

Bill No. 44-20
Concerning: Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments
Revised: 12/1/2020 Draft No. 5
Introduced: September 29, 2020
Enacted: December 1, 2020
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]] Sections 2-64A and 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:

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

2 **Division 13. OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE.**

3 **2-64A. Office of Racial Equity and Social Justice.**

4 * * *

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

6 * * *

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

8 * * *

9 (D) a requirement for the Executive to explain how each
10 management initiative or program that would be funded in
11 the Executive’s annual recommended operating and
12 capital budgets, including the recommended operating and
13 capital budgets for the County Board of Education, or in a
14 supplemental appropriation promotes racial equity and
15 social justice;

16 * * *

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

- 19 (1) designate an employee to serve as the racial equity and social
20 justice lead for the department or office to coordinate work with
21 the Office;
- 22 (2) develop a department or office racial equity and social justice
23 action plan in coordination with the Office; and
- 24 (3) provide discrete data on disproportionality and other information
25 to the Office as needed.

26 (g) *Responsibility of the Council.* The Council must:

- 27 (1) establish a structure to provide oversight of the County’s
- 28 progress in meeting its racial equity and social justice goals. The
- 29 Council may retain experts from academic and scientific
- 30 organizations to assist the Council with this oversight
- 31 responsibility; [[and]]
- 32 (2) establish a process to explain how each special appropriation
- 33 promotes racial equity and social justice; and
- 34 (3) ensure that the operating budget is sufficient:
- 35 (A) for the Office of Racial Equity and Social Justice to
- 36 provide the services required by this Section; and
- 37 (B) to implement the Racial Equity and Social Justice Action
- 38 Plan.

39 **2-81C. Racial Equity and Social Justice Impact Statements.**

40 * * *

41 (b) *Racial Equity and Social Justice impact statement.* The Director must

42 submit a statement to the Council describing the racial equity and social

43 justice impact, if any, of each bill and zoning text amendment under

44 consideration by the Council or the District Council. The Director must

45 submit a separate statement for each bill or zoning text amendment. The

46 Director must consult with the Planning Board staff before submitting a

47 racial equity and social justice impact statement for a zoning text

48 amendment to the Council.

49 * * *

50 (e) *Compliance.* Council action on an expedited bill or District Council

51 action on a zoning text amendment that is otherwise valid is not invalid

52 because of any failure to follow the requirements of this Section.

53 **27-83. Racial Equity and Social Justice Advisory Committee.**

- 54 (a) *Members.* The Executive must appoint, subject to confirmation by the
55 Council, a Racial Equity and Social Justice Advisory Committee. The
56 Committee must have [15] 17 voting members.
- 57 (1) Voting members. The members must reflect a range of ethnicities,
58 professional backgrounds, socioeconomic status, and places of
59 origin to reflect the racial, economic, and linguistic diversity of the
60 County's communities, with an emphasis on those most
61 disproportionately impacted by inequities. Each member should
62 have some experience in redressing disparate impacts based on
63 race and social justice issues.
- 64 (A) One member should be a designee of a public education
65 system in the County.
- 66 (B) One member should be the Chair of the Housing
67 Opportunities Commission or the Chair's designee.
- 68 (C) One member should be a designee of the County Council.
- 69 (D) One member should be an employee of the County
70 Department of Health and Human Services.
- 71 (E) One member should be an employee of the County
72 Department of Correction and Rehabilitation.
- 73 (F) One member should be a sworn officer of the County Police
74 Department.
- 75 (G) One member should be the Chair of the Montgomery
76 County Planning Board or the Chair's designee.
- 77 (H) [~~Eight~~] Ten members should be a public member with
78 experience in redressing disparate impacts based on race
79 and social justice issues. Each public member must reside
80 in the County.


- 81 (2) Term. Each member serves a 3-year term. A member must not
 82 serve more than 2 consecutive full terms. A member appointed to
 83 fill a vacancy serves the rest of the unexpired term. Members
 84 continue in office until their successors are appointed and
 85 qualified.
- 86 (3) Compensation. Except for the [8] 10 public members, members
 87 must receive no compensation for their services. Each of the [8] 10
 88 public members may receive an annual stipend of \$2,000.00 and
 89 reimbursement for expenses incurred in serving.
- 90 (b) *Chair and Vice Chair.* The Committee must annually elect one member
 91 as chair and another as vice chair and may elect other officers.
- 92 (c) *Meetings.* The Committee may meet at the call of the chair as often as
 93 required to perform its duties, but at least 6 times each year. The
 94 Committee must also meet if a majority of the members submit a written
 95 request for a meeting to the chair at least 7 days before the proposed
 96 meeting. A majority of the members are a quorum for the transaction of
 97 business, and a majority of members present at any meeting with a
 98 quorum may take an action.
- 99 (d) *Staff.* The Office of Racial Equity and Social Justice must provide the
 100 Committee with staff, offices, and supplies as are appropriate.
- 101 (e) *Duties.* The Committee must:
- 102 (1) adopt rules and procedures as necessary to perform its functions;
 103 (2) keep a record of its activities and minutes of all meetings, which
 104 must be kept on file and open to the public during business hours
 105 upon request;
 106 (3) develop and distribute information about racial equity and social
 107 justice in the County;

- 108 (4) promote educational activities that increase the understanding of
 109 racial equity and social justice in the County;
- 110 (5) recommend coordinated strategies for reducing racial and social
 111 justice inequity in the County;
- 112 (6) advise the Council, the Executive, and County agencies about
 113 racial equity and social justice in the County, and recommend
 114 policies, programs, legislation, or regulations necessary to reduce
 115 racial and social justice inequity;
- 116 (7) meet periodically with the racial equity and social justice lead for
 117 each department and office; and
- 118 (8) submit an annual report by December 1 of each year to the
 119 Executive and Council on the activities of the Committee.
- 120 (f) *Advocacy.* The Committee must not engage in any advocacy activity at
 121 the State or federal levels unless that activity is approved by the Office of
 122 Intergovernmental Relations.
- 123 (g) The Executive may establish one or more limited issue task forces to
 124 study and make recommendations on a specific racial equity and social
 125 justice issue. A limited issue task force established by the Executive
 126 ceases to exist once it has completed its assigned task. The appointment
 127 of members of a limited issue task force must not be subject to
 128 confirmation by the Council. Each recommendation of a limited issue
 129 task force must be shared with the Council, the Executive, and the Racial
 130 Equity and Social Justice Advisory Committee.

131 **Sec. 2. Transition.**

132 The amendments to Section 2-81C in Section 1 must take effect on September
 133 1, 2021.

Approved:



Tom Hucker, President, County Council
12/2/2020
Date

Approved:

Marc Elrich, County Executive
Date

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council
Date