



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

AGENDA ITEM 11
October 20, 2020
Public Hearing

SUBJECT

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

Lead Sponsor: Councilmember Navarro

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

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To receive testimony – no vote expected

DESCRIPTION/ISSUE

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

SUMMARY OF KEY DISCUSSION POINTS

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

This report contains:

Bill 44-20	©1
Legislative Request Report	©6
Councilmember Navarro Memorandum	©7
Economic Impact statement	©9
Racial Equity and Social Justice Impact statement	©11
County Attorney Bill Review Memorandum	©14

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MEMORANDUM

October 15, 2020

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney

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

PURPOSE: Public Hearing – no Council votes required

Bill 44-20, Human Rights and Civil Liberties – Racial Equity and Social Justice Advisory Committee – Members - Amendments, sponsored by Lead Sponsor Councilmember Navarro and Co-Sponsors Councilmembers Jawando and Alborno, Council Vice-President Hucker, Councilmembers Riemer and Friedson, Council President Katz and Councilmembers Glass and Rice, was introduced on September 29, 2020. A Government Operations and Fiscal Policy Committee worksession will be scheduled at a later date.¹

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

The County Attorney’s Office recommended 2 amendments to clarify the intent of the Bill at ©14-15.

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

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

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

AN ACT to:

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

By amending

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

Chapter 27, Human Rights and Civil Liberties
Section 27-83

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

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

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

* * *

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

88 *Approved:*

89

Sidney Katz, President, County Council

Date

90 *Approved:*

91

Marc Elrich, County Executive

Date

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

93

Selena Mendy Singleton, Esq., Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 44-20

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

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



MONTGOMERY COUNTY COUNCIL

ROCKVILLE, MARYLAND

**COUNCILMEMBER NANCY NAVARRO
DISTRICT 4**

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

EDUCATION AND CULTURE COMMITTEE

MEMORANDUM

September 23, 2020

TO: Members, County Council

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

SUBJECT: Racial Equity and Social Justice Law Amendment

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

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

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

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(7)

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

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

CC: Chiefs of Staff

Marc Elrich, County Executive

Rich Madaleno, Chief Administrative Officer (Acting)

Tiffany Ward, Chief Equity Officer

Marlene Michaelson, Executive Director, County Council

Craig Howard, Deputy Director, County Council

Bob Drummer, Senior Legislative Attorney, County Council

Selena Singleton, Clerk, County Council

Economic Impact Statement

Office of Legislative Oversight

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

SUMMARY

The Office of Legislative Oversight (OLO) expects Bill 44-20 to have no direct impacts on economic conditions in Montgomery County.

BACKGROUND

On November 29, 2019, the Montgomery County Council established a racial equity and social justice program with the enactment of Bill 27-19.¹ If enacted, Bill 44-20 would modify this program by requiring a racial equity and social justice impact statement for each zoning text amendment, adding two public members to the Racial Equity and Social Justice Advisory Committee, and authorizing the County Executive to establish one or more task forces to study and offer recommendations on specific issues.²

METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

Amending zoning laws has the potential to significantly impact economic conditions in the County in ways that reduce or increase racial and social economic inequities. By requiring racial equity and social justice impact statements, Bill 44-20 could influence zoning text amendments in the future, thereby shaping their economic impacts for different business and resident groups in the County. These potential impacts, however, would be *indirect* consequences of enacting the Bill. Put differently, requiring OLO to produce racial equity and social justice impact statements would not in itself result in any direct economic impacts.

No methodologies were used in this statement. The assumptions underlying the claims made in the subsequent sections are based on the judgment of OLO staff.

VARIABLES

Not applicable.

¹ Montgomery County Council, Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Enacted on November 29, 2019, Montgomery County, Maryland.

² Montgomery County Council, Bill 44-20, Human Rights and Civil Liberties – Racial Equity and Social Justice Advisory Committee – Members – Amendments, Introduced on September 29, 2020, Montgomery County, Maryland, 1.

Economic Impact Statement

Office of Legislative Oversight

IMPACTS

WORKFORCE ■ TAXATION POLICY ■ PROPERTY VALUES ■ INCOMES ■ OPERATING COSTS ■ PRIVATE SECTOR CAPITAL INVESTMENT ■ ECONOMIC DEVELOPMENT ■ COMPETITIVENESS

Businesses, Non-Profits, Other Private Organizations

OLO believes that Bill 44-20 would have little to no direct impacts on private organizations in the County in terms of the Council's priority indicators, namely workforce, operating costs, capital investments, property values, taxation policy, economic development and competitiveness.³

Residents

OLO believes that Bill 44-20 would have little to no direct impacts on County residents in terms of the Council's priority indicators.

WORKS CITED

Montgomery County Council. Bill 10-19, Legislative Branch – Economic Impact Statements – Amendments. Enacted on July 30, 2019. Montgomery County, Maryland.

Montgomery County Council. Bill 44-20, Human Rights and Civil Liberties – Racial Equity and Social Justice Advisory Committee – Members - Amendments. Introduced on September 29, 2020. Montgomery County, Maryland.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

Stephen Roblin (OLO) drafted this economic impact statement.

³ For the Council's priority indicators, see Montgomery County Council, Bill 10-19 Legislative Branch – Economic Impact Statements – Amendments, Enacted on July 30, 2019, Montgomery County, Maryland, 3.

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 44-20: HUMAN RIGHTS AND CIVIL LIBERTIES – RACIAL EQUITY AND SOCIAL JUSTICE ADVISORY COMMITTEE – MEMBERS - AMENDMENTS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Bill 44-20 will help narrow racial and social disparities in Montgomery County.

BACKGROUND

The County Council established the Racial Equity and Social Justice Act (Bill 27-19) on November 29, 2019.¹ On September 29, 2020, the Council introduced Bill 44-20.²

If enacted, Bill 44-20 would amend Bill 27-19 by requiring the Office of Legislative Oversight to complete racial equity and social justice impact statements for each zoning text amendment. Bill 44-20 would also add two public members to the Racial Equity and Social Justice (RESJ) Advisory Committee and authorize the County Executive to establish one or more task forces to study and offer recommendations on specific issues.

Zoning text amendments (ZTA's) are designed to advance public goals in land use that can include:³

- Promoting health, public health and general welfare;
- Promoting the conservation of natural resources;
- Providing adequate light and air and preventing environmental pollution; and
- Facilitating adequate transportation, water, sewerage, schools, recreation, parks and other public facilities.

Yet, historically, land use policies have often been used to harm rather help communities of color. From the seizure of land from indigenous Americans to make room for White settlers, to the use of eminent domain to build highways to benefit suburban development at the expense of inner cities, land use policies have been used to foster and sustain racial and social inequities.⁴ Given this history, Bill 44-20 would subject ZTA's to the same racial equity and social justice analysis as required of other new legislation.

Like racial equity tools, inclusive community engagement is also recognized as a best practice for advancing equity in government decision-making.⁵ In alignment with this best practice, Bill 44-20 would expand community engagement to implement the County's Racial Equity and Social Justice Act in two ways. First, the bill would expand the size of the County's RESJ Advisory Committee from 15 to 17 members with the addition of two additional public members (from 8 to 10 members). Second, the bill would authorize the Executive to create additional task forces inclusive of community members to address racial and social inequities in the County.

RESJ Impact Statement

Bill 44-20

DEMOGRAPHIC DATA

Understanding the potential impact of Bill 44-20 on racial equity and social justice in the County requires understanding the County 's demographics and patterns of segregation by race, ethnicity, and income.

A review of available data shows that Montgomery County is racially and ethnically diverse. In 2015:⁶

- White, Non-Hispanic residents accounted for 47% of the County's population
- Black and Latinx residents each accounted for 18% of the County's population; and
- Asian residents accounted for 15% of the County's population.

Yet, Montgomery County is marked by racial and socio-economic stratification consistent with a history of housing discrimination and redlining. For example, White residents accounted for 72% of District 1 residents where family incomes averaged \$205,000 in 2015.⁷ Conversely, residents of color comprised the majority in Districts 2, 3, 4, and 5 where average family incomes ranged from a low of \$102,500 in District 5 to a high \$120,500 in District 3.⁸ As such, family incomes were nearly twice as high in the majority-White areas of the County as compared to the communities where people of color accounted for a vast-majority of residents.

ANTICIPATED RESJ IMPACTS

Residents: OLO anticipates a favorable impact of Bill 44-20 on diminishing racial and social inequities because it will require the Council to consider the potentially disparate impacts of zoning text amendments in its decision-making. Consideration of disparate impacts may lead to the mitigation of unintended consequences so that zoning text amendments benefit communities of color and low-income communities or, at a minimum, do not harm these communities.

Including more community members from communities of color and low-income communities in the RESJ Advisory Committee and on ad-hoc RESJ task forces may also enhance equity in government decision-making. The anticipated benefits of more inclusive community engagement include:⁹

- Empowering communities to make decisions for themselves;
- Improving the quality and responsiveness of government services to achieve better outcomes; and
- Reducing inequalities and fostering greater ownership.

METHODOLOGIES, ASSUMPTIONS AND UNCERTAINTIES

This RESJ impact statement and OLO's analysis relies on several sources of information that include:

- Racial Equity Profile Montgomery County, Office of Legislative Oversight¹⁰
- Racial Equity in Government Decision-Making: Lessons from the Field, Office of Legislative Oversight¹¹
- The Zoning Text Amendment Process, Montgomery Planning¹²
- Racial Inequities in Montgomery County: 2011-2015, Urban Institute¹³
- Inclusive Outreach and Public Engagement, Seattle Race and Social Justice Initiative¹⁴
- Systemic Inequality: Displacement, Exclusion, and Segregation, The Center for American Progress¹⁵

RESJ Impact Statement

Bill 44-20

RECOMMENDED AMENDMENTS

Since Bill 44-20 is intended to amend Bill 27-19 and many parts of Bill 27-19 have yet to be fully implemented, OLO considered it premature to offer additional recommended amendment to the County's Racial Equity and Social Justice Act at this time.

CAVEATS

Two caveats to this statement should be noted. First, predicting the impact of legislation on racial and social inequities in Montgomery County is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ statement is intended to inform the legislative process rather than to determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

Dr. Elaine Bonner-Tompkins, OLO Senior Legislative Analyst, drafted this RESJ impact statement with assistance from Dr. Theo Holt, OLO RESJ Performance Management and Data Analyst.

¹ Montgomery County Council, Bill No. 27-29 Racial Equity and Social Justice,

<https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/RacialEquity/Bill27-19.pdf>

² Montgomery County Council, Bill 44-20, Human Rights and Civil Liberties – Racial Equity and Social Justice Advisory Committee – Members - Amendments

https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2682_1_10921_Bill_44-2020_Introduction_20200929.pdf

³ Montgomery Planning, The Zoning Text Amendment Process, https://montgomeryplanning.org/wp-content/uploads/2020/06/MP_ZTAOnePager_061020_side1.pdf

⁴ Center for American Progress, Systemic Inequality: Displacement, Exclusion, and Segregation

<https://www.americanprogress.org/issues/race/reports/2019/08/07/472617/systemic-inequality-displacement-exclusion-segregation/>

⁵ Office of Legislative Oversight, Racial Equity in Government Decision-Making: Lessons from the Field

https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018_8.pdf

⁶ Urban Institute, Racial Inequities in Montgomery County, 2011-2015,

https://www.urban.org/sites/default/files/publication/95386/2017.12.28_montgomery_county_finalized_7.pdf; data tables

<https://www.urban.org/research/publicatio/racialinequities-montgomery-county-2011-15>.

⁷ Ibid, District 1 includes Bethesda, Chevy Chase, and Potomac

⁸ Ibid, District 5 refers to Silver Spring and Burtonsville; District 3 references Rockville and Gaithersburg

⁹ Seattle Racial and Social Justice Initiative, Inclusive Outreach and Public Engagement Guide,

https://www.seattle.gov/Documents/Departments/ParksAndRecreation/Business/RFPs/Attachment5%20_InclusiveOutreachandPublicEngagement.pdf

¹⁰ <https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/RevisedOLO2019-7.pdf>

¹¹ https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018_8.pdf

¹² https://montgomeryplanning.org/wp-content/uploads/2020/06/MP_ZTAOnePager_061020_side1.pdf

¹³ https://www.urban.org/sites/default/files/publication/95386/2017.12.28_montgomery_county_finalized_7.pdf

¹⁴ https://www.seattle.gov/Documents/Departments/ParksAndRecreation/Business/RFPs/Attachment5%20_InclusiveOutreachandPublicEngagement.pdf

¹⁵ <https://www.americanprogress.org/issues/race/reports/2019/08/07/472617/systemic-inequality-displacement-exclusion-segregation/>



OFFICE OF THE COUNTY ATTORNEY

Marc Elrich
County Executive

Marc P. Hansen
County Attorney

MEMORANDUM

TO: Tiffany Ward, Director
Office of Racial Equity and Social Justice

FROM: Edward B. Lattner, Chief *Edward B. Lattner*
Division of Government Operations

DATE: October 9, 2014

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

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

Our office recommends two amendments.

1. RESJ Statements For ZTAs.

Bill 44-20's proposed amendment to § 2-81C(b) would require OLO to submit a RESJ impact statement for each ZTA. Existing law, § 2-81C(e), provides: "Compliance. Council action on an **expedited bill** that is otherwise valid is not invalid because of any failure to follow the requirements of this Section." (Emphasis added.) Therefore, OLO's failure to submit a RESJ impact statement would make an otherwise valid **ZTA** invalid. Under the Regional District Act, the Council would have to enact any change to the validity of a ZTA while sitting as the District Council. The issue can be avoided if the Council amends § 2-81C(e) to provide: "Council action on an expedited bill or zoning text amendment that is otherwise valid is not invalid because of any failure to follow the requirements of this Section."

2. Task Force.

Bill 44-20 would also authorize the Executive to establish and appoint members to one or more task forces, without Council confirmation,¹ to study and make recommendations to the Council and the Racial Equity and Social Justice Advisory Committee on a specific racial equity and social justice issue. Given that the County Executive is to establish and appoint the members of the task force, we recommend that the County Executive be identified as one of the recipients of the task force's recommendations.

ebl

cc: Robert H. Drummer, Senior Legislative Attorney
Marc P. Hansen, County Attorney
Dale Tibbitts, Special Assistant to the CE
Tammy J. Seymour, OCA

20-005795
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¹ This office believes that County Executive could appoint, without Council confirmation, members of a task force established solely to advise the County Executive.