

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: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

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**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

<b>Boldface</b>	<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:

  
\_\_\_\_\_  
Nancy Navarro, President, County Council

11/21/19  
\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
Marc Elrich, County Executive

\_\_\_\_\_  
Date

*This is a correct copy of Council action.*

\_\_\_\_\_  
Mary Anne Paradise, Acting Clerk of the Council

\_\_\_\_\_  
Date