

**MEMORANDUM**

May 3, 2021

TO: Government Operations and Fiscal Policy Committee

FROM: Elizabeth Olsson, Racial Equity and Social Justice Manager  
Nicole Rodriguez-Hernandez, Legislative Analyst

SUBJECT: **Office of Racial Equity and Social Justice FY22 Operating Budget**

PURPOSE: Make Committee recommendations for Council Consideration

**Expected Participants:**

- Tiffany Ward, Director, Office of Racial Equity and Social Justice
- Veronica Jaua, Fiscal & Policy Analyst, Office of Management and Budget

The County Executive’s complete FY22 Recommended Operating Budget for the Office of Racial Equity and Social Justice (ORESJ) is attached at ©1-4.

**Summary of FY22 Recommended Budget and Key Discussion Issues**

<b>Racial Equity and Social Justice</b>	<b>FY21 Approved</b>	<b>FY22 CE Recommended</b>	<b>Change from FY21 Approved</b>
<b>Total Expenditures (General Fund)</b>	<b>\$581,304</b>	<b>\$1,001,712</b>	<b>72.3%</b>
Personnel Costs	\$304,304 2 FTEs	\$731,420 6 FTEs	140.4% 4.0 FTEs
Operating Costs	\$277,000	\$270,292	(2.4%)

**Council staff recommends approval of the FY22 Office of Racial Equity and Social Justice (ORESJ) budget as recommended by the County Executive.**

## **A. FY22 Recommended Budget Changes**

The Executive's FY22 recommended operating budget for the Office of Racial Equity and Social Justice (ORESJ) totals \$1,001,712, an increase of \$420,408 or 72.3% from the FY21 approved budget. The Executive also recommends 6.0 FTEs for the ORESJ in FY22, an increase of 4.0 FTEs from FY21. The changes included in the Executive's recommendation are summarized below:

- **An increase of \$242,263 and 2.0 FTEs added mid-year FY21** via supplemental appropriation to provide training to Montgomery County departmental staff; to assist departmental staff with examination of their policies, processes, and procedures; and to track and address each department's Racial Equity Action plan.
- **An increase of \$181,906 and an additional 2.0 FTEs (\$90,953 per position)** to enhance analysis of racial equity data, trends, and research to facilitate improved consideration of racial equity issues in the budget and other government processes (discussed in more detail in Section B). These positions are added in alignment with the requirements placed on ORESJ by the County's Racial Equity and Social Justice Act (described in Section C).
- **A decrease of \$3,034 for the reclassification of the Community Outreach Manager position to a Program Manager II position**, which better serves ORESJ's focus on serving Montgomery County departments and employees with training and assistance in developing policies, programs, and procedures.
- **A decrease of \$16,000**, which reflects a shift in funding for stipends for the public members of the Racial Equity and Social Justice Advisory Committee, which will be funded via the non-departmental account for Boards, Committees, and Commissions starting in FY22.
- **An increase of \$13,981** from annualization of FY21 personnel costs, FY21 and FY22 compensation adjustments, and retirement adjustment.
- **An increase of \$1,292** for print and mail costs.

## **B. ORESJ Staffing**

**FY21.** Two Program Manager II positions were added mid-fiscal year 2021. One position is responsible for the development of curriculum and best practices for training Montgomery County employees in racial equity and social justice concepts. The staff person in this role joined ORESJ in December and assists departmental Racial Equity Leads to normalize conversations about racial equity in order to build County employee capacity and skills in this area.

A second Program Manager II joined ORESJ in April 2021 and is responsible for assessing and developing departments' policies, procedures, and protocols for racial equity. This position will assist in the development and implementation of departmental Racial Equity Action Plans and

support leadership in the development and implementation of organizational strategies to advance racial equity in the County.

**FY22.** The Executive’s recommended budget includes two additional Program Manager II positions. One position will be responsible for assisting departments in the use of racial equity budget tools. The tools will be used to explain how each program or initiative funded via the recommended operating and capital budget (including the County Board of Education budgets) and supplemental appropriations promote equity in the County. This position will research industry best practices to update the County’s budget tools and any other assessment processes. In addition, this position will support leadership in the development and implementation of organizational strategies to advance racial equity in the County.

The second Program Manager II position will work with all Montgomery County departments on data analysis to define program outcomes, strategies, and performance measures. If funded, ORESJ expects to fill these positions by Fall 2021.

### **C. Updates on Implementation of the Racial Equity and Social Justice Act**

On December 2, 2019 Councilmembers unanimously passed Bill 27-19, with Councilmember Navarro as the lead sponsor. (Bill 27-19 and Bill 44-20 amending the law are attached at ©5-20 and ©21-26, respectively). The bill established and required several elements intended to address persistent racial and social justice disparities among County residents, including by establishing ORESJ. The Office is required to:

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 issues;
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 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 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 Advisory Committee.

The law also requires each Executive and Legislative Branch department to designate an employee to serve as a Racial Equity Lead. The role of these leads is to coordinate with ORESJ and work with their department’s Racial Equity Core Team to develop a Racial Equity and Social Justice Action Plan. These plans are required to incorporate and embed racial equity and social justice principles and strategies into operations, programs, service policies, and community engagement.

**Equity Assessment.** ORESJ will contract with GARE or another vendor to assist department directors and Racial Equity Leads and Core Teams with utilizing an equity assessment beginning Fall of 2021. These assessments will inform departmental Racial Equity Action Plans, which are expected to be completed by Spring of 2022.

**Regulations.** The Executive is required to adopt regulations implementing the law. ORESJ and the Office of the County Attorney are currently working to revise draft regulations and expects to present the regulations to Council by the end of May 2021. (Short-term goals and long-term plans to redress disparate outcomes, as well as metrics to measure progress toward these goals will be addressed in the regulations.)

**Training.** ORESJ began training departmental Racial Equity Leads in September 2020 and has trained 30 leads to date. Each lead has received 40 hours of training, including the 2-day Racial Equity Institute (REI) Phase I training, Montgomery County Public Schools (MCPS) study circles training, and regular ORESJ trainings on facilitating conversations about race. ORESJ will provide Racial Equity Leads with 72 more hours of training as they work with their Racial Equity Core Teams to develop Racial Equity Action Plans.

The office will begin offering two virtual racial equity trainings to all County employees on a monthly basis beginning Spring and Summer of 2021. These include Advancing Racial Equity in Government (adapted from the Government Alliance on Racial Equity (GARE)), beginning May 25, 2021 and REI's Fish, Lake, and Groundwater systems analysis training beginning Summer of 2021. Each training will accommodate up to 50-100 attendees (600-1,200 County staff per year) and lasts three to four hours, such that employees could collectively receive up to 4,800 hours of training. In addition, the ORESJ will offer the REI Phase I training to 45 additional department directors, senior staff, and new Racial Equity Leads in the Spring and Summer of 2021.

**Racial Equity and Social Justice Advisory Committee.** The Committee's charges include developing and distributing information and promoting educational activities that increase understanding of racial equity and social justice, as well as developing recommendations to reduce racial and social justice inequities in the County. The Committee has met monthly since September 2020. Members have collaborated to write letters to Governor Hogan and the County Executive demanding that racial equity be considered in the distribution of the COVID-19 vaccine. The Committee has also invited guest speakers including the County Executive, Councilmember Navarro, Councilmember Glass, and the Office of Legislative Oversight to speak about their work to advance racial equity and social justice. Members are currently working to plan events to provide learning experiences regarding racial equity for County residents and officials.

#### **D. Racial Equity Considerations in the Executive's Recommended FY22 Operating Budget**

The law requires the Executive to explain how each management initiative or program that would be funded in the Executive's annual recommended budgets promotes racial equity and social justice. For the FY22 operating budget development process, the Office of Management and

Budget (OMB) worked with ORESJ to develop a section of the program proposal form dedicated to addressing racial equity. Departments were asked the following questions:

1. **Does your department use quantitative and qualitative data to track program access and/or service outcomes for different population groups?**
2. **Which community residents will potentially benefit the most from your program proposal or be burdened by your program proposal?**
3. **How does the program promote racial equity?**

OMB received a range of responses to these questions, with some departments providing more refined responses than others. Council staff is documenting these responses to establish an official baseline for each department, identify any promising practices and gaps in information, and to track progress over the next year. Beginning later this spring, as Council staff works to develop its Racial Equity Action Plan, we will evaluate what information departments are utilizing, or could utilize, to apply a racial equity lens to budget decisions and determine how Council staff will incorporate this information into their budget analyses moving forward.

ORESJ is currently working with OMB to develop a new budget equity tool with an enhanced set of questions and information to assist departments in drafting more robust racial equity responses in their program proposals for FY23. The new tool will be informed by conversations beginning Spring of 2021 with other jurisdictions implementing budget equity tools, as well as conversations with Council staff. ORESJ and OMB will also provide training to departments on the new budget equity tool once its finalized.

The racial equity trainings outlined in Section C, as well as the process departments will undertake to implement equity assessments and to develop their Racial Equity and Social Justice Action Plans, will also provide departments with a deeper understanding of how to apply racial equity frameworks to decision-making and realign programming and internal practices through an equity lens. The regulations implementing the Racial Equity and Social Justice Act will also instruct departments to disaggregate their data, which will further facilitate a more robust racial equity analysis.

#### **E. Staff Recommendation**

Council staff recommends approval of the FY22 Office of Racial Equity and Social Justice Operating Budget as recommended by the County Executive.

#### **This packet contains:**

1. The Executive's Recommended FY22 Operating Budget
2. Bill 27-19 and Bill 44-20 amending the law

#### **Circle Page #**

- ©1-4
- ©5-26



# Racial Equity and Social Justice

## RECOMMENDED FY22 BUDGET

\$1,001,712

## FULL TIME EQUIVALENTS

6.00

 TIFFANY WARD, CHIEF EQUITY OFFICER

## MISSION STATEMENT

To establish Racial Equity and Social Justice (RESJ) as a core principle in all County decision making. The Office of Racial Equity and Social Justice will work with all County departments to ensure race is not a predictor of outcomes for Montgomery County residents. The office will assist departments to self-examine their own policies, procedures, and practices to determine if they are creating or exacerbating current racial disparities in the County. The office will also assist departments in developing more equitable practices and policies by examining/developing data and creating racial equity assessments and racial equity impact plans.

## BUDGET OVERVIEW


The total recommended FY22 Operating Budget for the Office of Racial Equity and Social Justice is \$1,001,712 an increase of \$420,408 or 72.32 percent from the FY21 Approved Budget of \$581,304. Personnel Costs comprise 73.02 percent of the budget for six full-time position(s) and no part-time position(s), and a total of 6.00 FTEs. Operating Expenses account for the remaining 26.98 percent of the FY22 budget.

## COUNTY PRIORITY OUTCOMES

While this program area supports all seven of the County Executive's Priority Outcomes, the following is emphasized:

 **Effective, Sustainable Government**

## INITIATIVES

 Add two positions to advance the implementation of Bill 27-19, the Racial Equity and Social Justice Law.

## PROGRAM CONTACTS

Contact Tiffany Ward of the Office of Racial Equity and Social Justice at 240.777.5334 or Veronica Jaua of the Office of Management and Budget at 240.777.2782 for more information regarding this department's operating budget.

## PROGRAM PERFORMANCE MEASURES

Performance measures for this department are included below (where applicable). The FY21 estimates reflect funding based on the FY21 Approved Budget. The FY22 and FY23 figures are performance targets based on the FY22 Recommended Budget and funding for comparable service levels in FY23.

Measure	Actual FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
<b>Program Measures</b>					
Number of County employees who have completed Racial Equity Training	N/A	N/A	N/A	N/A	N/A
Percent of County departments with a Racial Equity and Social Justice Lead established	N/A	N/A	N/A	N/A	N/A
Number of pieces of legislation with Racial Equity and Social Justice impact statements completed	N/A	N/A	N/A	N/A	N/A
Percent of County departments with a Racial Equity Action Plan completed <sup>1</sup>	N/A	N/A	N/A	N/A	N/A

<sup>1</sup> This Office was established for FY21 with new performance measures and is currently developing its FY21-23 projections and targets; Data prior to FY21 may be unavailable.

## PROGRAM DESCRIPTIONS

### Office of Racial Equity and Social Justice

After many years of spending on programs and initiatives to close racial disparities in Montgomery County, the Montgomery County Council decided it was time to take an approach that looked at race as the primary determinant of disparities. In April of 2018, the County Council passed Resolution # 18-1095 to establish an equity framework for policy and decision making. The resolution required the County to perform a baseline study by the Montgomery County Office of Legislative Oversight (OLO) to describe current racial disparities in education, employment, housing, health, land use, and others. Following the completion of the study, the County Council passed Bill 27-19 to adopt a Racial Equity and Social Justice law. The law mandates 1) the creation of an Office of Racial Equity and Social Justice, 2) that all County employees receive racial equity training, and 3) that all departments examine their policies, procedures, and protocols for racial inequities. In December 2020, the County Council passed Bill 44-20 that requires the office of RESJ to provide a racial equity analysis of supplemental appropriations as well as a racial equity analysis of the Montgomery County School System's operating and capital budgets.

The Office of Racial Equity and Social Justice will partner with Montgomery County departments and regional and national non-profit organizations to accomplish the following actions mandated by law:

1. perform an equity assessment to identify the County policies and practices that do not advance racial equity and that must be modified to address racial disparities;
2. develop metrics to measure the progress in redressing disparate outcomes based on race and social justice;
3. work diligently with each Montgomery County department to develop racial equity and social justice action plans to remedy issues adversely impacting county residents;
4. provide training to county employees on racial equity and social justice; and
5. develop long- and short-term goals for success in redressing disparate outcomes based on race and social justice as well as their own metrics to measure their success and progress.

## BUDGET SUMMARY

	Actual FY20	Budget FY21	Estimate FY21	Recommended FY22	%Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	0	248,256	277,358	595,672	139.9 %
Employee Benefits	0	56,048	65,043	135,748	142.2 %
<b>County General Fund Personnel Costs</b>	<b>0</b>	<b>304,304</b>	<b>342,401</b>	<b>731,420</b>	<b>140.4 %</b>
Operating Expenses	0	277,000	215,550	270,292	-2.4 %
<b>County General Fund Expenditures</b>	<b>0</b>	<b>581,304</b>	<b>557,951</b>	<b>1,001,712</b>	<b>72.3 %</b>
<b>PERSONNEL</b>					
Full-Time	0	2	2	6	200.0 %
Part-Time	0	0	0	0	—
FTEs	0.00	2.00	2.00	6.00	200.0 %

### FY22 RECOMMENDED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY21 ORIGINAL APPROPRIATION</b>	<b>581,304</b>	<b>2.00</b>
<b><u>Changes (with service impacts)</u></b>		
Add: Two positions in Mid-Year FY21 via Executive Supplemental - Council Resolution #19-559 [Office of Racial Equity and Social Justice]	242,263	2.00
Add: Enhance Analysis of Racial Equity Data, Trends and Research to Facilitate Improved Consideration of Racial Equity Issues in Budget and Other Government Processes [Office of Racial Equity and Social Justice]	181,906	2.00
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: Annualization of FY21 Personnel Costs	6,598	0.00
Increase Cost: FY21 Compensation Adjustment	4,960	0.00
Increase Cost: FY22 Compensation Adjustment	1,493	0.00
Increase Cost: Print and Mail Adjustment	1,292	0.00
Increase Cost: Retirement Adjustment	930	0.00
Decrease Cost: Reclassification of a position (Community Outreach Manager - G28) [Office of Racial Equity and Social Justice]	(3,034)	0.00
Re-align: Shift funding for the Racial Equity and Social Justice Advisory Committee (8 public Members) to the NDA - Boards, Committees and Commissions account. [Office of Racial Equity and Social Justice]	(16,000)	0.00
<b>FY22 RECOMMENDED</b>	<b>1,001,712</b>	<b>6.00</b>

### FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)



Title	FY22	FY23	FY24	FY25	FY26	FY27
<b>COUNTY GENERAL FUND</b>						
<b>EXPENDITURES</b>						
<b>FY22 Recommended</b>	<b>1,002</b>	<b>1,002</b>	<b>1,002</b>	<b>1,002</b>	<b>1,002</b>	<b>1,002</b>
No inflation or compensation change is included in outyear projections.						
<b>Annualization of Positions Recommended in FY22</b>	<b>0</b>	<b>56</b>	<b>56</b>	<b>56</b>	<b>56</b>	<b>56</b>
New positions in the FY22 budget are generally assumed to be filled at least two months after the fiscal year begins. Therefore, the above amounts reflect annualization of these positions in the outyears.						
<b>Elimination of One-Time Items Recommended in FY22</b>	<b>0</b>	<b>(8)</b>	<b>(8)</b>	<b>(8)</b>	<b>(8)</b>	<b>(8)</b>
Items recommended for one-time funding in FY22, including computer and furniture for two additional positions, will be eliminated from the base in the outyears.						
<b>Labor Contracts</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
<b>Subtotal Expenditures</b>	<b>1,002</b>	<b>1,055</b>	<b>1,055</b>	<b>1,055</b>	<b>1,055</b>	<b>1,055</b>

### ANNUALIZATION OF FULL PERSONNEL COSTS

	FY22 Recommended		FY23 Annualized	
	Expenditures	FTEs	Expenditures	FTEs
Program Manager II	86,953	1.00	115,024	1.00
Program Manager II	86,953	1.00	115,024	1.00
<b>Total</b>	<b>173,906</b>	<b>2.00</b>	<b>230,048</b>	<b>2.00</b>

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: December 2, 2019  
Effective: March 2, 2020  
Section 2-81C effective on August 1, 2020  
Sunset Date: None  
Ch. 27, Laws of Mont. Co. 2019

## 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.

285   **33A-14. Greenhouse Gas Emissions and Racial Equity and Social Justice.**

286                   As part of the factors and conditions outlined in [§7-108] Section 21-204 of the  
 287   Regional District Act and [§ 1.01 and § 1.03 of Article 66B,] Section 1-201 of the Land  
 288   Use Article of the Maryland Code in preparing the Plan, the Planning Board must:

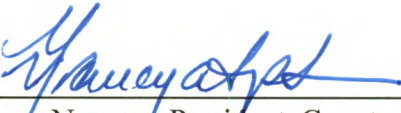
- 289                   (a)   [[consider the environmental impact of the plan by:]]  
 290                   [[(1) [assess] assessing]] assess the Plan’s potential impact on  
 291                   greenhouse gas emissions in the County, including a carbon  
 292                   footprint analysis;
- 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:


11/21/19

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Nancy Navarro, President, County Council Date

Approved:


12/2/19

---

Marc Elrich, County Executive Date

*This is a correct copy of Council action.*


12/2/19

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Mary Anne Paradise, Acting Clerk of the Council Date



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: December 11, 2020  
Effective: March 12, 2021; Section 2-81C in section 1 effective September 1, 2021  
Sunset Date: None  
Ch. 38, Laws of Mont. Co. 2020

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

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**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

<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:*



- 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:*

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

*Approved:*

/s/ 12/11/2020  
Marc Elrich, County Executive Date

*This is a correct copy of Council action.*

/s/ 12/11/2020  
Selena Mendy Singleton, Esq., Clerk of the Council Date