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**
**Underlining**

[S]ingle **boldface brackets**
Double **underlining**
[[Double **boldface brackets**]]

* * *

* Heading or defined term.
* Added to existing law by original bill.
* Deleted from existing law by original bill.
* Added by amendment.
* Deleted from existing law or the bill by amendment.
* Existing law unaffected by bill.

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 and social justice issues.
These disparate outcomes among County residents include wealth, housing, criminal justice, education, and health. Inequitable outcomes linked to race and social justice issues will persist in the County without intentional intervention. The work to dismantle racial and social justice 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 or social justice issues.

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

Racial equity and social justice action plan means a comprehensive plan to incorporate and embed racial equity and social justice 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] that everyone deserves to benefit from the same economic, political and social rights and opportunities, free from health disparities, regardless of race, socioeconomic status, age, [gender, sexual orientation, gender identification] sex – including on the basis of gender identity or orientation, religion, [or] disability, or other characteristics.

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 equity 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 equity 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 Equity and Social Justice [[Equity]] Advisory Committee.

(d) **Racial Equity and Social Justice [[Equity]] Action Plan.**

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

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

(A) a community engagement process;

(B) mandatory racial equity and social justice training for managers and supervisors of all County employees;

(C) the use of explicit racial equity and social justice equity lens considerations 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 explain how each management initiative or program that would be funded in the Executive’s annual recommended operating and capital budgets promotes racial equity and social justice;
short term and long term goals for [[redressing inequity]]

promoting racial equity and social justice;

metrics for measuring progress in meeting these goals;

guidelines for each department and office to develop its own

equity action plan;

recommended racial equity 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

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 equity and social justice [[equity]]

action plan;

(2) the progress toward meeting the goals of the approved racial equity

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 equity

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 equity and social

justice [[equity]] lead for the department or office to coordinate

work with the Office:
(2) develop a department or office racial equity 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:

(1) 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; and

(2) ensure that the operating budget is sufficient:

(A) for the Office of Racial Equity and Social Justice to provide the services required by this Section; and

(B) to implement the Racial Equity and Social Justice Action Plan.

2-81C. Racial Equity 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]] Legislative Oversight 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 and social justice means changes in policy, practice and allocation of County resources so that race or social justice constructs do [[does]] not predict one’s success, while also improving opportunities and outcomes for all people.
**Racial equity and social justice impact** means an estimate of changes in racial equity and social justice 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]] that everyone deserves to benefit from the same economic, political and social rights and opportunities, free from health disparities, regardless of race, socioeconomic status, age, [[gender, sexual orientation, gender identification]] sex – including on the basis of gender identity or orientation, religion, [[or]] disability, or other characteristics.

(b) **Racial Equity and Social Justice [[Equity]] impact statement.** The Director must submit a statement to the Council describing the racial equity 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 equity and social justice 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 equity and social justice impact statement.** Each racial equity 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 equity and social justice [equity] in the County as a result of the implementation of the bill;
3. recommended amendments that may promote racial equity and [equity]; and
4. if a bill is likely to have no racial equity or social justice [equity] impact, why that is the case.

(e) **Compliance.** Council action on [[a]] an expedited 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] 15 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, and linguistic diversity of the County’s communities, with an emphasis on those most [[proportionately]] 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 [[an employee]] a designee of [[the Montgomery County Public Schools]] a public education system in the County.

(B) One member should be [[an employee]] 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.

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

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

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

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

(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.
Compensation. [Members] Except for the 8 public members, members must receive no compensation for their services. [A]

Each of the 8 public [member] members may receive an annual stipend of $2,000.00 and reimbursement for expenses incurred in serving.

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.

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

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.

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

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;
(6) 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]]
(7) meet periodically with the racial equity and social justice lead for each department and office; and
(8) 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]] assess the Plan’s potential impact on greenhouse gas emissions in the County, including a carbon footprint analysis;

(b) [[(2) [b] consider] considering]] consider ways to reduce vehicle miles traveled in the County; [[and]]
(c) [((3) [(c) consider] considering)] consider options that would minimize greenhouse gas emissions; and

(d) [(b)] consider the impact of the plan on racial equity and social justice in the County, as defined in Section 2-64A.

Sec. 2. Transition and Effective Date.

(a) 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.

(b) Section 2-81C as added by Section 1 of this Act takes effect on August 1, 2020.
Approved:

/s/ 11/21/19
Nancy Navarro, President, County Council  Date

Approved:

/s/ 12/2/19
Marc Elrich, County Executive  Date

This is a correct copy of Council action.

/s/ 12/2/19
Mary Anne Paradise, Acting Clerk of the Council  Date