



Committee: GO
Committee Review: At a future date
Staff: Robert H. Drummer, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #EquityMattersInMoCo #LandUseEquity

AGENDA ITEM 16D
September 29, 2020
Introduction

SUBJECT

Bill 44-20, Human Rights and Civil Liberties – Racial Equity and Social Justice Advisory Committee – Members - Amendments

Lead Sponsor: Councilmember Navarro

Co-Sponsors: Councilmembers Jawando, Albornoz, Council Vice-President Hucker, Councilmembers Riemer, Friedson, Council President Katz, Councilmembers Glass and Rice

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce Bill – no vote expected

DESCRIPTION/ISSUE

Bill 44-20 would require the Office of Legislative Oversight (OLO) to submit a racial equity and social justice impact statement for each zoning text amendment. The law already requires OLO to submit an impact statement for a bill. Bill 44-20 would also add 2 additional public members to the Racial Equity and Social Justice Advisory Committee and authorize the Executive to establish one or more task forces to study and make recommendations on a specific racial equity and social justice issue.

SUMMARY OF KEY DISCUSSION POINTS

- How do Zoning Text Amendments affect racial equity and social justice?

This report contains:

Bill 44-20	©1
Legislative Request Report	©6
Councilmember Navarro Memorandum	©7

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MEMORANDUM

September 24, 2020

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney

SUBJECT: Bill 44-20, Human Rights and Civil Liberties – Racial Equity and Social Justice Advisory Committee – Members - Amendments

PURPOSE: Introduction – no Council votes required

Bill 44-20, Human Rights and Civil Liberties – Racial Equity and Social Justice Advisory Committee – Members - Amendments, sponsored by Lead Sponsor Councilmember Navarro and Co-Sponsors Councilmembers Jawando and Albornoz, Council Vice-President Hucker, Councilmembers Riemer and Friedson, Council President Katz and Councilmembers Glass and Rice, is scheduled to be introduced on September 29, 2020. A public hearing is tentatively scheduled for October 20 at 1:30 p.m.¹

Bill 44-20 would require the Office of Legislative Oversight (OLO) to submit a racial equity and social justice impact statement for each zoning text amendment. The law already requires OLO to submit an impact statement for a bill. Bill 44-20 would also add 2 additional public members to the Racial Equity and Social Justice Advisory Committee and authorize the Executive to establish one or more task forces to study and make recommendations on a specific racial equity and social justice issue. Lead Sponsor Councilmember Navarro explained her reasons for introducing this Bill at ©7-8.

This packet contains:	<u>Circle #</u>
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¹#EquityMattersInMoCo #LandUseEquity

Bill No. 44-20
Concerning: Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments
Revised: 9-15-20 Draft No. 3
Introduced: September 29, 2020
Expires: March 29, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

AN ACT to:

- (1) require a racial equity and social justice impact statement for each zoning text amendment;
- (2) add 2 public members to the Racial Equity and Social Justice Advisory Committee;
- (3) authorize the Executive to establish one or more task forces to study and make recommendations on a specific issue; and
- (4) generally amend the law governing Racial Equity and Social Justice.

By amending

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

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 2-81C and 27-83 are amended as follows:

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

* * *

(b) *Racial Equity and Social Justice impact statement.* The Director must submit a statement to the Council describing the racial equity and social justice impact, if any, of each bill and zoning text amendment under consideration by the Council. The Director must submit a separate statement for each bill or zoning text amendment.

* * *

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

(a) *Members.* The Executive must appoint, subject to confirmation by the Council, a Racial Equity and Social Justice Advisory Committee. The Committee must have [15] 17 voting members.

(1) *Voting members.* The members must reflect a range of ethnicities, professional backgrounds, socioeconomic status, and places of origin to reflect the racial, economic, and linguistic diversity of the County’s communities, with an emphasis on those most disproportionately impacted by inequities. Each member should have some experience in redressing disparate impacts based on race and social justice issues.

(A) One member should be a designee of a public education system in the County.

(B) One member should be the Chair of the Housing Opportunities Commission or the Chair’s designee.

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

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

- 28 (E) One member should be an employee of the County
 29 Department of Correction and Rehabilitation.
- 30 (F) One member should be a sworn officer of the County Police
 31 Department.
- 32 (G) One member should be the Chair of the Montgomery
 33 County Planning Board or the Chair's designee.
- 34 (H) [~~Eight~~] Ten members should be a public member with
 35 experience in redressing disparate impacts based on race
 36 and social justice issues. Each public member must reside
 37 in the County.
- 38 (2) Term. Each member serves a 3-year term. A member must not
 39 serve more than 2 consecutive full terms. A member appointed to
 40 fill a vacancy serves the rest of the unexpired term. Members
 41 continue in office until their successors are appointed and
 42 qualified.
- 43 (3) Compensation. Except for the [~~8~~] 10 public members, members
 44 must receive no compensation for their services. Each of the [~~8~~] 10
 45 public members may receive an annual stipend of \$2,000.00 and
 46 reimbursement for expenses incurred in serving.
- 47 (b) *Chair and Vice Chair.* The Committee must annually elect one member
 48 as chair and another as vice chair and may elect other officers.
- 49 (c) *Meetings.* The Committee may meet at the call of the chair as often as
 50 required to perform its duties, but at least 6 times each year. The
 51 Committee must also meet if a majority of the members submit a written
 52 request for a meeting to the chair at least 7 days before the proposed
 53 meeting. A majority of the members are a quorum for the transaction of

54 business, and a majority of members present at any meeting with a
55 quorum may take an action.

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

58 (e) *Duties.* The Committee must:

59 (1) adopt rules and procedures as necessary to perform its functions;

60 (2) keep a record of its activities and minutes of all meetings, which
61 must be kept on file and open to the public during business hours
62 upon request;

63 (3) develop and distribute information about racial equity and social
64 justice in the County;

65 (4) promote educational activities that increase the understanding of
66 racial equity and social justice in the County;

67 (5) recommend coordinated strategies for reducing racial and social
68 justice inequity in the County;

69 (6) advise the Council, the Executive, and County agencies about
70 racial equity and social justice in the County, and recommend
71 policies, programs, legislation, or regulations necessary to reduce
72 racial and social justice inequity;

73 (7) meet periodically with the racial equity and social justice lead for
74 each department and office; and

75 (8) submit an annual report by December 1 of each year to the
76 Executive and Council on the activities of the Committee.

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

80 (g) The Executive may establish one or more limited issue task forces to
 81 study and make recommendations on a specific racial equity and social
 82 justice issue. A limited issue task force established by the Executive
 83 ceases to exist once it has completed its assigned task. The appointment
 84 of members of a limited issue task force must not be subject to
 85 confirmation by the Council. Each recommendation of a limited issue
 86 task force must be shared with the Council and the Racial Equity and
 87 Social Justice Advisory Committee.

88

89 *Approved:*

90

Sidney Katz, President, County Council

Date

91 *Approved:*

92

Marc Elrich, County Executive

Date

93 *This is a correct copy of Council action.*

94

Selena Mendy Singleton, Esq., Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 44-20

Human Rights and Civil Liberties – Racial Equity and Social Justice Advisory Committee – Members – Amendments

DESCRIPTION:	Bill 44-20 would require the Office of Legislative Oversight (OLO) to submit a racial equity and social justice impact statement for each zoning text amendment. The law already requires OLO to submit an impact statement for a bill. Bill 44-20 would also add 2 additional public members to the Racial Equity and Social Justice Advisory Committee and authorize the Executive to establish one or more task forces to study and make recommendations on a specific racial equity and social justice issue.
PROBLEM:	Impact statements for a zoning text amendment was omitted from the original bill. Also, additional public members are necessary to better represent the County's diverse population.
GOALS AND OBJECTIVES:	To improve racial equity and social justice in the County.
COORDINATION:	Office of Racial Equity and Social Justice, OLO
FISCAL IMPACT:	Office of Management and Budget
ECONOMIC IMPACT:	OLO
EVALUATION:	To be determined.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Robert H. Drummer, Senior Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Not applicable.
PENALTIES:	None.



MONTGOMERY COUNTY COUNCIL

ROCKVILLE, MARYLAND

**COUNCILMEMBER NANCY NAVARRO
DISTRICT 4**

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

EDUCATION AND CULTURE COMMITTEE

MEMORANDUM

September 23, 2020

TO: Members, County Council

FROM: Nancy Navarro, Chair, Government Operations & Fiscal Policy Committee

SUBJECT: Racial Equity and Social Justice Law Amendment

Following up on my September 14, 2020 memorandum addressed to Council President Katz and County Executive Elrich, I present to you the attached bill to amend the Racial Equity and Social Justice Act that was passed in November 2019. This bill seeks to address two points which I highlighted in the previous memo- the lack of inclusion of zoning text amendments (ZTAs) and the addition of two more public members to the Racial Equity and Social Justice Commission along with authorization for the Executive to establish one or more task forces as appropriate to focus on a specific issue pertaining to racial equity and social justice.

ZTAs have an impact on the community, of this there can be no doubt. They are also a large element of local governance and are an aspect of government which has historically been used to benefit certain groups of people while explicitly disadvantaging others. If we are to truly reform our structures and uplift historically underserved communities, then we must subject ZTAs to the same racial equity analysis that all other legislation will be undergoing.

Concerning the composition of the Racial Equity and Social Justice Commission, we must expand the breadth of voices which are able to be heard. The proposed two additional members, plus the proposed authorization for the Executive to create specialized task forces to focus on specific racial equity and social justice policy issues, will provide the balanced solution needed.

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(7)

Our work is not complete- the fight to achieve more equitable structures necessitates learning from our actions. This bill does not mean that our racial equity and social justice system will be instantly perfect, but it does show that as lawmakers, we are listening. Good governance is learning and adapting, and that is exactly what this bill is meant to accomplish.

I plan to have this bill introduced on Tuesday, September 29, 2020. Please let me know as soon as possible if you would like to co-sponsor this bill.

CC: Chiefs of Staff

Marc Elrich, County Executive

Rich Madaleno, Chief Administrative Officer (Acting)

Tiffany Ward, Chief Equity Officer

Marlene Michaelson, Executive Director, County Council

Craig Howard, Deputy Director, County Council

Bob Drummer, Senior Legislative Attorney, County Council

Selena Singleton, Clerk, County Council