MEMORANDUM

TO: Montgomery County Planning Board

FROM: Gwen Wright, Planning Director


RECOMMENDATION

Forward comments to the Montgomery County Council as part of the October 29th public hearing on this proposed bill.

BACKGROUND

This bill is the result of a major Racial Equity and Social Justice initiative sponsored by the Montgomery County Council. MNCPPC staff have followed this initiative closely: participating in Racial Equity and Inclusion trainings that have been conducted; attending a series of community meetings about disparate outcomes among County residents in wealth, housing, criminal justice, education, and health due to race; and staying in close touch with OLO staff and the County’s Racial Equity Program Manager.

Bill 27-19 would establish a formal process for the County to implement a holistic approach to advancing Racial Equity and Social Justice in the county through decision-making and investments in government operations and community programs and services.

A copy of the bill is attached.

STAFF ANALYSIS

Although the majority of Bill 27-19 relates to requirements for the Executive Branch, it is an important document for MNCPPC as well.

The bill amends a section of the County Code related to Planning Procedures (Chapter 33A, Section 33A-14) to require the Planning Board, in preparing master plans, to:

“...consider the impact of the plan on racial equity and social justice in the County.”

Staff believes that the Board should provide comments on Bill 27-19 to:

1. Strongly support the goals and purpose of the bill.
2. Acknowledge that the issues of Racial Equity and Social Justice are multi-layered and – in the context of master plans – must be analyzed through qualitative indicators, not only quantitative measurements. In other words, Racial Equity and Social Justice analyses may not lend themselves to the type of modelling for carbon footprint that is done to assess environmental impacts of a plan.

3. Per Section 27-83 (lines 180 to 249) regarding the Racial Equity and Social Justice Advisory Committee, recommend that the Chair of the Planning Board be included as a member of this Committee so as to provide insight on issues related to land use planning, growth management, and housing. Additionally, the Planning Board Chair could provide to the committee insights from the Department of Parks’ efforts to integrate equity into its parks planning and programming.

4. Offer technical support and expertise to the Executive Branch as they develop a Racial and Social Justice Equity Action Plan. Many of the projects that the Planning Department and the Department of Parks have been doing in the past several months and the work that has been done on examining best practices and policies in other jurisdictions are very pertinent and would help the Executive Branch to achieve the goal of creating an action plan.
Committee: GO  
Staff: Robert H. Drummer, Senior Legislative Attorney  
Purpose: To introduce agenda item - no vote expected  
Keywords: #EquityMattersinMoCo

SUBJECT
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
Alternative format requests for people with disabilities. If you need assistance accessing this report you may submit alternative format requests to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov
MEMORANDUM

September 12, 2019

TO: County Council
FROM: Robert H. Drummer, Senior Legislative Attorney
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 Albornoz, 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.


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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15
COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Navarro
Co-Sponsors: Councilmembers Jawando, Rice, Hucker, Riemer, Vice President Katz, Councilmembers Albornoz, 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 X, XIV.
Chapter 27, Human Rights and Civil Liberties
Section 27-83

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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)

* * *

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].


(a) Findings.

(1) Although not unique to the County, many County residents suffer
from stark disparities linked to race.
(2) These disparate outcomes among County residents include wealth, housing, criminal justice, education, and health.

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

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

(b) Definitions. As used in this Division:

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

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

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

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

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

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

Office means the Office of Racial Equity and Social Justice.

Race means a social construct that artificially divides people into distinct groups based on characteristics such as physical appearance (including color), ancestral heritage, cultural affiliation, cultural history, ethnic classification, and the social, economic and political needs of a society at a given period.
Racial equity means changes in policy, practice and allocation of County resources so that race does not predict one’s success, while also improving opportunities and outcomes for all people.

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

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

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

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

(1) perform an equity assessment to identify County policies and practices that must be modified to redress disparate outcomes based on race or social justice;

(2) develop metrics to measure progress in redressing disparate outcomes based on race or social justice;

(3) work with each County department and office to develop a racial and social justice equity action plan designed to remedy individual, institutional, and structural racism or social justice issues adversely impacting County residents;

(4) provide racial and social justice equity training to County employees;

(5) develop short term and long term goals for success in redressing disparate outcomes based on race or social justice issues;
(6) measure progress in meeting both short term and long term goals; and

(7) provide staff support for the Racial and Social Justice Equity Advisory Committee.

(d) Racial and Social Justice Equity Action Plan.

(1) The Executive must adopt, by Method 2 regulation, a racial and social justice equity action plan.

(2) The racial and social justice equity action plan must include:

(A) a community engagement process;

(B) mandatory racial equity training for managers and supervisors;

(C) the use of a racial and social justice equity lens in establishing new programs and evaluating existing programs;

(D) a requirement for the Executive to submit a racial equity and social justice impact statement to the Council for each management initiative or program that would be funded in the Executive’s annual recommended operating and capital budgets;

(E) short term and long term goals for redressing inequity;

(F) metrics for measuring progress in meeting these goals;

(G) guidelines for each department and office to develop its own equity action plan;

(H) recommended racial and social justice equity tools and strategies for a department or office to use in redressing disparities based on race or social justice issues; and

(I) priority areas for additional County efforts.
(e) **Reports.** The Director must submit an annual report on the activities of the Office to the Executive and the Council on or before each September 30. The report must include:

1. the metrics used to measure the success of each short term and long term goal of the approved racial and social justice equity action plan;
2. the progress toward meeting the goals of the approved racial and social justice equity action plan; and
3. any recommendations for changes in law, regulation, or operating budget resources to assist in meeting the goals of the racial and social justice equity action plan.

(f) **Responsibilities of each department and office.** Each Executive and Legislative Branch department and office must:

1. designate an employee to serve as the racial and social justice equity lead for the department or office to coordinate work with the Office;
2. develop a department or office racial and social justice equity action plan in coordination with the Office; and
3. provide information to the Office as needed.

(g) **Responsibility of the Council.** The Council must establish a structure to provide oversight of the County's progress in meeting its racial equity and social justice goals. The Council may retain experts from academic and scientific organizations to assist the Council with this oversight responsibility.

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

(a) **Definitions.** In this Section, the following words and phrases have the following meanings:
Director means the Director of the Office of Racial Equity and Social Justice or the Director’s designee.

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

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

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

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

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

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

1. no later than 7 days before the public hearing on each bill introduced by the Council President at the request of the County Executive; and
2. no more than 21 days after a bill sponsored by a Councilmember is introduced.
If the Director is unable to submit the statement within the time required by paragraph (2), the Director must notify the Council President in writing of the delay, the reason for the delay, and the revised delivery date. If the Council President finds that the revised delivery date is unreasonable, the Council President may set a different delivery deadline.

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

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

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

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

**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 9 voting members. At least 6 of the voting members must, when appointed, either reside in or be an employee of the County.

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

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

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

(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.

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

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

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

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

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

(4) **Removal.** The Executive, with the consent of the Council, may remove a member for neglect or inability to perform the duties of
the office, misconduct in office, or a serious violation of law. Before the Executive removes a member, the Executive must give the member notice of the reason for removal and a reasonable opportunity to reply.

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

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

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

(e) Duties. The Committee must:

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

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

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

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

(5) recommend coordinated strategies for reducing racial and social justice inequity in the County;
advise the Council, the Executive, and County agencies about racial equity and social justice in the County, and recommend policies, programs, legislation, or regulations necessary to reduce racial and social justice inequity; and

submit an annual report by December 1 of each year to the Executive and Council on the activities of the Committee.

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


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:

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

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

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

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

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

Sec. 2. Transition.

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

Bill 27-19

(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
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);

COUNCILMEMBER.NAVARRO@MONTGOMERYCOUNTYM.D.GOVERN • 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.