equity and social
- 132 justice [[equity]] lead for the department or office to coordinate
- 133 work with the Office;

- 134 (2) develop a department or office racial equity and social justice
 135 [[equity]] action plan in coordination with the Office; and
 136 (3) provide information to the Office as needed.
 137 (g) Responsibility of the Council. The Council must:
 138 (1) establish a structure to provide oversight of the County’s progress
 139 in meeting its racial equity and social justice goals. The Council
 140 may retain experts from academic and scientific organizations to
 141 assist the Council with this oversight responsibility; and
 142 (2) ensure that the operating budget is sufficient:
 143 (A) for the Office of Racial Equity and Social Justice to provide
 144 the services required by this Section; and
 145 (B) to implement the Racial Equity and Social Justice Action
 146 Plan.

147 **2-81C. Racial Equity and Social Justice [[Equity]] Impact Statements.**

- 148 (a) Definitions. In this Section, the following words and phrases have the
 149 following meanings:
 150 Director means the Director of the Office of [[Racial Equity and Social
 151 Justice]] Legislative Oversight or the Director’s designee.
 152 Race means a social construct that artificially divides people into distinct
 153 groups based on characteristics such as physical appearance (including
 154 color), ancestral heritage, cultural affiliation, cultural history, ethnic
 155 classification, and the social, economic and political needs of a society at
 156 a given period.
 157 Racial equity and social justice means changes in policy, practice and
 158 allocation of County resources so that race or social justice constructs do
 159 [[does]] not predict one’s success, while also improving opportunities and
 160 outcomes for all people.

161 Racial equity and social justice impact means an estimate of changes in
 162 racial equity and social justice in the County attributable to a change in
 163 the law.

164 Social justice means [[a social construct that artificially divides people
 165 into distinct groups based on]] that everyone deserves to benefit from the
 166 same economic, political and social rights and opportunities, free from
 167 health disparities, regardless of race, socioeconomic status, age, [[gender,
 168 sexual orientation, gender identification]] sex – including on the basis of
 169 gender identity or orientation, religion, [[or]] disability, or other
 170 characteristics.

171 (b) Racial Equity and Social Justice [[Equity]] impact statement. The
 172 Director must submit a statement to the Council describing the racial
 173 equity and social justice [[equity]] impact, if any, of each bill under
 174 consideration by the Council. The Director must submit a separate
 175 statement for each bill.

176 (c) Time for submission. A racial equity and social justice impact statement
 177 should be submitted to the Council:

178 (1) no later than 7 days before the public hearing on each bill
 179 introduced by the Council President at the request of the County
 180 Executive; and

181 (2) no more than 21 days after a bill sponsored by a Councilmember
 182 is introduced.

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

- 188 (d) Content of racial equity and social justice impact statement. Each racial
 189 equity and social justice impact statement must include:
- 190 (1) the sources of information, assumptions, and methodologies used;
 - 191 (2) an estimate of both positive and negative changes in racial equity
 192 and social justice [[equity]] in the County as a result of the
 193 implementation of the bill;
 - 194 (3) recommended amendments that may promote racial equity and
 195 social justice [[equity]]; and
 - 196 (4) if a bill is likely to have no racial equity or social justice [[equity]]
 197 impact, why that is the case.
- 198 (e) Compliance. Council action on [[a]] an expedited bill that is otherwise
 199 valid is not invalid because of any failure to follow the requirements of
 200 this Section.

201 **ARTICLE XIV. RACIAL EQUITY AND SOCIAL JUSTICE ADVISORY**
 202 **COMMITTEE.**

203 **27-83. Racial Equity and Social Justice Advisory Committee.**

- 204 (a) Members. The Executive must appoint, subject to confirmation by the
 205 Council, a Racial Equity and Social Justice Advisory Committee. The
 206 Committee must have [[9]] 15 voting members. [[At least 6 of the voting
 207 members must, when appointed, either reside in or be an employee of the
 208 County.]]
- 209 (1) Voting members. The members must reflect a range of ethnicities,
 210 professional backgrounds, socioeconomic status, and places of
 211 origin to reflect the racial, [[and]] economic, and linguistic
 212 diversity of the County’s communities, with an emphasis on those
 213 most [[proportionately]] disproportionately impacted by
 214 inequities. Each member should have some experience in

215 redressing disparate impacts based on race and social justice
 216 issues.

217 (A) One member should be [[an employee]] a designee of [[the
 218 Montgomery County Public Schools]] a public education
 219 system in the County.

220 (B) One member should be [[an employee]] the Chair of the
 221 Housing Opportunities Commission or the Chair’s
 222 designee.

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

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

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

228 (F) One member should be [[an employee]] a sworn officer of
 229 the County Police Department.

230 (G) One member should be the Chair of the Montgomery
 231 County Planning Board or the Chair’s designee.

232 (H) [[Three]] Eight members should be a public member with
 233 experience in redressing disparate impacts based on race
 234 and social justice issues. Each public member must reside
 235 in the County.

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

- 241 (3) Compensation. [[Members]] Except for the 8 public members,
 242 members must receive no compensation for their services. [[A]]
 243 Each of the 8 public [[member]] members may receive an annual
 244 stipend of \$2,000.00 and reimbursement for expenses incurred in
 245 serving.
- 246 [[(4) Removal. The Executive, with the consent of the Council, may
 247 remove a member for neglect or inability to perform the duties of
 248 the office, misconduct in office, or a serious violation of law.
 249 Before the Executive removes a member, the Executive must give
 250 the member notice of the reason for removal and a reasonable
 251 opportunity to reply.]]
- 252 (b) Chair and Vice Chair. The Committee must annually elect one member
 253 as chair and another as vice chair and may elect other officers.
- 254 (c) Meetings. The Committee may meet at the call of the chair as often as
 255 required to perform its duties, but at least 6 times each year. The
 256 Committee must also meet if a majority of the members submit a written
 257 request for a meeting to the chair at least 7 days before the proposed
 258 meeting. A majority of the members are a quorum for the transaction of
 259 business, and a majority of members present at any meeting with a
 260 quorum may take an action.
- 261 (d) Staff. The Office of Racial Equity and Social Justice must provide the
 262 Committee with staff, offices, and supplies as are appropriate.
- 263 (e) Duties. The Committee must:
- 264 (1) adopt rules and procedures as necessary to perform its functions;
 265 (2) keep a record of its activities and minutes of all meetings, which
 266 must be kept on file and open to the public during business hours
 267 upon request;

- 268 (3) develop and distribute information about racial equity and social
 269 justice in the County;
- 270 (4) promote educational activities that increase the understanding of
 271 racial equity and social justice in the County;
- 272 (5) recommend coordinated strategies for reducing racial and social
 273 justice inequity in the County;
- 274 (6) advise the Council, the Executive, and County agencies about
 275 racial equity and social justice in the County, and recommend
 276 policies, programs, legislation, or regulations necessary to reduce
 277 racial and social justice inequity; [[and]]
- 278 (7) meet periodically with the racial equity and social justice lead for
 279 each department and office; and
- 280 (8) submit an annual report by December 1 of each year to the
 281 Executive and Council on the activities of the Committee.
- 282 (f) Advocacy. The Committee must not engage in any advocacy activity at
 283 the State or federal levels unless that activity is approved by the Office of
 284 Intergovernmental Relations.

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

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

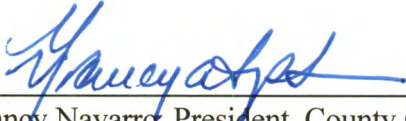
- 289 (a) [[consider the environmental impact of the plan by:]]
 290 [[(1) [assess] assessing]] assess the Plan’s potential impact on
 291 greenhouse gas emissions in the County, including a carbon
 292 footprint analysis;
- 293 (b) [[(2) [(b) consider] considering]] consider ways to reduce vehicle
 294 miles traveled in the County; [[and]]

- 295 (c) ~~[[3] [(c) consider] considering]]~~ consider options that would
296 minimize greenhouse gas emissions; and
297 (d) ~~[[b]]~~ consider the impact of the plan on racial equity and social justice
298 in the County, as defined in Section 2-64A.

299 **Sec. 2. Transition and Effective Date.**

- 300 (a) The first report of the Office of Racial Equity and Social Justice required
301 in Section 1 must be submitted to the Council on or before September 30,
302 2020 and the first report of the Racial Equity and Social Justice
303 Committee required in Section 1 must be submitted to the Executive and
304 the Council on or before December 1, 2020.
305 (b) Section 2-81C as added by Section 1 of this Act takes effect on August
306 1, 2020.

Approved:


11/21/19

Nancy Navarro, President, County Council Date

Approved:


12/2/19

Marc Elrich, County Executive Date

This is a correct copy of Council action.


12/2/19

Mary Anne Paradise, Acting Clerk of the Council Date