


MEMORANDUM

November 8, 2019

TO: Government Operations and Fiscal Policy Committee

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: Bill 27-19, Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Committee - Established

PURPOSE: Worksession – Committee to make recommendations

Expected attendees:

Tiffany Ward, County Executive's Office
BB Otero, County Executive's Office

Bill 27-19, Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Committee - Established, sponsored by Lead Sponsor Council President Navarro, and Co-Sponsors Councilmembers Jawando, Rice, Hucker, Riemer, Council Vice President Katz, Councilmembers Alborno, Friedson and Glass, was introduced on September 17, 2019. Two public hearings were held on October 29 with 43 speakers.¹

Bill 27-19 would:

- (1) establish a racial equity and social justice program;
- (2) establish an Office of Racial Equity and Social Justice in the Executive Branch;
- (3) remove the Chief Equity Officer position in the Office of the Executive as a non-merit position;
- (4) require the Executive to adopt, by Method 2 regulation, a racial equity and social justice action plan for the County;
- (5) require each Department and Office to develop a racial equity and social justice action plan;
- (6) require the Executive to submit a racial equity and social justice impact statement to the Council for each Bill and for each management initiative or program in the recommended budget;
- (7) establish a Racial Equity and Social Justice Committee and set forth the composition and duties of the Committee; and

¹#EquityMattersinMoCo

- (8) require the Planning Board to consider racial equity and social justice impact when preparing a Master Plan.

The Council's Office of Legislative Oversight (OLO) released Report No. 2018-8, "Racial Equity in Government Decision-Making: Lessons from the Field" on September 25, 2018. The OLO Report can be viewed at:

<https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018-8.pdf>.

The Council held a series of community meetings after the OLO Report 2018-8 was released about disparate outcomes among County residents in wealth, housing, criminal justice, education, and health due to race. OLO released Report No. 2019-16, "Findings from 2019 Racial Equity and Social Justice Community Conversations" on September 24, 2019. The second OLO Report can be viewed at:

<https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/OLOReport2019-16.pdf>.

Bill 27-19 would establish a formal process for the County to address these difficult issues that have persisted in the nation for at least 400 years. Council President Navarro's memorandum describing the need for this work is at ©15-16.

Public Hearing

The Council held 2 separate public hearings on October 29 with 43 speakers. County Executive Elrich supported the Bill as did Planning Board Chair Casey Anderson. Mr. Anderson suggested that a representative from M-NCPPC be added to the ex-officio members of the Advisory Committee. All the other speakers supported the Bill. There were several suggested amendments. Many of the speakers suggested expanding the number of community members on the Advisory Committee to 9 and paying the community members so that lower income residents could afford to serve. Several speakers suggested that no legislation should be enacted, or agency budgets adopted, without approval by the new Office of Racial Equity and Social Justice. Some speakers wanted the legislation to mandate adequate funding for the new Office. Finally, several speakers were concerned that the Bill may be reducing the focus on racial equity issues by including social justice issues based on other characteristics. We also received written testimony from a speaker opposing the Bill as an attempt to protect undocumented immigrants instead of eliminating race discrimination through existing agencies, such as the EEOC. Finally, we received written testimony supporting the Bill from residents who did not speak at the public hearings.

Issues

1. What are the County Attorney's clarifying amendments?

The County Attorney's October 7 Bill Review Memorandum did not find any legal impediments to the Bill's enactment but suggested several constructive amendments to clarify the Bill's intent. Most of their suggestions centered around ensuring that the defined terms of racial equity

and social justice are consistent throughout the Bill. The County Attorney's Bill Review Memorandum and their suggested amendments are at ©17-20.

(a) The County Attorney suggested the following amendments concerning the use of the terms "racial equity" and "social justice."

(i) Change the text in lines 73-74, 86-87, 112, 114, 117, 121, and 124 to "racial equity and social justice [[equity]] action plan."

(ii) Amend lines 57-59 as follows:

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

(iii) Amend lines 77-78 as follows:

provide racial equity and social justice [[equity]] training to County employees;

(iv) Amend lines 142-144 as follows:

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

(v) Amend line 132 as follows:

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

(vi) Amend lines 150-153 as follows:

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

(vii) Amend lines 145-147 as follows:

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

(viii) Amend lines 38-40 as follows:

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

(ix) Amend lines 26-33 as follows:

- (1) Although not unique to the County, many County residents suffer from stark disparities linked to race and social justice issues.
- (2) These disparate outcomes among County residents include wealth, housing, criminal justice, education, and health.
- (3) Inequitable outcomes linked to race and social justice issues will persist in the County without intentional intervention.
- (4) The work to dismantle racial inequity and social injustice must occur on an individual, institutional, and structural basis.

(x) Amend lines 190-191 as follows:

impacted by inequities. Each member should have some experience in redressing disparate impacts based on race and social justice issues.

(xi) Amend lines 261-262 as follows:

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

Council staff recommendation: Each of these amendments clarify the original intent of the Bill and do not change the substance. Council staff recommends approving each of these amendments recommended by the County Attorney. The Executive agrees with these suggested changes. See the Executive's comments at ©119-120.

2. Should the Bill require the Council to adopt a resolution for the Legislative Branch mirroring the Executive Regulation required by the Bill?

The Council is primarily responsible for enacting legislation, approving regulations adopted by the Executive, adopting an operating and capital budget, adopting a capital improvements program, and making land use decisions. The Bill would require the Executive to submit a racial equity and social justice impact statement for each Bill and each management initiative or program that would be funded in the operating or capital budget. The Bill would also require the Planning Board to consider these issues in proposing a master plan for approval by the Council. Therefore, the major actions taken by the Council already require the Council to consider the racial equity and social justice impact before acting. While the Council could adopt a resolution mirroring the Executive Regulation that they must approve, it is not necessary for the Bill to require it.

3. Should the Bill require racial equity and social justice training for all County employees or just managers?

Some speakers suggested racial equity and social justice training be mandatory for all County employees. The County Attorney suggested that the Bill requiring the new Office to provide training to County employees (line 77) is inconsistent with the requirement that the action plan include mandatory training for all managers and supervisors (lines 90-91). We disagree that these two

sections are inconsistent. The Office is generally tasked with providing training. The action plan must include, at a minimum, mandatory training for managers and supervisors. The Bill would not prohibit the Office from providing training for County employees who are not managers or supervisors. Mandatory training for managers and supervisors is a minimum standard. The Executive should have discretion to decide the type of training offered and which County employees should receive this training.

Council President Navarro plans to introduce an amendment that would require some type of training for all County employees. See Navarro Amendment 2 (Training) at ©114.

4. Should the Bill rely on the general removal procedures for members of the Committee instead of establishing a specific mechanism to remove a member?

The general provisions for removal of a Board member in Section 2-148 are similar to the provisions in the Bill. The major difference is that the Bill would require the Council's consent to remove a member and Section 2-148 does not. Also, Section 2-148 would require removal for missing meetings in addition to misconduct or inability to perform. This is a policy issue that the Committee should decide.

5. Should a non-expedited Bill be invalid without a racial equity and social justice impact statement?

Council Bill 10-19, Legislative Branch – Economic Impact Statements – Amendments, moved the duty to prepare an economic impact statement from the Executive to the Director of the Office of Legislative Oversight (OLO). Along with that change, Bill 10-19 made the failure of OLO to submit an economic impact statement fatal to a non-expedited Bill. The County Attorney pointed out that Bill 27-19 does not invalidate a Bill because the Executive failed to submit a racial equity and social justice impact statement and some speakers requested an amendment to make this defect fatal to a Bill. However, there is a substantive difference between the provision in Bill 10-19 and Bill 27-19. OLO is in the Legislative Branch subject to direct Council control. If Bill 27-19 is amended to invalidate a Bill due to lack of a racial equity and social justice impact statement, the Executive would have the power to prevent legislation by failing to submit a statement. **Council staff recommendation:** do not amend the Bill to mirror Bill 10-19.

Council President Navarro plans to introduce an amendment that would require OLO to submit the racial equity and social justice impact statement for Bills and continue to require the Executive to submit the impact statement for each management initiative or program funded in the operating budget. The amendment would also mirror Bill 10-19 by prohibiting the enactment of a non-expedited bill without an impact statement. See Navarro Amendment 1 (Impact Statements for Bills) at ©113. The Executive agrees that OLO should be responsible for submitting the impact statement for bills. See ©119-120.

6. What is the fiscal impact of the Bill?

The OMB Fiscal Impact Statement is at ©22-26. OMB assumed the Office of Racial Equity and Social Justice would require a non-merit Director and one additional professional staff person.

Since the Council already approved a non-merit Chief Equity Officer position that the Bill would eliminate, the additional cost to staff the office with 2 professional employees is estimated at \$324,370 for the first year. This would be a recurring cost. The fiscal impact includes \$150,000 each year for training. We had not received an economic impact statement when this report went to print.

7. Should the term “social justice” as a defined term be modified?

Some speakers suggested that the defined term of social justice be modified to more accurately describe the problem. The Bill defines “social justice” as follows:

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

The definition of social justice is really describing social injustice. However, as used elsewhere in the Bill social justice is equated with racial equity. This could be resolved by modifying the defined term as follows:

Social justice issues means [[a]] one or more social [[construct]] constructs that artificially [[divides]] divide people into distinct groups based on age, gender, sexual orientation, gender identification, religion, or disability.

Council staff recommendation: amend the definition of social justice on lines 60-62 and 147-149 as described above.

The Executive suggests the following definitions for racial equity and social justice at ©119:

Racial Equity means changes in policy, practice and allocation of County resources so that race and racial constructs do not predict one's success

Social Justice means that everyone deserves to benefit from the same economic, political and social rights and opportunities, regardless of race, socioeconomic status, gender, sexual preference, religion, disability or other characteristics.

8. Does the Bill weaken the requirement for the Planning Board to consider environmental issues as part of a proposed master plan?

Surprisingly, most of the correspondence received to date about Bill 27-19 opposes a provision in the Bill that these correspondents mistakenly allege weakens the Planning Board's need to assess environmental issues as part of a proposed master plan. **The Bill does not change the Planning Board's requirement to assess the plan's potential impact on greenhouse gas conditions.** The Bill adds a new requirement for the Planning Board to consider the impact of a proposed master plan on racial equity and social justice in the County. The amendments to this section update the references to State law and change the style of the language to accommodate the addition of the new racial equity and social justice requirement. The Bill does not change the standard for evaluating the Planning Board's compliance with the environmental review.

However, in order to clarify the intent of Bill 27-19 and eliminate any confusion about a possible change in the requirement for the Planning Board to consider environmental issues when adopting a proposed master plan, Councilmember Friedson plans to introduce a clarifying amendment attached at ©21. **Council staff recommendation:** adopt Friedson Amendment 1 at ©21.

9. Should the Bill focus on racial equity only?

Some of the speakers were concerned that the addition of social justice issues based on age, gender, sexual orientation, gender identification, religion, and disability reduces the focus of the Bill on creating racial equity. The original OLO study focused on racial equity only. While it is important to eliminate discrimination based on age, gender, sexual orientation, gender identification, religion, and disability, are we moving away from the original purpose of this effort to remedy systemic inequities due to race? Race is defined as follows in the Bill at lines 49-53 at ©4:

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

This is a comprehensive definition of race that includes more than physical characteristics. However, any discrimination based on age, gender, sexual orientation, gender identification, religion, or disability is a significant bar to permitting all County residents from reaching their full potential. This is an interesting policy question that the Committee should consider.

10. Should the composition of the Advisory Committee be modified?

Many of the speakers suggested expanding the Advisory Committee to include a total of 9 public members from the community. The Bill would establish a 9 member committee with 3 public members and 6 members who represent different County departments or independent County agencies. Adding 6 more public members would provide a majority of public members and expand the Committee to 15 members. Section 2-146 provides that a committee should consist of between 5 and 15 members. Planning Board Chair Anderson suggested that one member should be from the Maryland-National Capital Park and Planning Commission. Fifteen members may be difficult to work with, but not impossible. The composition of the members is a policy issue for the Committee.

Council President Navarro plans to introduce an amendment that would add a member to the Committee from the M-NCPPC and add 5 additional public members. The amendment would also modify the member from MCPS to a member from a public education system in the County and require the employee from the Police Department to be a sworn officer. See Navarro Amendment 3 (Advisory Committee Members) at ©115.

The Executive submitted the following comments about the composition of the Committee at ©120:

- *The Executive suggests that the Advisory Committee be increased to a number that would accommodate the number of public members to be equal to or greater than that of county employees.*
- *The Executive requests that the Executive be given discretion to choose the departments from which the employee members will be appointed.*
- *The Executive suggests deleting the qualification that “each member should have some experience in redressing disparate impacts based on race” as it disqualifies a large portion of potential members who may not have “experience” but would bring valuable insights to the board.*

11. Should public members of the Advisory Committee be paid for service?

The Bill would not provide compensation for public members. This is consistent with almost every other group established by law or resolution. The only exceptions are standing commissions that perform quasi-judicial functions, such as the Board of Appeals, the Merit System Protection Board, and the Planning Board. Many speakers suggested that public members be paid to make it possible for low income resident to serve. The Advisory Committee is a volunteer board that provides advice to the Executive and the Council and would not provide quasi-judicial functions. If the Council provides compensation for public members of the Advisory Committee, it would be difficult to deny similar compensation to other volunteer public members of groups established by law or resolution. **Council staff recommendation:** do not amend the Bill to require compensation for public members.

Council President Navarro plans to introduce an amendment to authorize a \$2,000.00 annual stipend for each public member. See Navarro Amendment 4 (Committee Member Compensation) at ©116.

12. Should the Advisory Committee have additional duties?

Some of the speakers requested amendments to enhance the role of the Advisory Committee. Some speakers requested amendments to authorize the Advisory Committee to prevent legislation or budget decisions that the Committee determines are not promoting racial equity and social justice. An amendment of this nature would be an unlawful delegation of legislative authority by the Council. Council President Navarro plans to introduce an amendment to enhance the Committee’s role by requiring the Committee to periodically meet with the racial equity and social justice lead for each department and office. See Navarro Amendment 5 (Committee Duties) at ©117.

13. Should the Bill require funding to implement this program?

Many speakers requested an amendment to require full funding for the new Office of Racial Equity and Social Justice and full funding to implement the Racial Equity and Social Justice Action Plan. However, any legislation requiring an appropriation of funds can be overridden by 5 Councilmembers each year during the Council’s budget deliberations. While recognizing this, Council President Navarro plans to introduce an amendment to require the Council to ensure adequate funding to implement this program. See Navarro Amendment 6 (Funding) at ©118.

14. Should the description of the mandatory components of the racial equity and social justice action plan be modified?

The Executive requested some modifications to the existing language describing the components of the racial equity and social justice action plan at ©119-120.

Lines 92-102 of the Bill currently read:

- (C) the use of a racial and social justice equity lens in establishing new programs and evaluating existing programs;
- (D) a requirement for the Executive to submit a racial equity and social justice impact statement to the Council for each management initiative or program that would be funded in the Executive's annual recommended operating and capital budgets;
- (E) short term and long-term goals for redressing inequity;

The Executive suggests the following changes:

- (C) *the use of explicit racial equity and social considerations in establishing new programs and evaluating existing programs;*
- (D) *a requirement for the Executive to explain how management initiatives and programs that would be funded in the Executive's annual recommended operating and capital budgets promote racial equity and social justice;*
- (E) *short term and long-term goals for promoting racial equity and social justice*

This packet contains:

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Bill No. 27-19
Concerning: Administration – Human
Rights – Office of Racial Equity and
Social Justice – Racial Equity and
Social Justice Advisory Committee –
Established
Revised: October 24, 2019 Draft No. 8
Introduced: September 17, 2019
Expires: March 17, 2021
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

AN ACT to:

- (1) establish a racial equity and social justice program;
- (2) establish an Office of Racial Equity and Social Justice in the Executive Branch;
- (3) remove the Chief Equity Officer position in the Office of the Executive as a non-merit position;
- (4) require the Executive to adopt, by Method 2 regulation, a racial equity and social justice action plan for the County;
- (5) require each Department and Office to develop a racial equity and social justice action plan;
- (6) require the Executive to submit a racial equity and social justice impact statement to the Council for each Bill and for each management initiative or program in the recommended budget;
- (7) establish a Racial Equity and Social Justice Advisory Committee and set forth the composition and duties of the Committee;
- (8) require the Planning Board to consider racial equity and social justice impact when preparing a Master Plan; and
- (9) generally amend the law governing racial equity and social justice.

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Section 1A-201

Chapter 2, Administration

Sections 2-26 and 2-64A

Chapter 33A, Planning Procedures
Section 33A-14

By adding

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

Article XIV.
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 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.

(2) These disparate outcomes among County residents include wealth, housing, criminal justice, education, and health.

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

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

(b) Definitions. As used in this Division:

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

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

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

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

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

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

Office means the Office of Racial Equity and Social Justice.

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

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

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

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

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

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

- (1) perform an equity assessment to identify County policies and practices that must be modified to redress disparate outcomes based on race or social justice;
- (2) develop metrics to measure progress in redressing disparate outcomes based on race or social justice;
- (3) work with each County department and office to develop a racial and social justice equity action plan designed to remedy individual, institutional, and structural racism or social justice issues adversely impacting County residents;
- (4) provide racial and social justice equity training to County employees;
- (5) develop short term and long term goals for success in redressing disparate outcomes based on race or social justice issues;

(6) measure progress in meeting both short term and long term goals;
and

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

(d) Racial and Social Justice Equity Action Plan.

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

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

(A) a community engagement process;

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

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

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

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

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

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

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

(I) priority areas for additional County efforts.

(e) Reports. The Director must submit an annual report on the activities of the Office to the Executive and the Council on or before each September 30. The report must include:

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

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

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

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

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

(a) Definitions. In this Section, the following words and phrases have the following meanings:

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

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

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

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

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

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

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

- (1) no later than 7 days before the public hearing on each bill introduced by the Council President at the request of the County Executive; and
- (2) no more than 21 days after a bill sponsored by a Councilmember is introduced.

If the Director is unable to submit the statement within the time required by paragraph (2), the Director must notify the Council President in writing of the delay, the reason for the delay, and the revised delivery date. If the Council President finds that the revised delivery date is unreasonable, the Council President may set a different delivery deadline.

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

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

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

ARTICLE XIV. RACIAL EQUITY AND SOCIAL JUSTICE ADVISORY COMMITTEE.

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

(a) Members. The Executive must appoint, subject to confirmation by the Council, a Racial Equity and Social Justice Advisory Committee. The Committee must have 9 voting members. At least 6 of the voting members must, when appointed, either reside in or be an employee of the County.

- (1) Voting members. The members must reflect a range of ethnicities, professional backgrounds, socioeconomic status, and places of

origin to reflect the racial and economic diversity of the County's communities, with an emphasis on those most proportionately impacted by inequities. Each member should have some experience in redressing disparate impacts based on race.

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

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

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

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

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

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

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

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

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

(4) Removal. The Executive, with the consent of the Council, may remove a member for neglect or inability to perform the duties of

the office, misconduct in office, or a serious violation of law.
Before the Executive removes a member, the Executive must give
the member notice of the reason for removal and a reasonable
opportunity to reply.

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

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

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

(e) Duties. The Committee must:

- (1) adopt rules and procedures as necessary to perform its functions;
- (2) keep a record of its activities and minutes of all meetings, which
must be kept on file and open to the public during business hours
upon request;
- (3) develop and distribute information about racial equity and social
justice in the County;
- (4) promote educational activities that increase the understanding of
racial equity and social justice in the County;
- (5) recommend coordinated strategies for reducing racial and social
justice inequity in the County;

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

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

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

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

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

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

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

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

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

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

Sec. 2. Transition.

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

LEGISLATIVE REQUEST REPORT

Bill 27-19

Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Committee – Established

DESCRIPTION: Bill 27-19, Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Committee - Established, would:

- (1) establish a racial equity and social justice program;
- (2) establish an Office of Racial Equity and Social Justice in the Executive Branch;
- (3) remove the Chief Equity Officer position in the Office of the Executive as a non-merit position;
- (4) require the Executive to adopt, by Method 2 regulation, a racial equity and social justice action plan for the County;
- (5) require each Department and Office to develop a racial equity and social justice action plan;
- (6) require the Executive to submit a racial equity and social justice impact statement to the Council for each Bill and for each management initiative or program in the recommended budget;
- (7) establish a Racial Equity and Social Justice Committee and set forth the composition and duties of the Committee; and
- (8) require the Planning Board to consider racial equity and social justice impact when preparing a Master Plan.

PROBLEM: Disparate outcomes for County residents in wealth, housing, criminal justice, education, and health due to race and other social justice issues.

GOALS AND OBJECTIVES: Establish a formal process for the County to work to eliminate these disparate outcomes.

COORDINATION: County Executive

FISCAL IMPACT:

ECONOMIC IMPACT: To be done.

EVALUATION: To be done.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Robert H. Drummer, Senior Legislative Attorney

APPLICATION

**WITHIN
MUNICIPALITIES: N/A**

PENALTIES: N/A

F:\LAW\BILLS\1927 Racial Equity\LRR.Docx



**MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND**

COUNCIL PRESIDENT NANCY NAVARRO


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

DISTRICT 4

EDUCATION AND CULTURE COMMITTEE

MEMORANDUM

Wednesday, September 11, 2019

TO: Councilmembers
FROM: Nancy Navarro, Council President 
SUBJECT: Bill 27-19, Racial Equity and Social Justice Legislation

I am proud to transmit for your consideration, the attached bill on racial equity and social justice which seeks to codify and institutionalize the consideration of norms of equity and social justice in the important work of county government. This draft bill is a result of our work as a team, alongside the County executive, his staff, and our constituents who provided valuable feedback during the County's community conversations on racial equity and social justice this summer, as well as through the application of our community engagement toolkit that was distributed online and in print to encourage residents to host their own community conversations on racial equity and social justice.

Below are key elements of the bill:

1. Establish a racial equity and social justice program;
2. establish an Office of Racial Equity and Social Justice in the Executive Branch;
3. remove the Chief Equity Officer position in the Office of the Executive as a non-merit position (this is consistent with merit system law and the way non-merit positions are classified in the Executive Branch);

STELLA B. WERNER COUNCIL OFFICE BUILDING • ROCKVILLE, MARYLAND 20850
(240) 777-7968 • TTY (240) 777-7914

COUNCILMEMBER.NAVARRO@MONTGOMERYCOUNTYMD.GOV • WWW.COUNCILMEMBERNAVARRO.COM

4. require the Executive to adopt, by Method 2 regulation, a racial equity and social justice action plan for the County;
5. require each Department and Office to develop a racial equity and social justice action plan;
6. require the Executive to submit a racial equity and social justice impact statement to the Council for each Bill and for each management initiative or program in the recommended budget;
7. establish a Racial Equity and Social Justice Advisory Committee and set forth the composition and duties of the Committee;
8. require the Planning Board to consider racial equity and social justice impact when preparing a Master Plan; and
9. generally amend the law governing racial equity and social justice.

Recognizing that the implementation of Bill 27-19 rests with the Executive Branch, this bill also calls for the creation of a structure at the Council to provide oversight of the County's progress in meeting its racial equity and social justice goals. After the introduction of this bill on Tuesday, September 17, in addition to soliciting feedback in writing, there is an afternoon and an evening public hearing scheduled for October 22 at 1:30 p.m. and 7:00 p.m. here at the Council. This bill has been assigned to the Government Operations and Fiscal Policy Committee and I look forward to continuing the work there alongside my colleagues. The plan is to have the final legislation adopted in late November. Please let me know if you would like to be a co-sponsor of this bill.



OFFICE OF THE COUNTY ATTORNEY

Marc Elrich
County Executive

Marc P. Hansen
County Attorney

MEMORANDUM

TO: BB Otero, Special Assistant
Office of the County Executive

VIA: Marc P. Hansen *MAH/ERJ*
County Attorney

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

DATE: October 7, 2019

RE: **Bill 27-19, Administration - Human Rights - Office of Racial Equity and Social Justice - Racial Equity and Social Justice Committee - Established**

Bill 27-19 calls upon the County to employ an “equity lens” to identify and analyze class-based discrimination experienced by its residents with the ultimate goal of eliminating disparate and inequitable outcomes through a variety of remedial interventions (*e.g.*, action plans, impact statements, training, education). We believe the Bill is legally valid, as the County has broad discretion in identifying and analyzing class-based discrimination. Because the Bill does not impose any remedial interventions based upon suspect (*e.g.*, race) or quasi-suspect (*e.g.*, gender) classes, the Bill is not subject to strict or even heightened legal scrutiny.

We have a few suggested amendments to clarify, and in some cases strengthen, the Council’s stated desire to address racial equity and social justice issues in Montgomery County.

Defined Terms.

The largest group of suggested amendments seek to ensure that terms used throughout the Bill consistently match the defined terms. The key phrase in the bill is “**racial equity and social justice.**” To that end, the Bill creates an “Office of Racial Equity and Social Justice” and a “Racial Equity and Social Justice Advisory Committee.” But that phrase is not used consistently throughout the Bill. Also, while the Bill tasks these bodies with addressing racial equity and social justice issues,¹ it often does so though the use of defined terms that are limited to racial

¹ The Bill defines social justice as “a social construct that artificially divides people into distinct groups based on age, gender, sexual orientation, gender identification, religion, or disability.” The County’s human rights

equity issues and do not include social justice issues. For example:

- In several places (*e.g.*, lines 73-74, 86-87, 112, 114, 117, 121, and 124), the Bill speaks of the need to develop a “racial and social justice equity action plan,” but that term is not defined. The closest defined term, “racial equity action plan” (line 57), excludes social justice considerations. To achieve consistency, we suggest the following:
 - change the text in lines 73-74, 86-87, 112, 114, 117, 121, 124, and elsewhere to “racial equity and social justice [equity] action plan”
 - change the defined term “racial equity action plan” (line 57) to “racial equity and social justice action plan”
 - change the definition of “racial equity and social justice action plan” (line 58) to “a comprehensive plan to incorporate and embed racial equity and social justice principles . . .” to be consistent with the proposed text used elsewhere in the Bill.
- Line 77 speaks of the need to implement “racial and social justice equity” training, but again that term is not defined. The closest defined term, “racial equity” (lines 54 and 142), excludes social justice considerations. To achieve consistency, we suggest the following:
 - change the text in line 77 to “racial equity and social justice [equity] training”
 - change the defined term “racial equity” (lines 54 and 142) to “racial equity and social justice”
 - change the definition of “racial equity and social justice” to “changes in policy, practice and allocation of County resources so that race and social justice constructs do [does] not predict . . .” to be consistent with the proposed text used elsewhere in the Bill.
- Lines 132 and 151-52 require the Director to submit a “racial and social justice equity impact” statement for each bill the Council considers,² but that term is not defined. The closest defined term, “racial equity impact” (line 145), excludes

law identifies additional groups whose status is protected from discrimination, including national origin, marital status, genetic status, source of income, family responsibilities, and presence of children. It is unclear why the definition of social justice does encompass these other groups.

² Other variations include “racial equity and social justice impact statement” (line 95) “racial impact statement” (line 154), and “Racial and social justice impact statement” (line 166).

social justice considerations. We suggest the term “racial equity and social justice” (impact statement) be used throughout the Bill for consistency. The definition should be amended to include social justice considerations.

- Line 68 requires the performance of an “equity assessment” based on race or social justice [issues]” but the defined term “equity assessment” (line 38) is limited to racial impacts and does not include social justice issues. This is particularly confusing given that the companion terms “equity” (defined in line 37) and “inequity” (defined in line 43) broadly include racial and social justice issues. We suggest the defined term “equity assessment” be amended to read “. . . to identify and redress disparate outcomes on the basis of race or social justice” to be consistent with the proposed text used elsewhere in the Bill.

Legislative Findings.

Consistent with the defined terms’ focus on racial equity issues, the Council’s legislative findings (particularly findings nos. 1 and 3) are limited to racial equity issues. If the Bill is to address racial equity and social justice, the findings should include support for legislating social justice issues. This could be achieved by adding “and social justice issues” after the term “race” in lines 27 and 30.

Racial Equity and Social Justice Advisory Committee.

Similarly, although the newly created Committee is to address racial equity and social justice issues, the Bill requires that members have experience in redressing disparate impacts based solely on race. The term “social justice issues” should be added.

Other Suggestions.

- Clarify whether the newly created Office is to work solely within the executive branch or whether its work includes legislative branch offices. If the latter, the Bill should also clarify that the Council will adopt a resolution for the legislative branch mirroring the executive regulation, which adopts the racial and social justice equity plan (line 86).
- It seems inconsistent for the Office to provide “racial equity and social justice [equity]” training to all County employees (line 77) but training under the County-wide executive regulation is limited to managers and supervisors (line 90).
- While the Council can certainly provide a specific mechanism for removing the members of the Committee (lines 213-8), the Council might want to rely upon the procedures already existing in § 2-148 for removing committee members.
- The proposed amendment to § 33A-14 should include the definitions of race and social justice (or adopt the definition of those terms found elsewhere in the Bill).

Finally, we note that the Bill's treatment of the Office's failure to submit a timely racial and social justice impact statement to the Council on proposed legislation differs from recently-enacted Bill 10-19's treatment of the Office of Legislative Oversight's failure to submit a timely economic impact statement to the Council on proposed legislation. Specifically, the Bill provides (lines 176-77) that Council action on proposed legislation that is otherwise valid is not invalid because of any failure of the Office to submit a timely racial and social justice impact statement. Bill 10-19, enacted on July 30, provides that council action on **an expedited bill** that is otherwise valid is not invalid because of the Office of Legislative Oversight's failure to submit an economic impact statement. This differing treatment is permissible, but we simply wanted to bring the issue to the Council's attention.

cc: Robert H. Drummer, Senior Legislative Attorney
Dale Tibbitts, Special Assistant to the County Executive
Tammy Seymour, OCA

19-008231

Friedson Amendment 1

Amend lines 250-262 as follows:

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

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

- (a) [[consider the environmental impact of the plan by:
 - (1) [assess] assessing]] assess the Plan's potential impact on greenhouse gas emissions in the County, including a carbon footprint analysis;
- (b) [[~~(2)~~ [(b) consider] considering]] consider ways to reduce vehicle miles traveled in the County; [[and]]
- (c) [[~~(3)~~ [(c) consider] considering]] consider options that would minimize greenhouse gas emissions; and
- (d) [[~~(b)~~]] consider the impact of the plan on racial equity and social justice in the County.

B 27-19



BD
CC
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mtt

ROCKVILLE, MARYLAND

MEMORANDUM

October 29, 2019

TO: Nancy Navarro, President, County Council

FROM: Richard S. Madaleno, Director, Office of Management and Budget *RSM*

SUBJECT: **REVISED Fiscal Impact Statement:**
FEIS for Bill 27-19, Administration – Human Rights – Office of Racial Equity
and Social Justice – Racial Equity and Social Justice Committee - Established

Please find attached the REVISED Fiscal Impact Statement for the above-referenced legislation.

RSM:cm

c: Andrew Kleine, Chief Administrative Officer
Fariba Kassiri, Deputy Chief Administrative Officer
BB Otero, Special Assistant to the County Executive
Debbie Spielberg, Special Assistant to the County Executive
Dale Tibbitts, Special Assistant to the County Executive
Lisa Austin, Office of the County Executive
Barry Hudson, Director, Public Information Office
David Platt, Department of Finance
Dennis Hetman, Department of Finance
Monika Coble, Office of Management and Budget
Chrissy Mireles, Office of Management and Budget
Philip Weeda, Office of Management and Budget

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Fiscal Impact Statement
Bill 27-19, Administration – Human Rights - Office of Racial Equity and Social Justice –
Racial Equity and Social Justice Committee - Established

1. Legislative Summary

The purpose of the proposed legislation is to:

- (1) Establish a racial equity and social justice program;
- (2) create an Office of Racial Equity and Social Justice in the Executive Branch;
- (3) eliminate the Chief Equity Officer position in the Office of the County Executive;
- (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 Branch to submit a racial equity and social justice impact statement to the Council for each bill and for each management initiative or program in the recommended budget;
- (7) establish a Racial Equity and Social Justice Committee and set forth the composition and duties of the Committee;
- (8) require the Planning Board to consider the equity and social justice impact when preparing a Master Plan;
- (9) require departments to designate an employee to be the racial equity and social justice lead to coordinate with the Office of Racial Equity and Social Justice; and
- (10) require the County Council to provide oversight of the County's progress in meeting its racial equity and social justice goals.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Include source of information, assumptions, and methodologies used.

Assuming the Office of Racial Equity and Social Justice has two positions, OMB estimates the full-year cost of a non-merit Director and a Community Outreach Manager to be \$323,380 in the first year. Adding \$162,940 to the budget for other operating expenses, furniture, equipment, and personal computers, will increase the cost of the office to \$486,320 as shown on the chart on the following page.

Office Director	\$203,380
Community Outreach Manager (Gr. 28)	\$120,000
One-Time Expenses	\$7,940
Miscellaneous Operating Expenses	\$5,000
Training Expenses	\$150,000
Total:	\$486,320

These costs would be partially offset by the elimination of the Chief Equity Officer position (-\$161,950) for a total net cost increase of \$324,370 as illustrated on the chart below.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Office Director	\$203,380	\$207,450	\$211,600	\$215,830	\$220,150	\$224,550
Community Outreach Mgr.	\$120,000	\$122,400	\$124,850	\$127,350	\$129,900	\$132,500
One-Time Expenses	\$7,940	\$0	\$0	\$0	\$0	\$0
Miscellaneous Operating Exp.	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Training Expenses	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
Chief Equity Officer	-\$161,950	-\$165,190	-\$168,490	-\$171,860	-\$175,300	-\$178,810
Total:	\$324,370	\$319,660	\$322,960	\$326,320	\$329,750	\$333,240

In the chart above, the personnel costs for the Director, Community Outreach Manager, and Chief Equity Officer positions were inflated by two percent annually.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's Information Technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

There may be other indeterminate costs across County government associated with the implementation of the bill's requirements.

- 6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

Not applicable.

- 7. An estimate of the staff time needed to implement the bill.**

Two full-time staff are assumed for the proposed Office of Racial Equity and Social Justice.

- 8. An explanation of how the addition of new staff responsibilities would affect other duties.**

Not applicable.

- 9. An estimate of costs when an additional appropriation is needed.**

Not applicable.

- 10. A description of any variable that could affect revenue and cost estimates.**

Not applicable.

- 11. Ranges of revenue or expenditures that are uncertain or difficult to project.**

Not applicable.

- 12. If a bill is likely to have no fiscal impact, why that is the case.**

Not applicable.

- 13. Other fiscal impacts or comments.**

Not applicable.

14. The following contributed to and concurred with this analysis:

Cynthia Brenneman, Department of General Services

Helen Ni, Department of Technology Services

Kimberly Williams, Office of Human Resources

Sonetta Neufville, County Executive's Office

Philip Weeda, Office of Management and Budget



Richard S. Madaleno, Director
Office of Management and Budget

10/29/19

Date



October 29, 2019

Montgomery County Council
Stella Warner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

Testimony regarding Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Committee - Established

Good Afternoon,

My name is John Paukstis, President and CEO of Habitat of Humanity Metro Maryland, a non-profit affordable homeownership provider working in Montgomery County since 1982.

I would like to thank Lead Sponsor, Councilmember Navarro, and Co-Sponsors Councilmembers Jawando, Rice, Hucker, Riemer, Katz, Albornoz, Friedson, and Glass for introducing this important legislation. I am here today to voice Habitat for Humanity's strong support for Bill 27-19 particularly as it relates to land use and housing.

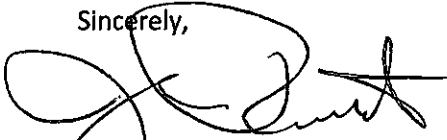
According to the New York Times, for every \$100 in white family wealth, black families have just \$5.04. Moreover, one in four black households has zero or negative net wealth compared to less than one in ten white families according to the Economic Policy Institute. This is unacceptable and is caused by generations of racism, segregation and unequal access to opportunities.

The largest asset for most families in our nation is their home. For years, families of color were denied the ability to purchase homes and to purchase homes in neighborhoods of opportunity, through government policies like redlining. Across our country this not only led to disparities in income and assets, it also led to disparities in schools, transportation access, and nearby public amenities.

Since Habitat for Humanity's founding on Koinonia Farm, a racially integrated community established in 1942, the organization has been working to build socioeconomically integrated communities where all people have access to safe, decent, and affordable housing. Over and over Habitat has seen the generational change that comes from purchasing a home. Children of homeowners are more likely to be healthy and miss fewer days of school, go to college, earn more money, and many end up inheriting more wealth. It is imperative that we ensure every family in our community has equal access to opportunities allowing them to thrive and reach their full potential.

We appreciate the Council's dedication to social justice and racial equity. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John Paukstis", written over a large, loopy circular flourish.

John Paukstis
President & CEO
Habitat for Humanity Metro Maryland, Inc.



TESTIMONY OF DAVID A. HILL, ON BEHALF OF THE COMMISSION ON SOCIAL ACTION AT KINGDOM FELLOWSHIP AME CHURCH CONCERNING COUNCIL BILL 27-19, THE RACIAL EQUITY AND SOCIAL JUSTICE ACT - TUESDAY OCTOBER 29, 2019

- GOOD AFTERNOON COUNCIL PRESIDENT NAVARRO AND MEMBERS OF THE COUNTY COUNCIL.
- MY NAME IS DAVID HILL AND I AM THE CHAIR OF THE COMMISSION ON SOCIAL ACTION (CSA) AT KINGDOM FELLOWSHIP AFRICAN METHODIST EPISCOPAL CHURCH THAT WAS FORMERLY KNOWN AS THE REID TEMPLE AME CHURCH, NORTH LOCATION, IN SILVER SPRING, MARYLAND
- THANK YOU FOR HOLDING THIS HEARING TO RECEIVE COMMENTS ON COUNCIL BILL 27-19, THE RACIAL EQUITY AND SOCIAL JUSTICE ACT
- I APPLAUD THIS COUNCIL FOR YOUR ALL THAT YOU ARE DOING IN THIS FIELD AND YOUR UNANIMOUS SUPPORT FOR TAKING CRITICAL STEPS TOWARD ESTABLISHING A RACIAL EQUITY AND SOCIAL JUSTICE PARADIGM IN MONTGOMERY COUNTY
- BEFORE I GO ANY FURTHER, I MUST STATE THAT I AM HERE SOLELY IN MY CAPACITY AT KINGDOM FELLOWSHIP AND NOT ON BEHALF OF ANY OTHER ORGANIZATIONS OR ENTITIES TO WHICH I AM CURRENTLY AFFILIATED
- KINGDOM FELLOWSHIP BECAME ITS OWN STANDALONE CONGREGATION ON MARCH 31 OF THIS YEAR. WE HAVE OVER 5000 MEMBERS, AND WE ARE ONE OF THE LARGEST, IF NOT THE LARGEST RELIGIOUS CONGREGATION OF AFRICAN-AMERICANS IN MONTGOMERY COUNTY

- THE COMMISSION ON SOCIAL ACTION HAS, AS ONE OF ITS PILLARS, THE GOAL TO ADVANCE POLICIES AND PROGRAMS THAT VINDICATE THE CIVIL AND HUMAN RIGHTS OF OUR CONGREGANTS AND THE COMMUNITY
- IN RESPONSE TO THE COUNCIL'S REQUEST FOR INPUT, THE CSA HOSTED TWO SEPARATE COMMUNITY CONVERSATIONS ON RACIAL EQUITY AND SOCIAL JUSTICE FORUM ON JUNE 8, 2019
- WE RECEIVED COMMENTS FROM CLOSE TO 100 INDIVIDUALS BOTH WITHIN AND FROM OUTSIDE OF OUR CHURCH CONGREGATION
- ON THE BASIS OF THAT INPUT, AS WELL AS THE CONSIDERED LIFE EXPERIENCES OF OUR MEMBERS AND LEADERSHIP, I AM HERE TODAY TO HEARTILY ENDORSE THE BILL YOU ARE CONSIDERING TODAY
- THIS BILL WILL PUT IN PLACE KEY STEPS TOWARD MEANINGFUL DECISIONMAKING THAT WILL BEGIN TO RIGHT THE WRONGS PURPOSEFULLY INFLICTED ON AFRICAN-AMERICANS SINCE BEFORE THIS NATION'S FOUNDING
- BUT ESTABLISHING A RACIAL EQUITY AND SOCIAL JUSTICE PROGRAM, AN OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE IN THE EXECUTIVE BRANCH, REQUIRING EACH DEPARTMENT AND OFFICE TO DEVELOP A RACIAL EQUITY AND SOCIAL JUSTICE ACTION PLAN, REQUIRING THE PLANNING BOARD TO CONSIDER RACIAL EQUITY AND SOCIAL JUSTICE IMPACT WHEN PREPARING MASTER PLANS WILL MEAN LITTLE IF THOSE CHARGED WITH DOING SO FEEL LIKE ALL THEY NEED TO DO IS SOMEHOW CHECK A BOX AND MOVE FORWARD WITH BUSINESS AS USUAL
- I URGE YOU TO IGNORE THOSE WHO MAY COME BEFORE YOU TO COMPLAIN THAT THIS LEGISLATION IS NOT NECESSARY, OR A WASTE OF TIME OR TAXPAYER MONEY
- I URGE TO NOT MERELY STOP WITH THE PASSAGE OF THIS LEGISLATION. I URGE YOU TO REMAIN VIGILANT THAT THE INTENT BEHIND THIS BILL NOT BE WATERED DOWN BY INACTION OR OUTRIGHT AVOIDANCE

- **AS WE ALL LEARNED THROUGH THE HISTORY TAUGHT AND TRAINING PROVIDED BY THE RACIAL EQUITY INSTITUTE, THE FORCES THAT HAVE LONG BENEFITTED FROM WHITE SUPREMACY, SOMETIMES EVEN CLOAKED IN BIBLICAL SCRIPTURE, WILL STOP AT NOTHING TO PERPETUATE THEIR ADVANTAGE AND THE COLLECTIVE DISADVANTAGE OF AFRICAN-AMERICANS AND POOR OF ALL COLORS AND BACKGROUNDS**
- **PLEASE ENSURE THAT THE POSITIVE MOMENTUM BEHIND THIS BILL IS MOVED INTO ACTION THAT SHINES A BRIGHT LIGHT ON NOT PERPETUATING THE HARMS CAUSED BY OVER FOUR HUNDRED YEARS OF PURPOSEFUL ACTIONS TO PROP UP WHITE SUPREMACY IN MONTGOMERY COUNTY AND IN THE UNITED STATES OF AMERICA**
- **THANK YOU**

3

“People are hard to hate up close. Move in.” - Dr. Brene’ Brown

To the Montgomery County Council, thank you for sharing your time and allowing me to speak before you regarding Bill 27-19. As a woman of color, a parent, and resident, thank you for establishing the Racial Equity and Social Justice Initiative in Montgomery County, Maryland.

On June 26, 2019, I was invited to attend the Community Conversation on Racial Equity & Social Justice; the experience was invaluable.

Human beings. Above all else, that is what we are. We are human before our roles as children, parents, siblings, extended family members, friends, leaders, public servants and/or community members. It is not our roles that suffer when we experience a personal trauma or loss; it is our human experience that suffers.

Moving in requires that we explore below the surface to uproot uncomfortable truths in order to properly identify challenges and produce the most appropriate solutions. Therefore, I am in support of the infrastructure of Bill 27-19. The detailed research and examination of leading jurisdictions that have implemented procedures and products using the best practices recommended by the Office of Legislative Oversight (OLO) is reassuring.

I am Rhoneka (Lex) Morgan, owner of Emerging Triumphantly, LLC and current member of AmeriCorps Project CHANGE. I also serve with Family Learning Solutions, Inc. (FLS) as a Mentoring and Life Skills Director. In this role, hybrid mentoring, life skills and stress management coaching services are offered to vulnerable populations.

Basic human needs are essential for all human beings. Shelter, food, belonging, and achievement contribute to well-being. When human needs aren’t met, oftentimes, deficiencies are demonstrated inwardly and outwardly through destructive behavior patterns; those that impact child welfare, health, interactions with the criminal justice system and economic development.

In that light, Adverse Childhood Experiences (ACEs) science is an area of inquiry. Most people, not just vulnerable populations, have a score of at least 1. Research shows that chronic and life-threatening illnesses have been linked to ACE scores of 4 or higher; a truth for many of those in our most vulnerable populations. ACEs impact areas of focus outlined in OLO Report Number 2018-8. To what degree are ACEs being addressed as part of Bill 27-19?

The OLO report offers details regarding processes and products used to further racial equity in the leading jurisdictions. However, racial diversity is vastly imbalanced. Based on this observation, what aspects, if any, will Montgomery County adopt from those used by the leading jurisdictions? How will implicit and explicit bias resources be included in the training framework for decision-makers in the Office of Racial Equity and Social Justice in Montgomery County?

In closing, this is an extraordinary step in a powerfully uplifting direction for our county! Thank you for being forth Bill 27-19.

Lex Morgan

4

**Testimony to the Montgomery County Council on Bill 27-19
Supporting the Racial Equity and Social Justice Act, with amendments
Tuesday, October 29, 2019**

Greetings, and thank you for the opportunity to share my testimony today on Bill 27-19, the Racial Equity and Social Justice Act. My name is Brandy Brooks. I am a resident of Takoma Park; a community organizer and consultant with 15 years of experience working on social, environmental and economic justice; and a member of the Montgomery County Racial Equity (MORE) Network.

I want to appreciate you, Council President Navarro, not only for your leadership in the introduction of Bill 27-19 and the community process leading up to the bill this year, but also for your ongoing commitment over the years to fighting for immigrant communities, communities of color, women and other groups that experience discrimination and marginalization here in Montgomery County. I thank you for using your term as President this year to make sure that the County Council presses forward with an important legislative step to address racial equity.

I also appreciate the leadership of all members of the County Council in co-sponsoring this bill, and in deepening your own learning through training and engagement in community conversations throughout the year. As the high community turnout at every racial equity town hall and forum has demonstrated, Montgomery County residents are eager for us to devote serious attention and resources toward justice and equity for all County residents, and particularly for residents of color who have faced discrimination, exclusion, harm, and violence due to both cultural norms and public policy rooted in a legacy of racism and white supremacy.

We must begin by acknowledging that Montgomery County has a troubling history and ongoing issues when it comes to racial justice and equity. From the way that racially restrictive covenants and "sundown towns" were used to exclude residents of color from being able to live or even walk in some parts of our county; to the way that development and planning policy has been used to dismantle, underserve, and erase the existence of historically Black neighborhoods; to persistent racial residential segregation and the accompanying inequities in education, housing quality, transportation access, and economic well-being that result; to the targeting, mistreatment, and violence that residents of color experience at the hands of law enforcement - racial injustice is our present in Montgomery County, not merely our history. And we must reckon with the fact that much of this injustice was not simply the attitudes of private actors, but also the choices of public officials to either explicitly support or tacitly permit racial discrimination and racially disparate policy impacts that disadvantaged people and communities of color. The County and its public officials must hold themselves accountable for the ways that they have contributed to these inequities and injustices, whether intentionally or not.

We must also ensure that the tools and resources we use are adequate to the scale and scope of the issues we face. Racial injustice and inequity will not be solved with a single bill. There must be ongoing work to transform the culture and practices of the County Council and all

County departments. There must be ongoing engagement with community members, supporting their leadership in defining the problem, developing solutions, and determining whether new policies are have meaningful impact. And there must be an ongoing commitment to providing the adequate level of resources that will not only allow the Office of Racial Equity and Social Justice to do its work effectively, but also direct resources, investment, and policy protections toward community members of color as they build new systems, structures and institutions that prioritize their social, physical, emotional and economic well-being.

Bill 27-19 is a tremendous opportunity to begin that work. In order to provide the strongest possible foundation through this legislation, I ask the Council to make the following changes to the legislation to clarify language, increase accountability, support community leadership, and provide adequate resources for racial equity work within County government.

1. **The definition of “social justice” in Section 2-64A(b) is not standard to any use of that term in social justice organizing and advocacy, and must be changed.** The bill's definition is literally the opposite of what social justice actually is; it would be incredibly dangerous to set the precedent of enshrining such a contradictory definition into law. The easiest way to adjust this definition so it is in line with the long tradition of usage among social justice advocates is the following: “Social justice is the end of discrimination and disparities based on social constructs that artificially divide people...”
2. **Section 2-64A must also be amended to add a subsection that provides initial funding allocation for the Office of Racial Equity and Social Justice** sufficient to hire not only the Director but also *at least* two staff people, plus the resources to conduct training, do policy assessments, and fulfill other duties. The duties of this office are extensive, and this Office must be set up for success - otherwise the “commitment” to advance racial equity in County government will be meaningless. The budget for this office should not be left to the vagaries of the annual budgeting process. Just as the Council did with the Public Election Fund, it should specify the initial investment in the Office of Racial Equity and Social Justice. Based on the examples of other jurisdictions, I suggest an initial funding range of \$500,000 to \$1,000,000.
3. **Section 2-64A(f) should be amended to specify that the representatives from each department and office should be senior staff with decision-making authority.** The liaisons to the Office of Racial Equity and Social Justice must have a sufficient level of influence and formal authority within their department or office to successfully advocate for and move forward racial equity plans and their implementation.
4. **Section 2-64A(f) should also be amended to create an accountability mechanism for the creation of each department's and office's racial equity plan.** The MORE Network suggests tying the approval of any department's budget to having a completed racial equity plan, beginning with the FY2022 budget cycle.
5. **Section 2-81C(e) must be amended to place a time limit on how long bills can be allowed to move forward without meeting the requirements of Section 2-81, as well as to include a requirement that no bill can pass which has a negative racial equity impact.** While it is important for the County Council to be able to continue to

- conduct its business as the Office of Racial Equity and Social Justice is being established, an open-ended exemption from compliance removes all accountability or meaningful impact from the section. As written, the Council can continue to pass bills without racial equity impact statements whenever and for however long it chooses to do so. Additionally, without establishing a requirement that negative racial equity impacts will require a bill to be revised in order to address racial equity issues, racial equity impact statements simply become reports generated for the sake of show, rather than tools that require County government to take racial equity seriously. Community members deserve to know that the Council will be holding itself accountable to evaluating its decisions using these statements, and that it is committed to no longer advancing any policy that has a negative racial equity impact.
6. **Section 27-83(a) must be amended to alter the composition of the Racial Equity and Social Justice Advisory Committee so that it is community-based and community led.** This Advisory Committee is one of the few places in the bill where community engagement is mandated. It must be strengthened so that its deliberations and recommendations are grounded in community leadership and accountability, rather than placing the most power with existing government entities are often the agents of racial injustice and inequity, however unintentionally. The MORE Network recommends increasing the Advisory Committee's membership to 15, with 9 of those members being from the community. MORE also recommends the development of a nomination process that includes significant community input.
 7. **Section 27-83(a)(3) should be amended to allow for compensation of community members for whom financial need is a barrier to participation.** Many community members with low-incomes wish to participate in our community's governance; however, economic need means that their time has to be directed toward activities that generate income, and/or they cannot afford resources like childcare or transportation that would make their participation possible. The MORE Network recommends creating a need-based compensation structure that would increase participation accessibility for low-income community members who wish to serve.
 8. **Section 27-83(e) should be amended to add a requirement for an annual public forum where the Advisory Committee reports to the public on its activities.** Public accountability is critical both for ensuring that the Advisory Committee's work is aligned with real community needs and interests and for building trust within communities of color that racial equity work is being taken seriously in County government. An annual forum will give community members the opportunity on a regular basis to engage with the Advisory Committee and shape its priorities.

I am a longtime racial justice advocate; a Montgomery County resident who loves her community; a woman of color who has experienced racial discrimination and injustice too many times in housing, health care, and employment; and a strong supporter of collaborative governance between public officials and community members. I believe that residents of color and all people in Montgomery County who value racial equity and justice deserve the strongest possible version of Bill 27-19 - one that will bring real accountability and transformation through

the County Council's and County administration's work to address these deep and difficult issues. I believe that the Council shares my interest in developing a bill that will make real change for our County, and that will lead the way regionally and nationally on ending the terrible history of racial injustice enacted through public policy. I look forward to working with each of you to strengthen and pass this important legislation.

Thank you for your time.

Brandy H. M. Brooks
MORE Network Member; Founder, Radical Solutions LLC
7118 Cedar Avenue
Takoma Park, MD
240-424-0064

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PUBLIC BILL 27-19, Administration

Office of Racial Equity and Social Justice Advisory Committee [Oct. 29, 2019]

Good afternoon County Council President Navarro, County Council Vice-President Katz and fellow members of the County Council. My name is Carmen Nazario Vega, I reside in Churchill Independent Senior Living, UCAB member as Public Resource in Germantown.

I want to thank all County Council Members for their support of this proposed legislation. It is a process much needed to respond to the needs of our diverse communities. Also thank you for involvement of communities and transparency during this process.

- **Why does RACIAL EQUITY matter to me?** As Puerto Rican citizen and member of this community I have found several disparities in the employment application process for Montgomery County positions. I have applied for many job openings with similar requirements the difference being that some require **being bilingual**. I have a Masters Degree, over 20 years experience in Human and Social Services. I've been ranked most often to **Eligible List (may be contacted for interview)**. This is wonderful to know, but what is disturbing is that I would most definitely receive interviews for positions requiring bilingual Spanish but not for others requiring same or similar work experience and qualifications (except need to be bilingual)
-
- **IMPACT:**
- **Am I impacted by racial inequity? Yes.** I've seen job postings requiring Spanish speaking applicants posted for Upcounty and other sites listed with Recruitment Sources and most often stated as temporary/seasonal or part-time. The salaries have been between \$12- \$17 per hour. In Upcounty I have witnessed a constant change of bilingual staff in the reception area. How practical is it to pay Recruitment Sources in order to save money in salaries and benefits to an individual and expend the time to train a revolving door of temp employees? Why do bilingual Spanish skilled and unskilled applicants, part-time and temps be relegated to second class status employees? Our community's ongoing support for legal and illegal immigrants is much admired and yes, through contracted resources many are being served nevertheless not all Spanish speaking citizens of Montgomery County are immigrants and may have different needs to be met by the many MOCO departments.
-
- **CHANGES SUGGESTED:**
- **During former County Executive Leggett's** an increase in minority hiring was plentiful but not equitable in representation of communities. I would like to see all bilingual job descriptions receive salary, promotion, and merit same as non-bilingual positions. In fact perhaps consider monetary compensation for the time to use dual languages in all aspects of the jobs, ie: translation in writing, conversation and reading of essential documents. It would be a challenge but perhaps necessary for an overhaul of the selection of candidates by the merit system in qualifying candidates so as to have a balanced number Representative of communities being served by the job description and the hiring department. I would also appreciate the ability to receive or be able to inquire as to reason for non selection for interviews once considered **Eligible**. Regardless of age.

Thank you for your attention to this presentation.

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Montgomery County Council
Council Office Building
100 Maryland Avenue
Rockville, MD 20850

October 21, 2019

Greetings County Council Members,

The following statement is in support of the proposed Bill No. 27-19 *Racial Equity and Social Justice Legislation*. It must be made clear that my suggestions regarding language and specifics regarding all matters of equity, diversity and inclusion (EDI) are grounded in my areas of expertise. I am an assistant professor and program chair of an interdisciplinary social science program with sociology and psychology courses as its foundation, at a university in Washington, DC. In addition to my own research, presentations/talks, and relevant study, I teach (and create) classes that infuse much of the language and nuanced meanings identified within the draft. I possess broad-context historical and sociopolitical knowledge framing the need for a Bill such as this one. Finally, as a Montgomery County resident, former Montgomery County Public Schools employee, and parent of a current MCPS student I have a vested interest in dismantling racism in the various forms it is displayed and engrained within our communities and society. It is within the capacity outlined above that I offer the following suggestions and observations.

To the point, Bill 27-19 is a significant political step to subvert Montgomery County from engaging in explicit forms of racism (racial and social inequities) through legislative means. The proposal of such legislation indicates the “consideration” of impact on all County residents, by *race* and the established and enacted privileges and oppressions that come with these social constructions, will be made should racial equity and social justice programming (loosely defined) be funded through the Executive’s annual operating budget. As I am supportive of this Bill, there are a few areas of concern that warrant further clarification so that all stakeholders experience a similar sense of transparency. The primary area of concern resides in the operational definitions that serve to contextualize the main components of the Bill. As an academic, County resident, parent, and person directly impacted by traditional (and non-traditional) conceptions of racism/white supremacy, language, and the use of such as a tool to construct and enact legislation, is important.

My suggestions to strengthen this portion of the Bill are as follows: Line 32 - add *systematically and at the intersections* where dismantling racial inequity must occur, Line 37 – the use of the word “fair” with equity is arbitrary in the face of correcting longstanding disparities grounded in racism and should be REMOVED from this line, as there was NEVER fairness in opportunity, resources, education, etcetera – *just opportunities and outcomes for all people* should remain [Note: *equity* and *equality* are not the same -- to provide equitable measures for racially marginalized people may appear to tilt ideas of equality to non-marginalized people; and, this is just.] Use of the word “fair” should be drafted in a separate and free-standing sentence to highlight its currency in this legislation. I will be happy to address this further should there be an occasion or need to do so. Line 38 should be revised to read: *Equity*

assessment means ongoing systematic processes of identifying policies and practices that may be, or that are currently implemented and/or practiced to identify and redress disparate outcomes on the basis of race; Line 47 – revise to add: as enacted through systems (e.g., government, education, health, legal, and financial); Line 147-149 defines ‘social stratification’ as written, NOT “social justice”. [Correction] Social justice refers to equality between individuals within the constructs of a society, usually measured by the distribution of wealth and access to opportunities.

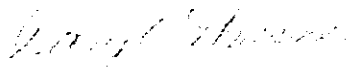
Professionally, my concern, which lead to the specific highlighting of operational terms, lies in the ease with which people gloss over language and the importance of its transmission of inherent meanings, which shape ideas. When the language (or interpretations thereof) is in misalignment with purpose and intention, it explicitly allows for practices – relative to Bill 27-19 – to go awry. Accuracy in meaning of terminology where equity, structural, systemic and institutional racism (white supremacy), social justice, equality, bias, prejudice, microaggressions, micro-assaults, micro-insults, white fragility/privilege, and internalized racism are significantly important to comprehend. For this Bill to make glaring inroads towards true equitable gains in Montgomery County, those tasked at the legislative, programmatic, and management levels must eat, drink, and sleep with these concepts so that the intention of this Bill transfers into daily action. This better ensures that the Bill does what it is intended to do. Policy with disingenuous practice is just rhetoric. My hope is that once this Bill is approved, those tasked with actualizing it will do so with integrity.

Personally, I have been a County resident for approximately 20 years. I live in a historic area of the County – one that, after Indian removal, landed in the hands of Quakers and is recognized as part of the Underground Railroad. Prior to building our home in Sandy Spring, Maryland, I took the time to learn about the rich history of the *black* families that have lived and thrived in the area for generations – supporting one another. The historic narrative loosely supports the “generosity” of the Quakers in that they *gave* land to these families who were descendants of the formerly enslaved freedmen but not because these Quakers believed in racial equity. While many may have been abolitionists, they did not believe *black* or Indigenous People were equal to the *white* man. These beliefs show up in today’s land use and residential boundaries. Racial equity and social justice were not infused into the defining policies of this re-imagined area of Montgomery County. Using Farm Road, in Sandy Spring, as an example evidences the longstanding fight against community racial segregation by, literally, closing off access to a road in existence since the late 19th century, and used by Sandy Spring’s black residents to travel between Brooke and Goldmine Roads prior to the construction of the Dellabrooke sub-division. This on-going dispute reflects the institutional racism communities of color continue to experience by various methods of land dispossession carried out by systems firmly, in place, that intersect to furthering entrench racial and socioeconomic divides, and perceptions. This is significant in relation to the on-going gentrifying of Sandy Spring. Bill 27-19 will, hopefully, serve as the re-imaged sociopolitical policy for Montgomery County to recognize the rights and dignity of all its inhabitants – not just developers. This policy will be met with resistance by those who may feel threatened, as beliefs in racial equity and social justice are not held by all residents of the County.

Finally, while I worked for Montgomery County Public Schools, in the capacity of a secondary School Counselor, it was my job to make sure that I responded to the social, emotional, academic, and career needs of every student, equitably! The premise is that professionals have the responsibility to intervene when acts creating disparity are perpetrated by colleagues, administrators, or by students – regardless of perceived “race” or economic status. This was what I strived to do throughout my career in the County, and what I continue to strive for in my capacity as an academic. I was saddened, but not surprised to learn that during 2017-18, Sherwood High School lead in racial bias incidents in the County school system per data gathered by the Montgomery County Police. As a parent of both a young adult-male and an adolescent-female, of Indigenous descent, but who experience life as “black”, I have witnessed the gross and nuanced acts of racism that surround them. My hope is that should Bill 27-19 pass, the County Government, Montgomery County Public Schools, and the Montgomery County Police *systems* collaborate efforts to ensure the policies AND practices manifest for the betterment of all County residents.

Thank you for your time and for the consideration of noting my thoughts, as informative to your deliberation about this seminal legislature.

Sincerely,



Daryl Thorne, Ed.D., LCPC, NCC

THE BLACK AND BROWN
COALITION FOR
EDUCATIONAL EQUITY
AND EXCELLENCE

Testimony of Diego Uriburu to the Montgomery County Council on Bill 27-19

October 29, 2019

My name is Diego Uriburu, Executive Director of Identity. Today I am testifying on behalf of the Black and Brown Coalition for Educational Equity and Excellence.

I want to start by recognizing Council President Navarro for leading the efforts to implement Bill 27-19, and also extend my thanks to the entire Council for their co-sponsorship of this key piece of legislation.

As a Coalition focusing on educational equity in Montgomery County Public Schools, the introduction of legislation designed to further racial equity and social justice has significantly amplified the Coalition's work.

Our communities have long believed inequities existed, and the recent unveiling of MCPS's All In: Equity and Achievement Framework confirmed the shocking realities that disproportionately impact poor students of color. The introduction of this legislation, in tandem with the release of MCPS data, has sparked a critical conversation whose impact will extend far beyond the realm of education into all areas of county life.

Both the work done by the Black and Brown Coalition and the Council's implementation of Bill 27-19 will encounter significant pushback from those that mistakenly believe in a zero sum game – that an improvement in the quality of life for our Black and Brown communities will equate to a loss in the quality of life for the most privileged.

For that reason, it is imperative that our communities, those most affected by the inequities we seek to fix, not only get involved, but also be actively engaged in these efforts. As such, we must support you, our brave county leaders, before, during and after the passage of this bill. As the kids at Identity would say, "we have your back!"

The Coalition would like to once again present you with our asks to County leaders:

1. That all students, particularly Black and Brown students, have access to effective teaching and diverse teachers, and that these teachers be supported to succeed.
2. That all students, particularly Black and Brown students, attend schools led by effective and diverse leaders committed to providing equitable access to opportunities and resources, and that these school leaders be supported to succeed.
3. That all students, particularly Black and Brown students, be engaged in and supported to master rigorous coursework to ensure success in college and careers.

While the primary focus of the Black and Brown Coalition is on education, our efforts, like yours, ultimately depend on dismantling patterns of systemic inequity. We call on you to

regularly collaborate with us and other equity advocates to eradicate systemic and institutionalized barriers and more rapidly innovate systemic solutions that result in Black and Brown student success.

Thank you very much.

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TESTIMONY: Bill 27-19 Office of Racial Equity and Social Justice

Tuesday, October 29, 2019

Time: 1:30 PM

Good afternoon. I want to thank you for this opportunity to share my thoughts and concerns as you prepare to embark on the challenging and necessary task of elevating and prioritizing the message of racial equity and social justice as an operating paradigm for our County.

My name is Dayo Akinsheye. I am a longtime resident of the Forest Glen neighborhood of Silver Spring. As a retired educator and County taxpayer, I felt compelled to testify in support of this bill.

The fact that we as a nation are just making attempts to grapple with the long history of inequality and injustice is unconscionable. However, as we discuss disparities in education, we must not attempt to gloss over the fact that the period of colonization, the transatlantic slave trade, and enslavement are not sufficiently covered in our classrooms. If they were, I would not be sitting here petitioning for the renaming of five Montgomery County schools that are named after the owners of enslaved people.

According to the Montgomery County Policy on Naming Schools, "Schools are named after deceased distinguished persons who have made an outstanding contribution to the community, county, state, or nation." It is therefore an act of symbolic violence to honor any individual who participated in the slave trade or who owned people as chattel. The act of honoring such individuals by naming a structure after them and then requiring our children to attend schools in those structures is an assault on their humanity. These five Montgomery County schools are symbolic and physical manifestations of those systemic and institutional values and priorities that labeled their ancestors as property.

We must ask ourselves whether we are the overwhelmingly pro-slavery Montgomery County of 1860, in which even most Unionists were anti-abolition, and Abraham Lincoln received only 50 votes? At the time when some of these schools were named, the County was controlled by the outsized influence of the United Daughters of the Confederacy.

Now with the implementation of this new policy, it is time for us to reverse this wrong and tackle the much-needed task of renaming the five schools in question.

Dayo Akinsheye

1015 Stirling Road

Silver Spring, MD. 20901

(H) 301-593-3284

(C) 240-271-6912

SIX MONTGOMERY COUNTY SCHOOLS NAMED AFTER THE OWNERS OF ENSLAVED PEOPLE

These schools were identified by a committee of MCPS staff members, MC historians, and student researchers from UMBC

Montgomery Blair H.S. was included on the list. He did not own enslaved people and represented Dred Scott. His family owned enslaved people.

Francis Scott Key MS- He owned enslaved people but said that slavery was "full of sin."

Col. Zaduk Magruder H.S.- Head of a household that owned 26 enslaved people.

Richard Montgomery H.S. – Became an owner of enslaved people when he married his wife.

John Poole M.S. – Owned 4 enslaved people when he opened his store in 1769.

Thomas S. Wootton H.S.- He owned 36 enslaved people, which placed him among the largest slaveowners in Maryland. When he died, he liberated 3 and left the rest to his nephew.

Testimony in Support of Bill 27-19 – Racial Equity and Social Justice

Joanna Silver, Individual

Tuesday, October 29, 2019, 1:30 pm Hearing

My name is Joanna Silver and I support the passage of Bill 27-19. I am a resident of Silver Spring and a member of several organizations including Jews United for Justice, the Silver Spring Justice Coalition, and Takoma Park Mobilization. All of these organizations are members of the Montgomery County Racial Equity Network. I am also the coordinator of the Montgomery County Deportation Defense Coalition, which advocates for County funding for legal representation for immigrants in removal proceedings.

I support the amendments requested by the Racial Equity Network (MORE Network). Before I address the amendments, however, I want to express my concerns with the ambivalence that I've repeatedly seen members of this Council express when it comes to issues of criminal justice and racial equity. Virtually every member of this Council appears able to accept on an intellectual level that the criminal justice system in this country is rooted in racism and is one of the primary systems perpetuating racial inequity. Yet when it comes to making policy decisions, this Council seems unwilling to elevate this evidence-based understanding over the fear of being perceived as soft on crime or over the emotion-driven belief that people involved in our criminal justice system are inherently bad or less worthy of our beneficence.

For example - and this is just one example - when you refuse to fund legal representation for immigrants detained by ICE because they have prior criminal convictions you are making a policy decision that promotes racial inequity because you are ensuring a worse outcome for Black and Brown members of our community through the many ways that deportation and family separation create negative outcomes. And you are basing the decision to impose these outcomes on their involvement in our criminal justice system, where they have already experienced negative outcomes because of their race.

I also want to make sure you know that anti-Black racism rears its head here just as it does elsewhere - I learned recently that while only 7 % of undocumented immigrants in this country are black, 20% of undocumented immigrants who are deported as a result of criminal convictions are black.

Turning to the requested amendments. I will name only a few. First, departmental equity officer or liaisons should be members of senior management for their department to ensure that they have the support and authority to do the work the bill demands of them. Second, the bill needs to be more specific in terms of training requirements: who will be trained, how often will they be trained, etc. Third, the bill must provide for more community engagement than it currently does. The bill needs to specify the manner and frequency with which community feedback will be received and the Racial Equity and Social Justice Committee should be expanded to allow for a larger number of community members to participate.

Finally, while I know that details regarding the funding and staffing of the Office of Racial Equity will be worked out in separate appropriations, it is essential that this bill is followed by full staffing and funding, or there is no way the County can do the work needed to make its implementation meaningful and effective.

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Testimony in Support of Bill 27-19: Racial Equity and Social Justice Act
Latino Health Steering Committee of Montgomery County Testimony
October 29, 2019

On behalf of the Latino Health Steering Committee of Montgomery County, we urge you to vote in favor of enactment of Bill 27-19, which would establish a formal process for addressing racial equity and social justice in Montgomery County.

The Latino Health Steering Committee (LHSC) is an independent group of volunteer professionals and community leaders, working with county government to address Latino health concerns in Montgomery County. The LHSC provides expert guidance and technical assistance in the conceptualization, design, development and evaluation of health activities and projects within the Department of Health and Human Services. In addition, the Steering Committee acts as the advisory body for the Latino Health Initiative of Montgomery County, and advocacy body for the County Latino community.

Addressing inequities and fighting for social justice has been at the cornerstone of the Latino Health Steering Committee's values and work. We applaud Council President Navarro as Sponsor, and all Councilmembers as Co-Sponsors for taking a significant step to institutionalize the norms of racial equity and social justice into the work of Montgomery County government. The County will join various jurisdictions around the country who have already taken this pivotal step.

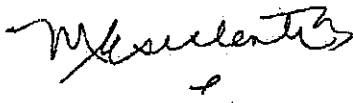
While the bill includes critical components and is comprehensive, we offer the following recommendations for enhancement:

1. In addition to overall equity training for managers and supervisors, tailored capacity building and technical assistance from the Office of Racial Equity and Social Justice should be offered to the entire professional, technical, administrative and clerical staffs of each Department and Office;
2. Incorporate equity measures in the performance assessments of Department Directors and other Senior Managers in County government;
3. Funding for the Office of Racial Equity and Social Justice should be allocated in the County budget as a line item and sufficient to support an operating staff that is going to be able to do its job;

4. The Advisory Committee should have 13 members with at least 7 of those being public members instead of only 3 public voting members. The racial and ethnic composition of members should be proportional to the overall County breakdown of these groups.
5. The Advisory Committee should have ex officio members who do not vote such as the Chief Administrative Officer or one of his Assistants. Other ex officio members should include the Director of the Office of Management and Budget, and one of the Special Assistants of the County Executive. In addition, the Committee should include as ex officio a sworn officer of the Police Department.
6. The committee should remove barriers to ensure meaningful community participation (e.g. reimbursement or flat fee for community members to cover costs associated with transportation or childcare), and provide the necessary accommodations to remove barriers for participation (i.e. interpretation and translation services as needed)
7. The current definition of Social Justice needs to be adjusted. Social justice does not divide people into different groups. Social Justice is a political and philosophical concept which holds that all people should have equal access to wealth, health, well-being, justice and opportunity. Maintaining the rights of all people, recognizing and including characteristics regarding people's dignity, political choices, economic conditions, social equality, equal distribution of resources, justice, and other societal participatory characteristics are in this concept. The issues of cultural relevance and linguistic competence are intertwined with these other societal characteristics.

Montgomery County has a unique opportunity to show its leadership and take a significant step forward in creating a formal process to address racial equity and social justice. The Latino Health Steering Committee looks forward to working with the County to make this vision a reality. Thank you for the opportunity to appear before you today.

Sincerely,



Monica Escalante, MPP, MSM
Co-Chair, LHSC
Latino Health Steering Committee



Victor Del Pino, J.D
Co-Chair, LHSC
Latino Health Steering Committee

**LATINO HEALTH STEERING COMMITTEE
OF MONTGOMERY COUNTY
FY2020**

Suyanna Linhaes Barker, DrPH

La Clínica del Pueblo
Washington D.C. Metro Area

Evelyn Kelly, MPH

Institute for Public Health Innovation-IPHI
Washington, DC

Raul Barrientos, DDS, MBA, MPH

Montgomery County Activist
Olney, MD

Michelle LaRue, MD

CASA
Silver Spring, MD

Fernanda Bianchi, PhD

Montgomery County Activist
Potomac, MD

Rose Marie Martinez, Sc.D.

Montgomery County Activist
Silver Spring, MD

Olivia Carter-Pokras, PhD

Dept. of Epidemiology/Biostatistics
University of Maryland College Park
College Park, MD

J. Henry Montes, MPH

Montgomery County Activist
Potomac, MD

Norma Colombus

Montgomery County Activist
Silver Spring, MD

Cesar Palacios, MD, MPH

Proyecto Salud
Wheaton, MD

Victor Del Pino, JD *

Montgomery County Activist
Rockville, MD

Eduardo Pezo, JD, MA, MPH

Montgomery County Activist
Kensington, MD

Monica Escalante, MPP, MSM *

Montgomery Hospice
Rockville, MD

Patricia Rios, MPH

Suburban Hospital
Bethesda, MD

Maria S. Gómez, RN, MPH

Mary's Center for Maternal and Child Care, Inc.
Washington, DC

Grace Rivera-Oven, BS

Montgomery County Activist
Germantown, MD

Rosa Guzman

Montgomery County Activist
Germantown, MD

Maria Elena Rocha

Montgomery County Activist
Silver Spring, MD

Anna Maria Izquierdo-Porrera, MD, PhD

Care for Your Health, Inc.
Clarksville, MD

Diego Uriburu, MS

Identity, Inc.
Gaithersburg, MD

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**TESTIMONY OF LEANNE TOBIAS
MONTGOMERY COUNTY COUNCIL
BILL 27-19, GREENHOUSE GAS EMISSIONS PROVISIONS
October 28, 2019**

I am Leanne Tobias, a long-time Bethesda resident. Bill 27-19 is praise-worthy and I commend the Council for sponsoring it, with a single exception: the proposed amendments to the County's greenhouse gas emissions law inappropriately weaken Montgomery County's greenhouse gas assessment requirements and undercut the County's stated desire to serve as a leader on climate change.

Montgomery County's 2008 greenhouse gas law requires the County, when considering land use plans, to "assess the plan's potential impact on greenhouse gas emissions, including a carbon footprint analysis." Bill 27-19 substantially weakens this requirement by merely charging the County to "consider the environmental impact of the plan" through various methods. In other words, the County's primary responsibility shifts from *assessing* the environmental impact of a land use plan to merely *considering* it.

I join with the Sumner Citizens Association and the Westmoreland Citizens Association—which represent over 1,000 households—to ask you to retain the original greenhouse gas assessment requirements passed by the Council in 2008, by leaving sections (a), (b) and (c) of the statute unchanged, while adding a section (d) on racial equity and social justice as proposed in the original draft. SURJ—Standing Up for Racial Justice—of Montgomery County has also endorsed this change. The revision assures that the County continues a robust program to minimize greenhouse gas emissions, including a mandated greenhouse gas impact assessment, while ensuring that racial equity and social justice are explicitly considered in land use planning. I appreciate that Councilmembers Navarro and Friedson are already considering the new language.

The rationale for requesting these changes in Bill 27-19 includes:

1. Fulfilling the County's Climate Mobilization Commitment. Montgomery County has committed to eliminating greenhouse gas emissions by 2035. In December 2017 the Council declared a "climate emergency" and charged Montgomery County to "do much more, much faster" to address it. Reducing the greenhouse gas assessment requirement to a "consider" standard is a significant dilution of the law and a step in the wrong direction.
2. Fulfilling the County's Commitment to Racial Justice and Social Equity. The National Resources Defense Council has observed that "people who live, work and play in America's most polluted environments are commonly people of color and the poor. Environmental justice advocates have shown that this is no accident." The Council's desire to enhance social and racial justice in

Montgomery County demands the strongest possible greenhouse gas emissions law in order to achieve social equity and racial justice. Weakening current requirements undercuts this objective.

Thank you for your consideration. Social justice of any kind hardly can be well served by eliminating the requirement for an objective assessment of the environmental impacts of long-term development plans adopted by the County.

SUGGESTED TEXT REVISIONS, MONTGOMERY COUNTY BILL 27-19

Recommended: Retain Language of Current Law and Add a New Subparagraph (d) on Racial Equity and Social Justice

33 A-14. Greenhouse Gas Emissions and Racial Equity and Social Justice. As part of the factors and conditions outlined in Section 21-205 of the Regional District Act and Section 1-202 of the Land Use Article of the Maryland Code in preparing the plan, the Planning Board must:

- (a) assess the Plan's potential impact on greenhouse gas emissions in the county, including a carbon footprint analysis;
- (b) consider ways to reduce vehicle miles traveled in the County;
- (c) consider options that would minimize greenhouse gas emissions; and
- (d) consider the impact of the Plan on racial equity and social justice.

Testimony in Favor of Bill 27-19

Michael Bader, Ph. D.

Several weeks ago, my Silver Spring neighborhood experienced a rash of petty thefts from parked cars. Word spread through our neighborhood listserv. Nothing major, it happens toward the end of every summer, and some neighbors admitted to leaving their car doors unlocked. One neighbor, however, strongly advocated that the police increase patrols in our neighborhood. It's a rational course of action, and most of my neighbors—the majority of whom are white—probably thought so as well.

But I also know from collecting data on the topic that more than half of black and Latino residents in the DC area report that the fear of police arresting or questioning them affects their daily lives. About a quarter of both groups say that this fear affects their daily lives “a lot.” It's possible that increasing the police presence in our neighborhood might worry our black and Latino neighbors more than the car break-ins. By way of comparison, just over one in ten white residents feared police on a daily basis, and most of those who did said that it only affected their daily lives “a little.”

Judging from the yard signs in my neighborhood, I live in a pretty progressive neighborhood. Yet the dissonance in fear of police shows the ongoing need to assess racial equity, even in liberal bastions like Silver Spring.

Making big changes in racial equity will mean that jurisdictions need to address the more mundane ways, like differences in interactions with police, that race shapes our lives. My neighbor's actions weren't overtly racist. Nor did her actions necessarily reflect implicit bias, the unconscious association of crime or other negative stereotypes with people of color. Instead, they revealed what my colleague, Maria Krysan, and I have called “racial blind spots.” Racial blind spots reflect a specific ignorance of the way that people of other races live their daily lives.

The data about fear of police come from 1,061 randomly-selected households in the District and adjacent jurisdictions that responded to the 2018 DC Area Survey. We found that racial blind spots weren't limited to policing. Only half of black residents, and two of every three Latinos, agreed that nearby businesses “thought about people like me” when making business decisions. In contrast, about 80 percent of white and Asian residents felt like businesses thought about people like them.

Mental maps of the region differed, too. More than half of whites in the DC area reported “not knowing anything about” Wheaton/Glenmont while fewer than a quarter reported the same about Bethesda. More than 40 percent of Latinos, however, knew nothing about Bethesda while only a third were unfamiliar with Wheaton/Glenmont.

I commend the County Council for seeking ways to address racial inequity, and encourage the Council to pass Bill 27-19.

But, reducing racial inequity requires knowing where these blind spots exist, and knowing where these blind spots exist requires good data. The subtle but insidious ways that blind spots perpetuate racial inequity will remain hidden if jurisdictions rely on administrative data like Census tabulations, test scores, and incarceration rates alone. And if they rely on testimony at council meetings or what people tweeted, they can amass data quickly but at the expense of representing their constituents.

Unsurprisingly, I prefer representative surveys like the DC Area Survey. Surveys give every household a statistical chance of being selected, and therefore do a good job representing the whole population. Surveys also allow data to be compared over time to assess how racial disparities change. But other forms of data collection like participant observations and focus groups that meet people where they live, work, and play will increase the chances of finding opportunities to promote racial equity.

To invest in racial equity, Montgomery County—ideally along with other jurisdictions in the region—will need to invest in nuanced data, not only the data that are readily at hand. Tracking progress with these more nuanced data should ultimately pay off by diminishing racial inequity in the administrative data. It’s possible, for instance, that reducing the daily stress caused by fear of the police or being overlooked by businesses could reduce the higher risk of death from heart disease that blacks face. But we shouldn’t have to wait for our deaths to measure our progress.

Michael Bader is an Associate Professor of Sociology and Policy at American University, where he is also Associate Director of the Metropolitan Policy Center and Director of the DC Area Survey.

1199SEIU

United Healthcare Workers East

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Michael Cooperman

Good afternoon,

My name is Djawa Hall, and I am the Political Organizer for 1199SEIU United Healthcare Workers East in Maryland and DC. I am also a Montgomery County resident of the Kentland's community in Gaithersburg.

To Council President Navarro, members of the council, committee staff, and others involved in the convening of this public hearing, I want to thank you. To the many community members, racial justice advocates, faith-based groups, young people, human rights activists, MORE Network members and community leaders in attendance, I would also like to thank you. I appreciate your advocacy and the efforts of the council to move this legislation forward. Under the leadership of President Navarro, who engaged with many of the folks in this room and listened to the concerns, experiences, and priorities of constituents, I expect that we will create legislation that we can be proud of.

1199SEIU is the largest healthcare union in the nation, representing 450,000 healthcare workers on the East Coast. Since our founding in 1932, our mission has been to stand up for quality healthcare, good jobs, and social justice for all. Dr. Martin Luther King, Jr. called 1199 his favorite union and referred to us as "the authentic conscience of the labor movement." We have been in the fight for racial and social equality from the beginning, and the struggle continues. Rev. Dr. William Barber, leader of the New Poor People's Campaign said, "When the forces of extremism become so overwhelming that they depress the hope of the people, the prophetic voice and mission is to connect words and actions in ways that build restorative hope, so a Movement for restorative justice can arise."

In Montgomery County, our members care primarily for the community's most vulnerable and aging population in Long Term Care facilities countywide. As Black and Brown residents in this community, many of our members face challenges that impact their day-to-day experiences travelling to and from their jobs, taking their kids to school, and choosing how to spend their leisure time.

We support this bill because these residents shouldn't be treated unfairly by police because of their race. The children in their neighborhoods shouldn't be breathing air that is more polluted than whiter neighborhoods. The zip code of their children's school shouldn't determine the quality of their education. But, right now, without this bill, these are the realities our members face.

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That is why as a partner with the MORE Network, 1199SEIU is in support of Bill 27-19 -- because there are drastic inequities and disparities experienced throughout the county in many facets of the public sector. This bill sends a bold message from the County Government that *racial equity* is a priority. However, the legislation could be strengthened with the inclusion of the amendments being put forward by the MORE Network and other advocates. These amendments include how social justice is defined, the guidelines on who is trained on racial equity and how often, what role the advisory committee plays in upholding the standards of this legislation, how much funding this office requires in order to adequately perform the duties outlined, and compliance regulations and consequences.

As we move forward, we are eager to work with Council President Navarro and the County Council to ensure that we pass the strongest version of Bill 27-19 possible. Thank you. I am happy to answer any questions.

Jews United for Justice (JUFJ)

Melissa Coretz Goemann

Silver Spring, MD

www.jufj.org

**JEWS UNITED
FOR JUSTICE**

THINK JEWISHLY. ACT LOCALLY.

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**Montgomery County Council Public Hearing - Bill 27-19
October 29, 2019, 1:30 pm**

Dear Montgomery County Councilmembers:

My name is Melissa Coretz Goemann and I am offering this testimony in **support of Bill 27-19**, a bill regarding racial equity and social justice, on behalf of Jews United for Justice (JUFJ). JUFJ works to advance economic, racial, and social justice in Montgomery County and throughout the Baltimore-Washington region by educating and mobilizing our local Jewish communities. JUFJ is a member of both the Montgomery County Racial Equity (MORE) network and the Coordinating Committee of the Washington, DC's Initiative on Racial Equity and Local Government.

We greatly appreciate Council President Nancy Navarro's leadership in sponsoring this legislation and the support of all of the Councilmembers through their co-sponsorship of the legislation. We also commend President Navarro and the Council for their extensive community engagement process to gather public input on racial inequities in the county and how best to address them. We also thank the Council for the steps it has taken so far to engage and educate county leadership and to gather data.

The Torah and Talmud teach that humans, in our infinite diversity, are all made in the Divine image, and each of us is precious and deserving. But the 55% of Montgomery County residents who are people of color are systemically denied many of the opportunities and benefits that white residents experience. Our county must end practices that harm communities of color and implement policies that ensure equity for all residents. We urge you to pass the strongest version of this bill possible so that our county can be a place where everyone — regardless of race or ethnicity — can earn a good living, afford a decent home, attend a great school, and feel safe.

For this legislation to be successful, we need the community to be involved. We recommend creating a nomination process for members of the Racial Equity and Social Justice Advisory Committee that includes input from the community. Additionally, all voting members of the committee should be county residents or employees, the committee should be expanded to 15 members with 9 being community representatives, and the county should provide compensation for committee members based on financial need so that need is not a barrier to participation. Further, we recommend creating a reliable method for the public to provide feedback to the committee.

Beyond community involvement, we also recommend additional strengthening elements. The area of racial equity and social justice training should be more clearly delineated, and training should be provided to all county employees on a regular basis, not just managers and supervisors. In addition, for this bill to be effective, adequate funding must be provided; when considering the county budget, ensuring funding for data collection and analysis as well as sufficient staff to implement the directives in this bill should be a top funding priority.

As Jews, we have a moral obligation to create a community where all can grow and thrive regardless of race, nationality, age, disability, gender identity, religion, or sexuality. This bill is an important step on the county's road to racial equity and social justice and we urge you to pass it with these suggested amendments.

Respectfully submitted,

Melissa Coretz Goemann, on behalf of Jews United for Justice

To: Montgomery County Council

October 29, 2019

Comments below will use the page of the bill and Line number to indicate the place of my comment on the County Council Bill 27-19

Pg 4 Line 28--instead of the word "include" use "can be due to"

Line 30--instead of the word "will" use "are likely to" . Using the word "will" connotes it is going to be the case no matter what.

Line 39--drop the word "implemented" and put the word "used". For me the implementation of these policies and practices is not an equity assessment process. It seems to me that an equity assessment would be assessing policies and practices. Since these policies and practices already exist we assess them to make sure they are being effective.

Pg 5 Lines 60-62 -- the definition of Social Justice needs to change. Social justice does not divide people into different groups. It is a political and philosophical concept which holds that all people should have equal access to wealth, health, well-being, justice and opportunity. Maintaining the rights of all people, recognize people's dignity, political, economical, social equality, equal distribution of resources, justice, and other societal participatory characteristics are in this concept. The issues of cultural relevance and linguistic competence needed are intertwined with these other societal characteristics. How we should treat clients and customers?

Lines 66 ---consulting with each department and office would be too time consuming and does not need to be spelled out in law but is a function that the Office would need to do. The Office needs to be able to function on its own. Under the *Functions*, I would add one for developing a policy for action not just a plan.

Line 69--After the word "redress" put the word "identified"

Pg 6 Line 86, explain what Method 2 regulation is or get a citation so we can look it up.

Pg 7 Line 126, change word at end of line from "needed" to "requested" It is better for the Office to be in-charge of information it receives and "need" is defined by some organization outside the Office and can swamp the Office with needs.

Line 108-110 there are a couple of things going on in this section. What year should be covered by the annual report and then when should the annual report be ready for the County Council. So the bill should say explicitly the report will be for the end of the fiscal year, but can be done by September 30 to give time to research and write the report. It is important to clarify these points in the bill.

Pg 8 Lines 147-149, see above for definition of "Social Justice".

Lines 150-153, impact statements for each and every Bill is excessive. Use of impact statement should be more precise to certain types of bills and high dollar activities NOT every single bill. County Council members will determine whether to do an impact statement.

Pg 9 Line 183 instead of 9 voting members it should be 13 with seven of those being public members. The Advisory Committee should have ex officio members who do not vote such as the Chief Administrative Officer or one of his Assistants. Other ex officio members include the Director of the Office of Management and Budget. and one of the Special Assistants of the County Executive.

Pg 10, Line 188, add the word "linguistics" after the word "racial".

Line 201, change word "employee" to "sworn officer"

Line 203, instead of "Three" put "Seven" members of the public.

Pg 11, Line 220, drop the words "and may elect other officers". This is an Advisory Committee and not a Board of an organization.

Line 222, have it meet at least 4 times a year (quarterly) instead of 6 times.

Hope you find these comments useful.

Respectfully submitted,

J. Henry Montes
Co-chair, County Executive Latin American Advisory Group
Potomac, Maryland
Jhmon54@aol.com
301-762-1103

Good evening. My name is Nicole Y. Drew and I am the president of the Montgomery County Commission for Women. I am here today representing the entire commission in support of Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and social Justice Committee - Established.

As a Commission that represents the women in the County, who constitute more than half of Montgomery County residents, we deem this bill important enough to make a statement in support of it. Last year, the Commission issued its Status of Women report and emphasized, as does this bill, the disparities linked to race that many County residents suffer. As we address these issues highlighted in our report, we believe Bill 27-19 will assist in addressing disparities with health, wealth and other factors.

Additionally, in a social climate that is driven more increasingly by technology, this is also an opportunity to expand our awareness of the racial biases inherent in things such as algorithms used in hiring practices, and, as cited in a recent Washington Post article, in healthcare systems.

The Commission also believes this bill can use the lessons from a growing body of research that can be found in such references as the Harvard Business Journal, that shows how companies with more diversity tend to perform better financially. We believe that there are lessons from that work that can be learned when applied to public sector organizations. Additionally, we believe this is an opportunity to increase opportunities for women, such as increasing the number of women on corporate boards.

Racial Equity and Social Justice Act Testimony of Nicole Y. Drew – Commission for Women

Years ago, I was involved in a conversation with a state prosecutor from New York City and some law students. A student who took issue with the disparity in the number of minorities who were criminally-charged and convicted of crimes versus other racial groups asked a prosecutor, who was black, how he could be a prosecutor and send young, black people to jail. He responded with a story about young black men standing on a corner hanging out, just laughing, joking with one another and enjoying each other's company. Person A may look at that visual and say "these young men must be up to no good," solely for standing on the corner. Person A's thinking may be that if they are just hanging out, they would go hang out in their basement. Now, Person B may have a different take. Person B may look at that same image and think they're not being disruptive to others, just enjoying each other's company, and hanging out, because this corner *IS* their basement. With that analogy, the prosecutor explained the importance of having a diverse perspective and a different lens to view a situation.

Today, Bill 27-19, allows the County to be a trailblazer in shaping even just fundamental considerations that may have an impact on an entire group of people. The time is ripe for setting the foundation for thoughtful leadership, and building a legacy of inclusion that bridges gaps and sets guidance towards ensuring a level playing field for all Montgomery County residents.

So, for that, the Commission for Women endorses the passage of Bill 27-19 and we look forward to working with the new office to further both offices' priorities.

Testimony of Michael Rubin in Support of Bill 27-19

Michael Rubin
7406 Flower Ave
Takoma Park, MD 20912
rubinme@gmail.com

Good evening, members of the Montgomery County Council, council staff, and fellow community members. My name is Michael Rubin and I am a resident of Takoma Park and have spent more than 35 years of my life as a resident of Montgomery County. I am here tonight speaking for myself but also particularly proud to be a part of the Montgomery County Racial Equity Network (MORE), a network of organizations and individuals who want to see real progress on racial equity in our county and community. I am here in support of Bill 27-19, but with strengthening amendments.

My interest in the inequities in our society due to race started from an early age. We moved to Montgomery County in late 1967 when I was 4 years old. I still remember the day my father came home from work in DC with a shattered windshield on his car during the 1968 riots after Dr. King was assassinated. I peppered my parents with questions about race in the USA and have continued questioning this social construct and the associated inequities that it leaves behind ever since. I have come to understand the benefits that my skin color accrues in this society and that our systems and institutions have been built to preserve these inequities. So yes the schools I attended were racist, most jobs that I have held were for racist organizations and clearly our structures of government are also racist and reinforce the structural racism in our society that leads to differential outcomes based on race. This Council is no exception. With all due respect, you too are a racist body that serves to uphold the racist structures baked into our society. But the genius of our system of government is that the remedy lies within those same structures.

By enacting a strong Bill 27-19, and insuring its effective implementation, you have the opportunity to make a dent in removing this stain of racism in our community. By keeping a lens on racial inequities and insisting that data is accurately collected to demonstrate both our current baseline and to measure what I hope will be progress in addressing the inequities that have persisted in our county during my lifetime as well as the lifetimes of many prior generations. The specific amendments supported by the MORE Network and myself are included in my written testimony.

For now, I will only mention one. The Advisory Committee needs more community members and needs to reflect the demographics of those most impacted by inequities due to race. Additionally there should be compensation for community member's service so that none are precluded from participation due to financial need.

Testimony of Michael Rubin in Support of Bill 27-19

Michael Rubin
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I wish to thank Council President Navarro and then Council Member and current County Executive Elrich for their leadership in starting this process and wish to thank all of the Council for their cosponsorship of this bill. I look forward to working with you to make sure that this bill is not just a feel good moment but actually leads to progress on this vital issue of public policy, justice and morality. Isn't it time for Montgomery County to truly be a role model for our state, our region and our nation? I look forward to celebrating Bill 27-19's passage with you and beginning the long and difficult journey that lies before us in increasing the level of equity in our community. I am here as a willing partner to join this Council, this County Executive, along with future Councils and Executives, as we walk this just path toward a more equitable Montgomery County. Thank you.

Along with the rest of the MORE Coalition, I support the following strengthening amendments:

Definition of Social Justice

- With social justice as it is currently defined in the legislation (inequity along the lines of age, gender, sexual orientation, gender identification, religion, and disability), we would like clarification that the inequities listed will be addressed in how they relate to and are intersectional with racial equity.
- Each of these inequities deserves attention in its own right, but our understanding is that the benchmarking and data collection to date to support this legislation has been focused on equity along racial lines.
- The root causes and the policies needed to address each of these inequities are different, therefore we want to clarify that the focus of this legislation is on addressing racial inequity with a layering of these other inequities as they relate to issues of racial inequity.

Office of Racial Equity and Social Justice

- Departmental budgets cannot be approved if the Office of Racial Equity & Social Justice does not approve the racial equity plan. (lines 73-76)
- All county employees, not just managers and supervisors, should be fully trained in racial equity. The bill needs to clearly state how often employees will be trained. (lines 90-91)
- Departmental leads need to be senior managers because they exercise certain authority. This sends a clear message to the community that departments are serious about social justice and equity. (lines 121-123)

Testimony of Michael Rubin in Support of Bill 27-19

Michael Rubin
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Racial Equity and Social Justice Advisory Committee

- Create a nomination process for members of the Racial Equity Committee that includes input from the community. (lines 181-182)
- The committee should be expanded to 15 members with 9 being community representatives. (lines 183-184)
- There should be compensation for community members who are members of the committee so financial need isn't a barrier to participation. (lines 210-212)
- Specify an annual community forum as part of the educational activities under the duties of the committee. (lines 237-238)
- Create a petition or other feedback mechanism for the public to give input to the committee and get help if they encounter injustice at a county agency. (add to duties of the committee)

Funding

- Ensure full funding for the Office of Racial Equity and Social Justice, including the position of Chief Equity Officer and sufficient staff to perform all the duties outlined in this legislation.

Evaluation and Compliance

- Racial inequities are the results of decades of discriminatory public policies. It is critical to the success of this initiative that no new legislation be passed if the racial equity analysis has not been done or if the racial equity analysis indicates a negative effect.
- The section entitled "Compliance" must be changed so that there are consequences for not following the requirements of this legislation. (lines 176-177)
- Bills should follow the requirements in this legislation, whether they go through the usual process or whether they are expedited.



**National Association for the Advancement of Colored People
Montgomery County Branch
Bill 27-19 The Racial Equity and Social Justice Act Testimony
Tuesday, October 29, 2019**

Good evening, Council President Navarro and the members of the County Council. Thank you for sponsoring and supporting Bill 27-19, the Racial Equity and Social Justice Act.

I am Faith Blackburne, Political Action Committee Chair of the Montgomery County Branch of the National Association for the Advancement of Colored People (NAACP). The Montgomery County Branch of the National Association of the Advancement of Colored People (NAACP) supports the Racial Equity and Social Justice Act of 2019.

Montgomery County was founded in 1776. According to the first census in 1790, the county had 18,000 residents. Thirty-five percent of those original residents were African American. While most were enslaved, some were free. And while the African American community played a part in this county's founding, and have been present in this county for over 200 years, we have not been full partners in this county's prosperity, its government or its institutions.

This county's African American residents have been isolated, marginalized and discriminated against in too many ways to mention in this brief testimony. From the historic African American communities of Scotland, Lyttonsville, Tobytown, Lincoln Park, and Smithtown, this county's history has been marred by official and unofficial acts designed to isolate, oppress and assure that the African American community would remain among the least, the last and the lowest.

We should never forget that there were lynchings on the courthouse grounds in Rockville--in a spot where the statue of a confederate soldier stood until a few years ago. We should never forget that the Montgomery County NAACP was founded in 1937 because of a lawsuit to gain equal pay for Black teachers.

Today, while this county is one of America's richest and most racially diverse counties, the disparities by race and ethnicity remain and are revealed in the gaps in education, employment, housing and health outcomes.

Inequity is not merely our past, it is our present. We need to take steps to assure that these inequities are not our future.



Given the history and the current reality, we applaud the introduction of this bill and urge it's passage. This bill is a good first step to address systemic inequities which continue to undermine and determine the life opportunities for every African American child in this county.

This bill will:

- Establish policies to eradicate institutional policies and practices designed to keep African Americans and communities of color from advancing in every aspect of life
- Establish a racial equity and social justice advisory committee
- Creates a racial equity and social justice action plan for every county agency with monitoring process plans.

We believe that the kind of intentional and directed examination called for in this bill -- when linked to budgetary and policy decisions-- will bring about equitable outcomes for all county residents. And while there may be discomfort and resistance in the short term, the history of this nation has shown that we can only achieve a more perfect union when we dare to bend the arc toward justice.

Bill 27-19, places this county on the cusp of putting policies and best practices in place that set the standard for the nation and transform how Montgomery County treats all of her residents. The NAACP looks forward to working with you to ensure passage and successful implementation.

Thank you

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Testimony of Paul A. Scott in support of Council Bill 27-19, establishing an Office of Racial Equity & Social Justice – and Racial Equity & Social Justice Advisory Committee in Montgomery County Maryland.

Good evening Council President Navarro and member of the County Council.

My name is Paul A. Scott and I am a member of the Mu Nu Chapter of Omega Psi Phi Fraternity Inc located in Montgomery County Maryland. MuNu Chapter has been serving the Montgomery County.Maryland Community for over 50 years and was established in 1970. We have a long history of accomplishments in the area including the establishment of the George B. Thomas Saturday School program that has served over 3,000 students annually.

I have lived in Montgomery County for over 17 years and wife and I recently moved from the upper county area to the King Farm Community in Rockville where I am serving on the External Affairs Committee. In the past I served for 10 years as the President of the Hawkins Landing Home Owners Association in Laytonsville. I have also served as the Vice President of the Richard Montgomery High School PTSA.

I want to thank the council for holding this hearing to receive comments on council bill 27-19, The Racial Equity and Social Justice Act.

As we all know, Montgomery County is community that is increasingly becoming more diverse. This diversity is reflected in our racial and ethnic composition. Our county government infrastructure interprets and implements public policies through its organization and employees. It is critical that our county bureaucracy has a continuous method to hear and receive public input and to be held accountable.

During the summer I participated and led several community conversation regarding racial equity and social justice at my church and in my neighborhood. These conversations allowed me to hear the concerns and stories of folks from various backgrounds. This type of exposure and listening experience should be critical of those that are civil servants and in a leadership position in our county government.

Often times the focus of racial issues or inequity only occurs when negative notable event occurs or this is some type of local outcry or unrest or negative event related to our law enforcement agencies. However we have the opportunity to be proactive and not be reactive as it relates to public policy.

Passage and implementation of this legislation will allow the county to insure that as our county grows and becomes more diverse that we institutionalize processes for diverse community input especially for those that have been underrepresented or experience inequity based on the color of the skin.

This legislation benefits all aspects of our community including special interest groups and our business community by insuring that we have governmental actions are benefitting all residents.

- This translates into stable and safe neighborhoods.
- Economic expansion and our ability to attract desirable business is based on our ability and our reputation to treat our citizens and those visiting Montgomery County in a positive manner.
- Transportation infrastructure that is based on input from all with the goal of not disenfranchising any group of people.
- Our school infrastructure and where the resources are allocated should also have a basis in racial equity as well as our school policies.
- Our law enforcement agencies because of the unique role and the circumstances in which they operate under will be a major beneficiary of this legislation.

In closing our citizens do not want our leaders to be reactive to incidents but to anticipate and plan and prepare. This legislation allows Montgomery County to be amongst the leadership group of communities in anticipating its citizens needs and engaging in appropriate planning. It allows us to recognize the diversity of our community and to be responsive in a continuous and responsible manner.

I strongly encourage the Council to adopt this legislation and implement it in an expeditious manner. Thank you

Testimony in favor of Bill 27-19

Max Socol, Democratic Socialists of America, MORE network

Tuesday, October 29, 2019

President Navarro and council members, good evening. My name is Max Socol. I am a community organizer, a parent and homeowner in Silver Spring, and tonight I am proud to represent the views of the membership of the Democratic Socialists of America, metro DC chapter. We are a member organization of the MORE Network.

I want to start by thanking you all for taking ample time to hear from the community regarding bill 27-19, establishing an office and committee for racial equity and social justice in our county. I want to especially thank President Navarro for your leadership on this bill, I had the chance to hear you speak about it at the community forum at VisArts and I can tell that you care deeply about this agenda, just as I do.

I am here to speak in support of Bill 27-19 because, like most residents, I can plainly see racial disparities in our county and I believe Montgomery County can do better.

I also believe that bill 27-19 can do a little bit better, and I would like to ask the council to consider some amendments.

In particular, I ask the council to consider several changes to the process, purview, and composition of the Racial Equity Committee. The council should:

- **Create a nomination process** for members of the Racial Equity Committee that includes input from the community. (lines 181-182)
- **Expand the committee to 15 members** with 9 being community representatives. (lines 183-184)
- **Provide compensation for community members** who are members of the committee so financial need isn't a barrier to participation. (lines 210-212)
- **Specify an annual community forum** as part of the educational activities under the duties of the committee. (lines 237-238)
- **Create a feedback mechanism for the public** to give input to the committee and get help if they encounter injustice at a county agency. (add to duties of the committee)

I am lucky to live in a very multiracial part of Silver Spring where most of my neighbors are Black or Latino. It was shattering to me, but sadly not at all surprising, when I got the news last year that a member of our community, Robert White, had been killed by police while taking a walk around our neighborhood as he did most days.

Mr. White's murder haunts us. When I see Montgomery County police cars drive down my street, I feel fear and discomfort, for myself and much, much more so for my neighbors who don't look like me.

About a month ago, my wife and I noticed that one of our elderly neighbors, who suffers from dementia, had wandered out of her home and was beginning to head up the street, confused. We began speaking with our neighbor, trying to gently coax her back home, but after about an hour of effort we had grown concerned that we wouldn't be able to continue without professional help.

We both looked at each other and asked whether it was safe to call 911. Because our sweet neighbor, an older woman who poses no threat to anyone, is Black. That's how it is in my neighborhood with police. You want to trust, but you can't.

I'm offering you a glimpse into the experience of living as a resident in multiracial community in our county. We simply feel that we are on our own. We have seen with our own eyes the unfair process that allows police to shoot people down without even losing their jobs, let alone their freedom, and we have to take that at face value because it's a life-or-death matter.

I see the Racial Equity Committee in your bill as a potential place to begin to unjam this public policy issue, because it could provide a clear way for the public to engage county employees, including police, directly on deeply inequitable impacts of excessive police force in multiracial and Black neighborhoods.

However, my hopes really depend on the changes I named earlier. To reiterate:

- The public needs to play a key role in determining who is on this committee, and a clear majority of members must be real community leaders
- We need committee members to be compensated so that the committee is accessible to poor people
- And we need specific language in this bill for an annual forum that is open to the public and a clear process by which members of the public can submit concerns or complaints regarding racial inequities directly to the committee for consideration.

Incorporating these changes will ensure that this committee is not just a box checked on paper, but an active and vibrant point of engagement for county residents to make their voices heard on matters of racial equity. Thank you.



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Testimony of Nora Morales to the Montgomery County Council on Bill 27-19
October 29, 2019

Good evening my name is Nora Morales, Director of Programs at Identity and a member of the Montgomery County Racial Equity Network.

I want to start by recognizing Council President Navarro for leading efforts to implement Bill 27-19, and also extend my thanks to the entire Council for their co-sponsorship of this key piece of legislation. I am extremely grateful to have the privilege to live and work in such a vibrant county, where equity, diversity, and community investment are at the core of how we define ourselves and who we strive to be. Bill 27-19 takes an unprecedented step towards intentionally examining the root causes of inequities and redressing the disparate outcomes in our public policies, institutions, structures, and practices. As a Latina, mother, advocate, homeowner, and direct service provider I want to thank you for your courage and vision.

Tonight, I would like to focus on four key recommendations to support Bill-27-19 and make it even stronger:

1. **Definition of Social Justice:** We suggest expanding the definition of social justice within the bill to include language access for English Learners. Under the Maryland State Language Access Law 10-1103, the state has already declared the importance for agencies and programs to provide interpreting and translation services to English Learners who are seeking government services. We want to ensure that Montgomery County aligns with this state mandate and include language access as part of the social justice definition in the bill. In addition, we would like the social justice definition to also address how the inequities defined are interrelated and intersectional with race equity as root causes for these disparities vary and the policies and strategies for addressing them require specificity and nuance to be effective.
2. **Racial Equity and Social Justice Advisory Committee:** We strongly recommend providing compensation for those serving on the committee so that financial need is not a barrier to obtaining proportionate representation reflective of our county's diversity. (lines 210-212) In addition, we would like to suggest annual community meetings in



key geographic areas of the county to present yearly outcomes on progress and obtain community input for strategic planning for the incoming fiscal year.

3. **Funding:** We seek to ensure full funding for the Office of Racial Equity and Social Justice, including the position of Chief Equity Officer and sufficient staff to perform all the duties outlined in this legislation.
4. **Evaluation & Compliance:** We strongly support the requirement that no new legislation be passed if the racial equity analysis has not been done or if the racial equity analysis indicates a negative effect on our community. In addition, we recommend that the "Compliance" section be changed to include consequences for not following the requirements of this legislation. (lines 176-177)

Again, we thank you for sponsorship of Bill 27-19, and ask that it is made stronger to truly ensure its effective implementation. Montgomery County is nationally recognized for leading innovative work and the issue of racial equity continues to be important. We cannot be distracted by those who try to dissuade us from our moral and ethical duty because they mistakenly believe in a zero-sum game--as if improving the quality of life, access, and opportunities for all residents would somehow deprive them of privilege; instead of what it really does adding to our collective wealth and strength. Identity and the clients we serve stand with you—we've got your back!

ACLU Maryland

Montgomery County Chapter

Bill 27-19. Administration - Human Rights - Office of Racial Equity and Social Justice - Racial Equity and Social Justice Committee - Established

Testimony of Mike Mage, Co-Chair, Montgomery County Chapter, ACLU of Maryland:

SUPPORT

October 29, 2019

Good evening,

Let me give you some examples of situations where a bill like this might have made a difference.

Around 1963, Mr. Morris Milgram planned a large single family housing development for people of all races. The county took away the land by eminent domain. And they got away with it.

Fast forward to 1997: Councilmember Ike Leggett called a hearing for black high school students hassled by the police. There was no follow-up.

It took 150 years for Tobytown to get public bus service.

To this day, the Moses Cemetery in Westwood is still being disrespected while it sits under a parking lot.

Most of the police still don't have AEDs (defibrillators) to deal with their stun gun damage and cardiac emergencies. At your funding rate, it will take another 20 years to complete the task.

Yes, the county has a sanctimonious policy, to keep the police out of immigration enforcement. But along comes a serious crime, and the policy flies out the window. What happened to "innocent until proven guilty"? The High School rape case in 2017: charges dropped, but the accused was handed over to ICE. Why? Because Mr. McCarthy "knew better" and placed his personal judgement above the law.

We have a constitution, but along comes a serious crime, and the constitution flies out the window. The Wheaton Mall stabbing killings? A high school student with dreams arrested because the cops "knew" he was the one they saw in the surveillance video. Charges dropped after 2 months, and the kid held for almost another month before release. If he didn't have a strong alibi, he might now be in prison for life.

Now there's a new case of alleged rape by an undocumented person. Last month the foes of human rights were blindly placing their anger above the constitution - right outside this building. This time, let's make sure: If ICE wants to grab someone, make them get a real criminal warrant, signed by a real judge.

Finally, This is a good bill. Make it stronger. Place it in the hands of those who have shown their devotion to the constitution.

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SURJ MoCo is the Montgomery County chapter of Showing Up for Racial Justice, and part of the MORE Network. We are county residents dedicated to improving the quality of life in Montgomery County by addressing the issues of white supremacy and institutional racism. Our county needs racial equity legislation. Bill 27-19 is a great start but needs to be strengthened. Our position on this bill is support with amendments. We request the following amendments:

1. Ensure full funding for the racial equity officer and supporting staff. The duties of this office are significant, and must be adequately staffed and fully funded to be carried out. The bill needs to explicitly state the number of staff and funding the office will receive. We presume a minimum of three staff will be necessary to carry out the functions of the office.
2. Departmental liaisons need to be senior managers to ensure that all county departments and offices are implementing racial equity and social justice action plans.
3. The definition of the term "social justice" is wrong and only defines certain social groups. This needs to be changed to accurately define social justice.
4. The county needs to draft an official statement recognizing and contesting racism in our county.
5. The bill needs to clearly state how many employees will be trained and how often, such that all county employees, in particular those who interact with residents, are fully trained in social justice and equity.
6. No bill can be passed if the racial equity analysis has not been done or if the racial equity analysis is negative.
7. The office of racial equity must evaluate the racial equity plan required of each agency, and provide recommended changes as needed. Departmental budgets cannot be approved if the office of racial equity office does not approve the racial equity plan.
8. Add a requirement for data collection, which is essential to measure outcomes.
9. The proposed racial equity and social justice committee currently is comprised overwhelmingly of county employees from various agencies. The committee should be expanded to 15 members with 9 being community representatives instead of 3.
10. Currently the bill specifies that members of the racial equity and social justice committee must receive no compensation. This is prohibitive for many people who are poor or working class. Compensation should be offered for those who need it.
11. The bill should mandate that meetings of the racial equity and social justice committee be open to the public.
12. This legislation will need constant community feedback. The public needs to know this office exists and how they can give feedback and get help if they encounter injustice at a county agency. Community forums must be codified in the bill so the county receives regular feedback over the years.
13. The section entitled "Compliance" must be changed so that there are consequences for not following the requirements of this legislation. Otherwise, this bill doesn't actually change anything.
14. Policing and mass incarceration are two of the major sources of racial injustice and social inequity in our country, and as such, employees of the police department and

SURJ MoCo Testimony for Bill 27-19 Racial Equity and Social Justice bill
October 29, 2019

department of corrections should not be members of the racial equity and social justice committee.

15. The language for measuring greenhouse gas emissions (GGE) should not be downgraded from "must assess" to "must consider"; rather, a sub-section part D should be added to this section in order to address racial equity while maintaining the county's responsibility to assess GGE.
16. The County Council makes appointments that are potentially powerful drivers of inequity (for example, planning board members, public finance committee). All appointments made by the Council should include a racial equity analysis, with preference going to the person who can demonstrate experience in and commitment to enacting racial equity in their appointed position.

Specific changes requested to bill language:

- Line 55 change "success" to "outcomes." The definition of racial equity shouldn't hinge on success, as there is a lot more to equity than that one outcome.
- Lines 60-62 this is not a definition of social justice, it just defines particular social groups. The definition needs to be modified to reflect justice; for example: The fair and proper administration of laws to ensure justice in terms of the distribution of wealth, opportunities, and privileges within a society for all persons, irrespective of ethnic origin, gender and gender identity, socioeconomic status, race, disability, age, religion, sexual orientation, etc.
- Lines 250-262 must be changed so that our environmental commitment is not downgraded. The language for greenhouse gas emissions (GGE) should not be changed; rather, a sub-section part D should be added to address racial equity while maintaining the county's responsibility to assess GGE. The requested change:

33 A-14. Greenhouse Gas Emissions and Racial Equity and Social Justice. As part of the factors and conditions outlined in Section 21-205 of the Regional District Act and Section 1-202 of the Land Use Article of the Maryland Code in preparing the plan, the Planning Board must:

1. assess the Plan's potential impact on greenhouse gas emissions in the county, including a carbon footprint analysis;
2. consider ways to reduce vehicle miles traveled in the County;
3. consider options that would minimize greenhouse gas emissions; and
4. *consider the impact of the Plan on racial equity and social justice.*

As we move forward, we request that the council works with the community groups devoted to racial justice to ensure that we pass the strongest version of Bill 27-19. Thank you.

Testimony for Bill 27-19 Racial Equity and Social Justice Act
October 29, 2019

My name is Laurel Hoa. Thanks to Councilmember Navarro for introducing this necessary legislation, which is a great start but needs to be strengthened. My position is support with the following amendments:

1. The section entitled "Compliance" states that there is no consequence for failure to follow the requirements set forth in this bill. That renders the entire bill worthless and must be changed. Legislation cannot be passed if a racial equity analysis is not done or if the racial equity analysis is negative.
2. This bill lays out a significant number of duties for the proposed Office of Racial Equity and Social Justice, but provides no funding or staffing. It needs to be well-funded and adequately staffed.
3. The County Council is responsible for making appointments to boards, commissions, and committees that majorly impact the lives of county residents. In the appointments made in the year since introducing the racial equity resolution, the Council has failed to consider racial equity in its appointments, and has in fact appointed people who don't believe racial inequity is a problem in our county. All appointments made by the Council should include a racial equity analysis. Appointments should give preference to the applicant with experience working toward racial justice.
4. Departmental budgets should not be approved if the office of racial equity does not approve the equity action plan.
5. The proposed Racial Equity and Social Justice Advisory Committee only has 3 community representatives, which should be expanded to 9. Compensation must be offered for those who could not participate due to financial reasons so that this committee on inequity isn't keeping out poor and working class people. All meetings of this committee should be open to the public.
6. Policing and mass incarceration are two indisputable drivers of racial inequity, yet this bill specifies that employees of both the police and department of corrections must be voting members of the advisory committee. Cops and jailers should not be involved in a committee that's tasked with recommending strategies for reducing racial inequity.
7. The language for measuring greenhouse gas emissions should not be downgraded from "must assess" to "must consider." This is not the time in humanity to decrease our commitment to the environment. A sub-section part D should be added instead.
8. Community forums and public outreach need to be added so the county receives community feedback and the public knows how they can report inequities experienced at county offices.
9. Departmental liaisons should be senior managers to ensure that all departments are implementing equity action plans.
10. The bill needs to mandate that all county employees are fully trained in justice and equity on a continual basis.
11. The definition of "social justice" is wrong and needs to be changed.
12. The county needs to draft an official statement recognizing and contesting racism in our county.

Moving forward, I hope that the council will work with the community groups that have been working on racial justice for years, to ensure that we pass the strongest possible version of Bill 27-19. Thank you for working on this important issue.

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Written testimony provided for public comments for Bill 27-19: Racial Equity and Social Justice; Denise L. Young, deniseyoung68@gmail.com

My name is Denise Young. I am a 27-year resident of Silver Spring, MD with three children, all products of MCPS. I have been involved with, including co-founding, many community-based organizations that address racial inequity in Montgomery County and nationally.

I completely support **all** of the recommended changes that the MORE Network has formally presented to the Montgomery County Council. I strongly add the following recommendations:

1. Montgomery County has the opportunity to do important work via Bill 27-19. However, if the bill remains as is without deference to MORE's feedback, the County Council will have squandered opportunity—riding trend vs. transforming government and communities. Let us not hitch our wagon to “but we are doing better than many jurisdictions in the nation.” That position lacks forward thinking, innovation, and good will.
2. That any mention of the historical context—national and county-levels of long-codified systemic racism, segregation, and deliberate denial of opportunity against first African Americans and then other people of color—is absent suggests a methodology that will not honestly and properly problem identify nor is prepared to problem re-solve (as in solve continuously)/repair with an eye on measurable outcomes. The Bill must be predicated on and include language of the history of systemic racism with research-based methodology to understand the intent to change future trajectory.
3. Racial equity and social justice (as defined in the Bill 27-19) are distinctly separate with different origins, objectives, and outcomes. Within the scope of a bill, the latter will reduce the gravity of the former. More importantly, such an unnecessary focus on social justice via Bill 27-19 will not even threaten to disrupt the dynamic of white affluence, elitism, and power in Montgomery County, which must occur to achieve racial equity.
4. The racial equity plans and associated activities to drive this bill must be (1) adequately funded, (2) independently evaluated, (3) prepared to identify and reinforce consequences for non-compliance of racial equity practices, and (4) supported by periodic public reporting (Plain language as stipulated by the United States government) and development of authentic public feedback loops.
5. As leaders in partnership with the County Executive's office, you must recognize within this bill that racial inequity in Montgomery County is sustained. Systemic racism in our public institutions and related services—government, policing, the penal system, education, housing, and more—is codified to produce inequitable outcomes that are maintained by lack of dissent of a segment of the public that either willfully chooses to ignore systemic racism or promote it. As County Council members, Bill 27-19 should include that public service campaigns and campaigning must practice racial equity. Further, time in office must include reconciliation work to meaningfully and expertly (independently) engage each Council Member's communities/constituencies to promote racial equity, deepen understanding of the human experience, and halt implicit and explicit bias at the community level.

Thank you for this opportunity to comment.
Denise L. Young



October 29, 2019

On behalf of the Silver Spring Justice Coalition, I offer testimony in support of strengthening Bill 27-19: Racial Equity and Social Justice:

Simply put, applying a racial equity lens in policing means that we will not be able to predict disparate treatment on the basis of race. The Silver Spring Justice Coalition is a coalition of grassroots community organizations, residents of Montgomery County, and specifically, neighbors of Mr. Robert White. We came together after Mr. Robert White, an unarmed Black man, taking a walk in his Silver Spring neighborhood, was killed, on June 11, 2018, by a Montgomery County police officer.

Community members and friends of Robert White reject the findings of the police department that the killing of Robert White was lawful and justified.

These findings cause pain to our community because they fail to provide any moral, rational, or legal justification for the initial encounter by the officer that led to Robert White's killing. The findings erroneously concludes that a rip in Robert White's jacket and the placement of his hand in his pocket as he turned away from the police officer justified a belief by the officer that Robert White was armed. This conclusion is unsupported by the law and demonstrates that in Montgomery County, walking while Black in a residential neighborhood is conduct that can subject any member of the community to confrontation and being followed by law enforcement. This is unacceptable.

We ask that Montgomery County establish policies and a culture regarding appropriate encounters with the police that rise above the bare minimums that courts have established. These courts sit within a national criminal justice paradigm that systematically targets people of color, people with disabilities, and others whom law enforcement over-police and marginalize. Our county can and should lead a better way.

In addition, we ask that the County explore and implement better practices when interacting with members of the community experiencing mental illness. For example, the city of Denver has adopted a co-responder program that sends mental health professionals, rather than police on calls that do not involve a weapon or threat to the community. We invite the County Council, County Executive, and police department to engage in a dialogue with impacted communities on these issues.

Sincerely

Carlean Ponder/on behalf of the Silver Spring Justice Coalition

Testimony of Scott Schneider on Bill 27-19 establishing a racial equity and social justice process
October 29, 2019, 7 pm

My name is Scott Schneider and I have been a resident of Montgomery County for over 35 years, residing in Silver Spring. I have been active in Progressive Neighbors, IMPACT Silver Spring, the Silver Spring Justice Coalition, Jews United for Justice, and with my synagogue Shirat Ha Nefesh's Social Justice Committee. I am here today to testify in support of Bill 27-19. It is long overdue.

It is clear that racial inequity exists in this county and it is to a large part a result of government policy.

- We see it in housing segregation created in large part by redlining, which contributes to the racial wealth gap.
- Housing segregation is reflected in the increasing segregation in the schools, which plays a large part in the "achievement gap."
- Discipline policies at schools in the county also show racial disparities, what is often referred to as the "school-to-prison pipeline." PTA supplemental funding at schools is disproportionately higher at predominately white schools.
- We see it in policing, with blacks and Latinos being stopped, searched and arrested at much higher rates than they represent in the county. We also see disparities in sentencing of those who are arrested.
- We see disparities in development that reflect the racial composition of the county. Disparities also exist in access to transit. Food deserts are predominately in poor neighborhoods with people of color.

While legal segregation and Jim Crow laws ended over 50 years ago, we are still seeing the effects manifest throughout the county making it harder for people of color to survive and thrive in Montgomery County.

This is why Bill 27-19 is an important step forward. Creating a Racial Equity and Social Justice Office, establishing a Racial Equity and Social Justice Advisory Committee and requiring racial equity and social justice impact statements and assessments for each bill and management initiative will finally make visible the potential impacts of government policies. The main question I have is what the Council and County Executive will do with this information. This bill could be strengthened by a requirement that bills and programs without a positive impact statement must be revised so as to result in a positive impact. It is not enough for government policies to be neutral anymore. As Professor Ibrahim X. Kendi has argued, we can no longer just stop being racist. We have to be anti-racist and actively work to reverse the horrible impact racism has had on our society and our county.

Thank you very much.

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**Women's Democratic Club Testimony
In Favor of
Bill 27-19, Administration - Human Rights - Office of Racial Equity &
Social Justice - Racial Equity & Social Justice Advisory Committee**

Good evening. I'm Fran Rothstein, Past President of the Montgomery County Women's Democratic Club, a 650-member organization of politically active women and men.

WDC strongly supports this bill. Our mission includes promoting Democratic principles, and there are no principles more just than those in this bill. Racial equity and social justice are existential issues; if we don't fix things, our nation's future is in jeopardy.

Other speakers will address the bill's specific provisions; I'll highlight just one aspect. In preparation for this bill, the County Council and County Executive asked residents to participate in small, structured "community conversations." Several WDC board members met with Tiffany Ward, the County's Racial Equity Program Manager, to determine how WDC might best contribute to this initiative. We then encouraged our members to host and participate in community conversations.

Here is where I ended up after co-hosting one such conversation, participating in three others, and reading Richard Rothstein's *The Color of Law* and other recommended resources:

- First, we all need to learn the history of racial and other discrimination. We cannot attack these issues from a position of ignorance. Even after working on fair housing in my professional life, I realized through this process just how much I didn't know.

- Second, schools need to do a much better job teaching history, but we adults need to intentionally and thoroughly educate ourselves. For those of us who are white or otherwise privileged, that means not only reading but listening – listening to people who have suffered from discrimination and prejudice, internalizing their experiences, and committing ourselves to work side by side as they lead us in building a more just world.
- Third, integrated housing is key. I grew up when restrictive covenants limited where my Jewish family – as well as Black families – could live, so this is personal to me. No more redlining, no more race-based mortgage denials. When you live next door to people who are different, they're no longer "other" – they're "us." Plus, a major bonus: integrated neighborhoods lead to integrated neighborhood schools.
- Fourth, we deserve a colorblind criminal justice system. We need training for law enforcement professionals, but also for all of us, so we learn to see the action, not the actor.
- Finally, while the bill is designed to end discrimination, only we, as individuals, can end prejudice. Continuing these structured community conversations can help chip away at the ignorance that feeds prejudice.

Heartfelt thanks to the Council and the Executive for prioritizing racial equity and social justice. Thanks to Government Operations Chief Edward Lattner and County Attorney Marc Hansen for amendments clarifying that social justice issues (including gender equity) deserve attention. We have a long way to go, but it's a journey we must continue.

HA Jabar <hajabar@rjnohio.org>

Jabar testimony

1 message

hajabar <hajabar@rjnohio.org>

Tue, Oct 29, 2019 at 6:04 PM

To: county.council@montgomerycountymd.gov

Cc: Hashim Jabar <hajabar@gmail.com>

Giving honor and praise to the one true and living God. I am here both professionally and personally to speak on the Montgomery County social justice and Racial Equity policy proposal. I am the executive director of Racial Justice NOW! an 8 year old non profit organization started in Dayton Ohio, that works around the intersections of racial justice and education Justice.

Racial Justice NOW! hosted two community listening sessions to hear from the community about the proposed policy. The results were submitted to the Montgomery County website as instructed.

I am Hashim Ali Jabar and my cultural title and attribute is OdoKhan-EL. I was born in Prince George's county hospital on September 23 of 1978 and given the slave name, Quinn Ryan Foster. I have lived in Montgomery county since July 2017 as a renter and my father has lived in Takoma for many years as a renter.

In this brief time that I have, the thesis of my testimony is: if you don't atone and address the wrong doings of the past, you will not have a social justice and racial equity policy, you will have a social policy.

It is an honor to be present and to have this opportunity to go on the record as a descendant of enslaved Africans in the documented 400th year of our prophesied enslavement in the Bible in the same state of Maryland, where my great grandmother Fanny Riedoubt was kidnapped and enslaved around 1880.

Fanny Riedoubt was born a Free woman here in America and was kidnapped in this state and taken to west virginia. She later escaped after her second attempt bringing with her my great grandfather, originally named Benjamin Moore, later named John Jamison Moor. His name was changed, because Fanny carried a secret and the secret was that she was a Black Jew (as commonly known) but more properly said she was a Moorish Hebrew with family in New York that started the Moorish Zionst Temple of Moorish Jews in the 1890s. She kept her religion and judaic practices secret due to the religious oppression of the catholic church, the Jesuit missionaries and the Spanish inquisition.

John Jamison Moore became Bishop J.J. Moore in 1862 of the AME Zion denomination. He started the first "negro" school on the Pacific coast, the first AME Zion Church west of the Mississippi and later started the Zion Church for orphans and widows in 1875 in Philadelphia.

We are indigenous to this land and have been for hundreds of years. Columbus saw men and women that look like me and labeled us Indians, when we are Moors, Washitaw Moors, Asiatics.

Regarding the proposed policy, I could talk about the human trafficking of my people here in Maryland, or education and the fact that U.S. law forbid our people to read, I could address the racist disrespect of our burial sites, but I will focus on housing.

According to community members, there are many disagreements between renters and home owners and unfortunately Montgomery county practiced racial discrimination against GIs coming home from war and therefore many became homeowners while other veterans became impoverished and punished for their race or blackness of their skin.

So essentially today's homeowners sit on land that was denied to others based on injustice, racism, and anti-Blackness hate.

The thesis of my testimony is: if you don't atone and address the wrong doings of the past, you will not have a social justice and Racial equity policy, you will have a social policy.

A

Bill 27-19
October 29, 2019; 7:00 p.m. hearing
Testimony from Laura Atwood, Takoma Park Mobilization
Group D, #19

Hello, my name is Laura Atwood. I'm a member of Takoma Park Mobilization and am also active in other local groups. I've lived in the county since 1999, I work in healthcare, and I have two kids—one is in college, and one is a junior at Blair.

First, many thanks to the county council, and to Council President Nancy Navarro for taking leadership to make the county more equitable; for doing research; and for listening to community members and organizations with relevant experiences in this area.

I'd like to address two topics: 1) why I personally find this bill so important—if we're not deeply convinced of its necessity, we can't hope to sustain the deep commitment we need; and 2) the amendments I'm in favor of. To cut suspense, TPM is a member of the MORE Network (MoCo Racial Equity Network) and supports all of its proposed amendments. We all have the opportunity to make a real difference—finally, our legacy to future generations can include a commitment to equity. We have to do this right.

- 1) So why I am so strongly in favor of this bill? The longer I live, listen, and think, the more I see how race and racial inequity permeate every aspect of people's lives, often in combination with other types of social injustice. I personally see it in healthcare disparities, and I see it in healthcare systems. I definitely see it in the college search and admissions circus. When we consistently apply a lens of racial equity to systems around us, we see a lot; this bill would help us do that.

And I feel deeply that voluntary efforts by well-intentioned individuals are inadequate; I think if you haven't experienced an injustice that takes many forms, your learning curve will be steeper than someone else's, and you'll miss things. People struggling right now, in ways I don't have to, shouldn't be at the mercy of others' progress with their

individual learning curves. It's just wrong. And that's not even addressing the indisputable fact that not everyone is well-intentioned in wanting racial equity. But about individual vs structural changes: It's been said that "racism is the air we breathe, the water we drink"; it's our world. We may try to apply our own filters and resist taking it in, with varying degrees of success—but ultimately, we need to clean up the air, clean up the water—clean up the system.

2) Again, I support amendments proposed by the MORE Network, which TPM is part of. A few particulars that speak to me:

- a. The Office of Racial Equity and Social Justice, and needed staff, need to be fully funded; without full funding, it will not be a competitive priority.
- b. Training: There's no substitute for training all county employees, and there needs to be a specific policy. People can be insightful about some types of inequity, but be ignorant or misinformed about other types, or about types in combination with each other.
- c. The Racial Equity and Social Justice Advisory Committee needs to have increased community representatives for this to have the best chance at transparency, legitimacy, and accountability. Community representatives need to include people who are directly affected by racial inequity and experience in addressing it. And very importantly, community members who need financial compensation should receive it. In my experience, people who experience racial inequity already do a lot of unpaid work to improve their workplaces and communities for everyone, when it should be a shared responsibility; and this is while they're already having to expend extra time, and very often money, to live their lives in ways others can with fewer obstacles. It would be ironic if we shut out perspectives we need because of the impacts, direct or indirect, of the racial inequities we're trying to fix.

Thank you all for your time, energy, and dedication.

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Written testimony provided for public comments for Bill 27-19: Racial Equity and Social Justice; Carolyn Lowery, carolynlowery@gmail.com

To President Navarro and the entire County Council- thank you for initiating a County-wide process to address racial equity in Montgomery County.

My name is Carolyn Lowery and I am a native of Montgomery County and I have lived here for most of my life. I am a taxpayer, a dedicated community organizer, and I have over 20 years of working towards racial equity professionally and personally. Additionally, I am the senior racial equity network builder for IMPACT Silver Spring and am part of the MORE network. Today, I am submitting my testimony as an individual.

As mentioned, I am pleased that President Navarro and the entire County Council are co-sponsors of Bill 27-19: Racial Equity and Social Justice. I support the Bill and have hope that, through this process, we can begin to tackle this massive injustice that is not unique to Montgomery County, but that has impacted its community members since its founding. There are many types and expressions of racism, and I acknowledge that this Bill attempts to address institutional and systemic disparities. As such, here are my recommendations to help strengthen it:

Recommendations:

- I strongly support each of the recommendations outlined by the MORE network, of which several people have testified on behalf of. I would like to highlight some of those recommendations, in addition to my own.
- I am concerned about several points as related to social justice in this Bill.
 - a. The definition of social justice as outlined in the Bill is a definition that is not generally accepted. In fact, as it is written, it describes what social **IN**justices are. The importance of having a generally accepted and correct definition is critical to be able to enact legislation related to it.
 - b. Racial equity and social justice are two very different things with differing historic roots and differing repercussions and require different legislative interventions. It is unclear how both can be successfully addressed legislatively.
 - c. Addressing social justice is critically important. Please note, though, that racial equity is equally critical and requires a level of specification on its own. It is worth noting that, on multiple occasions, the enormity of addressing both racial justice AND social justice leads to racial equity disparities and inequities being minimized, overlooked, or oversimplified. I do not believe that is the intention of this Bill or the Council and I hope the County strongly considers focusing on racial equity as its own issue.
- I recommend that community engagement be centered at each step of this process going forward. While that requires more time, it also helps ensure the success of efforts to dismantle racism and highlight equity. Community members can and do adequately voice very real-life challenges and can express the changes that need to be made for

racial equity to be realized. It is a more effective and productive use of time that helps ensure more successful outcomes for both policy makers and community members who are deeply affected by various racial inequities.

- If this process is to truly be effective, I recommend slowing down this process. It has taken centuries for our country and county to get to where we are. The effects of racial inequities have intentionally or unintentionally impacted Montgomery County, which was founded in the 18th century when slavery was alive and being practiced by many of those involved with its founding. I am pleased that the Council has started this process and I hope that you are committed to putting in the time, energy, learning, unlearning, compassion, and intention to undo racial inequities.

In summary, I am hopeful that this Bill is a first step in setting the context for true equity, and then justice, in Montgomery County. Thank you for your time. I am looking forward to remaining engaged in this process through the years.



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Testimony in SUPPORT of Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established

October 29, 2019

The Jewish Community Relations Council of Greater Washington (JCRC) serves as the public affairs and community relations arm of the Jewish community, representing over 100 Jewish organizations and synagogues throughout Maryland, Virginia, and the District of Columbia. The JCRC is strongly committed to cultivating a society based on freedom, justice and pluralism. We remain faithful to our four pillars of government relations, Israel advocacy, inter-group relations and social justice. The JCRC works tirelessly throughout the entire Greater Washington area to advocate support for our agencies who serve the most vulnerable residents and to campaign for important policy interests on behalf of the entire Jewish community.

In the Talmud (Shabbat 31a), Judaism teaches us that we should respect the rights of others, “What is hateful to you, do not do to your neighbor.” We are also taught in the Torah about the sanctity of life, that every human being is “created in the image of G-d,” (Genesis 1:27). The theme of human rights continues throughout the Torah as we are told “in Jewish law, the rich man and the pauper are to be treated equally before the judge. Standing by passively when someone else is being hurt is a crime. If orphans or widows cry out to G-d because they are being mistreated, G-d considers it a personal offense.”

Understanding these core principles, as well as our own people’s painful history of exclusion, discrimination and genocidal violence, the Jewish Community Relations Council of Greater Washington strongly advocates for policies that oppose discrimination in all its forms as to race, color, religion or creed, sex, age, ancestry or national origin, marital status, physical or mental illnesses or chronic conditions, physical, intellectual and cognitive disabilities, sexual orientation, gender identity, or genetic information. All human beings are equal before G-d and should be equally treated under the law. The JCRC firmly believes in the value of derech eretz – acting with common decency and honor – in our relationships with others as a necessary attribute of a diverse society that is based on mutual acceptance and respect. Therefore, we are extremely supportive of this legislation which will not only establish an Office of Racial Equity and Social Justice but will create an entire action plan for the county about racial equity and social justice matters.

We must continue to foster a society that is based on social justice and equal treatment before the law. The JCRC has a strong commitment to enshrining and vigorously defending laws and public policies that afford all people, regardless of any distinguishing personal identity or characteristic, with individual security, dignity, and fair and equal opportunity. We sincerely thank the members of the County Council for consideration of our perspective on this very important issue.



primary care coalition

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making
health care
happen

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October 29, 2019

The Honorable Nancy Navarro
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue

Re: Bill 27-19 Establishing Office of Racial Equity and Social Justice and Racial Equity and Social Justice Committee _ SUPPORT WITH AMENDMENTS

Dear Council President Navarro and Councilmembers:

I am writing today to express the Primary Care Coalition's (PCC) support of Bill 27-19 to establish an *Office of Racial Equity and Social Justice* and a *Racial Equity and Social Justice Advisory Committee* and to offer amendments to strengthen the legislation in furtherance of its objectives.

The Primary Care Coalition is committed to Diversity, Equity, and Inclusion and works actively to incorporate these values into our work to create more equitable systems of care for community members who experience vulnerability. We support the intent behind this legislation and offer the following considerations to improve the legislation and ensure that, as it is being implemented, it furthers our shared values.

Refine Definition of Social Justice. Currently the legislation defines social justice as "a social construct that artificially divides people into distinct groups based on age, gender, sexual orientation, gender identification, religion, or disability." This definition describes social *in*-justice. We recommend the language be re-framed to state that social justice is "the dismantling of social constructs that artificially divide..."

Acknowledge Intersectionality. Intersectionality refers to the overlapping and interconnected nature of various social categories such as race, gender, sexual orientation, age, immigration status, etc. It is important to recognize that "policies, practices, and procedures work better for some members of a community better than others based on race" as well as based on other aspects of identity. When looking at the history of institutionally racist policies it is evident that institutional racism is intertwined with other types of institutional discrimination. Therefore, effective efforts to address institutional racism must also take into consideration other *-isms*.

Office of Racial Equity and Social Justice and Departmental Functions. We recommend clarifying that one of the functions of the Office is to "provide racial and social justice equity training to County employees at all levels of government and elected officials" (line 77 -78). The PCC has been impressed with the efforts made by the County over the past year to ensure elected officials and employees receive racial and social justice equity training and we hope to see this continue at every level of government. We further recommend that legislation specify that each

department should “designate a senior level employee to serve as the racial and social justice equity lead for the department or office to coordinate work with the Office” (line 121 – 122). Specifying that this liaison is a senior employee is important to ensure that the liaison role has the full support of the Department Chief and is empowered to make changes.

Racial Equity and Social Justice Advisory Committee Composition. Community engagement in this effort it is vital. While the bill as drafted includes some good measures to gather community input, we recommend two amendments to bolster these efforts and gather meaningful community input as this process unfolds.

- Ensure the Advisory Committee has an equal balance of governmental and nongovernmental employees.
- Ensure that community engagement processes are sensitive to structural inequities and provide support for people who face barriers to participation in formal processes.

The Primary Care Coalition has more than two decades of experience bringing together diverse stakeholders to provide health services to under resourced and vulnerable members of our community. What has become evident is that health is about more than access to care; it is also about the social and environmental factors that have an impact on a person's health status and that these social and environmental factors are frequently intertwined with the politics of identity. Creating more equitable health and life outcomes for our residents begins with identifying and quantifying existing inequities associated with entrenched systems and taking steps to dismantle those systems. While this legislation will not erase racism or other types of discrimination, it is a very important step in the right direction.

Sincerely,

Hillery Tsumba
Director of Organizational Strategy
Primary Care Coalition



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www.iworksmc.org

Testimony of Pamela Taylor, Interfaith Works Board of Directors Member

**Bill 27-19, Administration - Human Rights - Office of Racial Equity & Social Justice -
Racial Equity & Social Justice Advisory Committee - Established
Montgomery County Council**

October 29, 2019

Good evening, Council President Navarro, and Council Members. My name is Pamela Taylor. I serve as a member of the Interfaith Works Board of Directors.

Interfaith Works strongly supports Bill 27-19, creating an Office of Racial Equity and Social Justice and establishing a Racial Equity and Social Justice Advisory Committee. This is a good first step in addressing systemic racial inequity in our county that constrains the life opportunities of too many of our neighbors.

While I am here supporting this Bill on behalf of Interfaith Works, I am also here as a mother of two wonderful children growing up in Montgomery County. I am a colleague, a member of the community, and most importantly, a human with hopes and dreams of creating a legacy for my daughters and lasting opportunities for families and children throughout Montgomery County to feel proud to call Montgomery County home.

As a 17-year-old teenager preparing for graduation and deciding next steps for my life, I had the awesome opportunity to make the daily commute from the inner city of Washington, D.C. to the National Institutes of Health in Montgomery County where I worked. It was during those times that I began to dream and hope that someday I would like to live in a place like Montgomery County because it had so much to offer. As fate would have it, my life was re-routed back to Montgomery County in 2012.

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Like countless other families, my family aspires to live and grow in a safe, caring, equitably fair and just environment where we feel empowered to be involved in the community. However, living in substandard conditions, functioning with emotional trauma, constantly fearing the worst, yet hoping for mental clarity and overall wellness have become incumbent of my daily experience.

Contrary to the desires that I have for my children, we like so many others have experienced biased injustices across systems, institutional disparities, and systemic exclusion involving the county's housing crisis. Stable and affordable housing has been a chronic issue for me since I moved to Montgomery County. As a result, I am considered among the working poor and chronically homeless living in Montgomery County. My children who were once young, vibrant honor students and full of life, are now trauma filled, embodied with anger, despair, and hopelessness relating to persistent homelessness.

Like so many other children and families living with similar circumstances, these conditions serve as recipes for disaster, leading to self-destructive behavior patterns that can be prevented and circumvented when justice and equity prevails across cultures and ethnic groups. When more opportunities for inclusion are extended to racial and ethnic groups this will increase the viability of our land.

I ask that you support Bill 27-19 to help my family and others like us feel at home, safe, valued and empowered to add to the growing vitality of our county.

Thank you.

Valerie Baugh-Schlossberg Testimony for Montgomery County Council Bill 27-19
October 29, 2019

Good evening Council Members and constituents. My name is Valerie Baugh-Schlossberg and I am the program manager of Story Tapestries and a recent resident of Rockville, Maryland. I am here tonight to speak in support of County Council Bill 27-19. I would like to thank the council and President Navarro for sponsoring this next step in making racial equality a reality in Montgomery County.

When I moved to Maryland six months ago to join the staff of Story Tapestries, I was excited to learn that this county is one of the most diverse in the country and rich with people who believe in the importance of racial equity and social justice. Within the first week of being here, I had the privilege of joining the **Impact Silver Spring's Network Weavers** and participate in my organizations' initiative, **Amplify US!**. My connection and participation with both these groups made possible an outlet to facilitate these difficult conversations that have the potential to break down racial inequities and provide platforms for marginalized populations to find and express their voice. I am happy to be part of a county that is committed to doing the same.

While, I am hopeful for the legislation at hand, however I feel that the bill is still in the draft state and can use some additional revisions. A few things to review and revise are as follows:

- Under the definition of social justice as it is currently defined in the legislation (inequity along the lines of age, gender, sexual orientation, gender identification, religion, and disability), I would like clarification that the inequities listed will be addressed in how they relate to and are intersectional with racial equity. Each of these inequities deserves attention in its own right, but my understanding is that the benchmarking and data collection to date to support this legislation has been focused on equity along racial lines. The root causes and the policies needed to address each of these inequities are different, therefore we want to clarify that the focus of this legislation is on addressing

racial inequity with a layering of these other inequities as they relate to issues of racial inequity.

- Secondly, I would like to spotlight opportunities to expand and strengthen the racial equity and social justice advisory committee. To ensure the committee holds space for individuals who represent the county and functions as an extension of this public, I support my colleague in the believe that the committee should be expanded to 15 members and that committee members should be compensated financially so monetary disparities are not a barrier to participation.
- Thirdly, it is vital to create a feedback mechanism for the public to give input to the committee in order to truly represent the needs of community and address racial inequity and social injustices.

The time is NOW to step up and BE PRESENT! Now is the time to **engage**, now is the time to **educate**, now is the time to **empower**, and now is the time to **act**. Thank you for this opportunity to speak.

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Testimony on Council Bill 27-19

Racial Equity and Social Justice Policy Legislation

Ruby A. Rubens

October 29, 2019

Good evening, my name is Ruby A. Rubens. First, let me applaud the Council for taking a first step toward realizing racial equity and social justice in Montgomery County. Some would say that we have been addressing these issues over the years, however it's obvious that these efforts have not been effective as evidenced by the persistent disparities in outcomes. For me, one of the most important functions of the Equity Office is to perform an equity assessment to identify County policies and practices that must be modified to redress disparate outcomes based on race or social justice. What I don't want to see, however, is the creation of just another layer of bureaucracy that is budget busting and ineffective. It is therefore crucial that staff of this office have the skills, cultural proficiency and the commitment to effectively carry out the functions of the Office.

We often look to individuals as the problem for perpetuating racism as well as sexism, homophobia, xenophobia, etc. but Ibram Kendi in his book "How to be an Antiracist" challenges us to rethink this belief, and to look more closely at policies and procedures that have shaped such ideas and behavior. I'm glad you are including this approach in this legislation.

My own experiences and research, however, lead me to believe that we must take a more wholistic approach and tackle the totality of structural racism which includes personal beliefs, attitudes and actions; formal and informal practices as well as policies and procedures. One of the resources provided by Everyday Democracy helps us to recognize and understand structural racism and all of its components.

Upon reviewing the definitions provided in the legislation, most are clear and appropriate. One consideration I would include under Social Justice would be socioeconomic status. Here in Montgomery County this is a social construct that clearly impacts disparities, especially in health, housing, education and criminal justice.

The legislation also calls for racial equity and social justice training for County employees. I urge you to carefully explore the most effective and highly respected national organizations to help with this work.

In establishing the Racial Equity and Social Justice Advisory Committee, I would suggest more than three public members as Montgomery County consists of such a wide array of diverse populations. I know it would be impossible to have representation from all races, ethnicities and cultures, but it would be difficult for just three members to bring the different perspectives needed. For example, as a native Black American, it would be impossible for me, based upon the unique experiences of America's history of structural racism, to represent the perspectives of my African, Caribbean, Central and South American black brothers and sisters.

As a member of the 1977-II Action Group and The Black and Brown Coalition For Educational Equity and Excellence, as well as a supporter of the African American Health Program, I would hope that the departments and Offices will be in collaboration with these organizations, as equity action plans are being formulated.

In closing I would urge you to ensure accountability and enforce consequences for those who would impede implementation of this legislation.

Thank you for the opportunity to provide comments.

Testimony for Montgomery County Council Public Hearing – Bill 27-19
Tyler French
10/28/2019

Good evening my name is Tyler French. As an individual who spends time and works in Montgomery County, currently with Story Tapestries, I would like to start by thanking the council and Council President Navarro in particular as well as the activists and organizations who worked for the creation and stewardship of this bill. I am testifying as an individual in support of the bill and its potential to rectify the historically-informed and ongoing racial inequities in all sectors of public life. I have interfaced with the school system, teachers, and students as an independent contractor and artist, and have seen how those inequities affect the lives and future livelihoods of the young people I serve. We have a responsibility to get this bill right, to ensure it is the strongest action taken, and as such I would like to highlight places where I would see opportunities for us to make the bill stronger.

First, I would like it to be more clearly articulated how the additional inequities addressed in the bill, along the lines of age, gender, sexual orientation, gender identification, religion, and disability, intersect with racial equality. This opportunity I see to strengthen the bill stems from my work supporting LGBTQ+ youth, and LGBTQ+ youth of color in particular. I would like to see more clarity on how the bill focuses on addressing racial inequity, while also layering intersecting inequalities knowing the root causes and policies needed to address each of these inequalities is different yet interlocking.

Second, I would like to highlight opportunities to strengthen the racial equity and social justice advisory committee. To ensure the committee seats individuals who represent the county and functions as an extension of this public, I believe the committee should be expanded to 15 members and that committee members be compensated so financial need isn't a barrier to participation. Additionally it is vital to create a feedback mechanism for the public to give input to the committee.

I've seen these mechanisms for feedback not only central to my growth as an accomplice in this work, but also a necessary public component of all programs and policies. My recent participation in an Amplify US! Program, made possible by a partnership between Story Tapestries, Impact Silver Spring, and Arts on the Block demonstrated to me that to facilitate these difficult conversations into action, it is vital to include mechanisms for feedback from the start. By expanding representation, reducing barriers to participation, and widening the public function of the committee, we bolster its utility as an extension of the public of Montgomery County.

By incorporating these amendments in the bill, our county can better address the inequities we see reflected in every aspect of public life broadly, and the lives of the young people and community members I engage in programming every day. I am proud to work in Montgomery County and see this bill being discussed today.

Testimony in Support of Bill 27-19, Administration - Human Rights - Office of Racial Equity & Social Justice -Racial Equity & Social Justice Advisory Committee - Established

Good evening, my name is Janelle Wong. I am a resident of the County, a parent of two children in MCPS, and I am part of Chinese American Progressive Action and the MORE Network

Thank you to the council for your leadership on this issue, especially Council President Nancy Navarro.

I am testifying in favor of the bill because racial segregation in housing, educational inequality across schools, and differences in access to transportation options across places in the county is a part of my life in this county.

I really appreciate the County's efforts to address systemic inequalities, and especially to gather data which can help inform county leaders and the community about where to devote resources.

Bill 27-19 represents an important opportunity to hold county agencies accountable when it comes to equity, but it can be stronger. I make this recommendation for amendments as part of the Montgomery County Racial Equity (MORE) Network

I am a professor at the University of Maryland and I have spent the past two decades studying race and teaching students about racial inequalities. One of the most challenging aspects of my job as a teacher is coming to work each day and knowing that racial segregation and educational inequalities remain as firmly entrenched in our lives today as the first time I taught a class on these topics.

Addressing deeply entrenched inequality is no easy task. But, it certainly can't be done without good policies. What I appreciate about this bill is that it acknowledges inequality, especially racial inequality, as the result of policies and the agencies that carry out policies. One of the most important aspect of the bill is that it includes racial equity as one of the metrics used to evaluate new initiatives and current programs. Excellence and success will be evaluated not only in terms of economic growth, but also the degree to which policies address inequalities. That is a good start. But, we can make this bill stronger.

In particular, the bill requires a great deal of analysis, in the reform of reports and plans. But, it must also include specific mechanisms of accountability. If the equity analysis has not been done or if the analysis indicates the status quo with regard to equity, there should be consequences in terms of funding or greenlighting projects.

The section entitled "Compliance" must be changed so that there are specific budget or specific procedural consequences for not following the requirements of this legislation.

Without this accountability, there is a danger the bill is seen as simply another bureaucratic hurdle. Real accountability mechanisms will help to ensure that this legislation has real impact.

Thank you.

**TESTIMONY IN OPPOSITION TO COUNTY COUNCIL BILL 27-19,
RACIAL EQUITY AND SOCIAL JUSTICE
OCTOBER 29, 2019**

First, this nation, founded in 1776, is 243 years old, ^{not} 400. Prior to its founding, it consisted of thirteen colonies under British rule. The reference that is made here regarding the social and economic variance in this nation did not start with its founding and has existed since time immemorial.

This bill appears to be an effort to address equal opportunity in light of economic and social variance in the county. While presumably well intended, I submit that the approach taken is misguided. The economic and social variance at issue is not because of race but rather is consistent with race.

If that were otherwise, there would never have been nor would there now be successful and prosperous minority race members. We know that is not true.

It is true that some residents have low paying jobs and life styles in keeping with that. However, that situation is reflective of their point of entry into the job market and skills they possess. Yet, through the traditional means of education, hard work, determination, honing their skills and taking advantage of opportunities offered by the public or private sector; they can expect the economic advancement, financial security and upward social mobility they seek as described in the Community Conversations which were held.

This country, indeed this county is replete with true stories of people who started out with little more than the clothes on their backs and have reached prosperity. It is clearly possible and probable which is why this country is considered the land of opportunity. The economic and social variance gap can be narrowed and ultimately overcome. I have attached information regarding a working paper from the National Bureau of Economic Research which addresses that fact as has occurred on the last two centuries.

However, as proposed Bill 27-19 will not bring the desired outcomes,

instead, it proposes an even more bloated bureaucracy hogtied and hamstrung with ineffective busy work: bureaucratic training, action plans, goal setting, reports, strategies and other unproductive actions.

In addition, it will further divert county funds away from critical infrastructure needs such as transportation essential to all.

I strongly urge that you table this bill and focus on reviewing and revamping existing programs to provide incentives that will promote opportunities for achievement and advancement which will lead to the prosperity and the upward mobility desired.

Promoting equal opportunity, not attempting the impossible goal of obtaining equal results will result in positive outcomes. Other actions that will assist the effort are lowering taxes on utilities, reducing regulations and fees, providing incentives and tax relief to help small businesses as well as entrepreneurs and investors who will create more jobs which put people on the road to economic self-sufficiency and all of the benefits that flow from it as noted above.

A sufficient paycheck beats a handout any day. As James Brown, the singer, stated in lyrics, "I don't want nobody to give me nothing. Open up the door, I'll get it myself. Not equity, but opportunity accompanied with a path to the prosperity, through existing and/or learned skills, determination, frugality and personal pride is what is needed. Albert Camus, the French author, stated it differently" Give me a fish and I eat for a day. Teach me to fish and I eat for life time. I might add, I will not care how many fish are in ocean or how many my neighbor has. Just that I have what I need.

Respectfully Submitted,
Hessie L. Harris

Attachments

"When a Steady Paychecks Good Medicine," New York Times, Issued October 10, 2019 (American medical providers that collectively spend \$50 billion per year are channeling work to local businesses and low income residents.

These programs are cooperative efforts by non-profits and private business which do not require money from the government. They provide training and employment in jobs providing the possibility of economic upward mobility which is key to upward social mobility.)

**"Intergenerational Mobility of Immigrants in the US over Two Centuries"
(NBER Working Paper No 26408), National Bureau of Economic Research,
Issued October 2019.**



When a Steady Paycheck Is Good Medicine

American medical providers that collectively spend \$50 billion per year are channeling work to local businesses and residents.

By Peter S. Goodman

Oct. 10, 2019

LOS ANGELES — Growing up in the Baldwin Village section of Los Angeles, Charles Slay roamed the streets as a member of the Bloods. The neighborhood was forlorn and devoid of commercial life, making it easy ground for ambush — especially a ragged patch of dirt alongside a major thoroughfare.

“I used to rob people there,” he says.

But three years ago, when construction workers began transforming the vacant lot into a gleaming campus of medical offices, there was Mr. Slay, donning work boots and coveralls. He had spent 27 years behind bars for a gang-related murder. On this day, he was employed as an apprentice electrician.

“I never in my life used a power tool,” he says. “The only tool I used was a gun. Now, I’m driving forklifts.”

His evolution from convict to tradesman had been spurred by an initiative within the American medical industry to broaden the idea of how to keep a community healthy. A coalition of nonprofit health care providers is investing in the notion that ample paychecks, stable housing and nutritious food are no less critical to well-being than doctors, medical equipment and pharmacies.

Forty-one nonprofit medical systems across the United States, plus four government providers, have formed the coalition, the Healthcare Anchor Network, with the mission of doing more business with local companies in the communities they serve. Most are concentrated in major American cities, from Chicago to Los Angeles.

The American health network is part of a global movement through which activists are pressuring companies to target spending toward improving local fortunes, rather than contracting with distant corporations. Such initiatives are being driven by anger over the workings of global capitalism — how it has produced unprecedented riches for some while leaving hundreds of millions of people coping with economic insecurity.

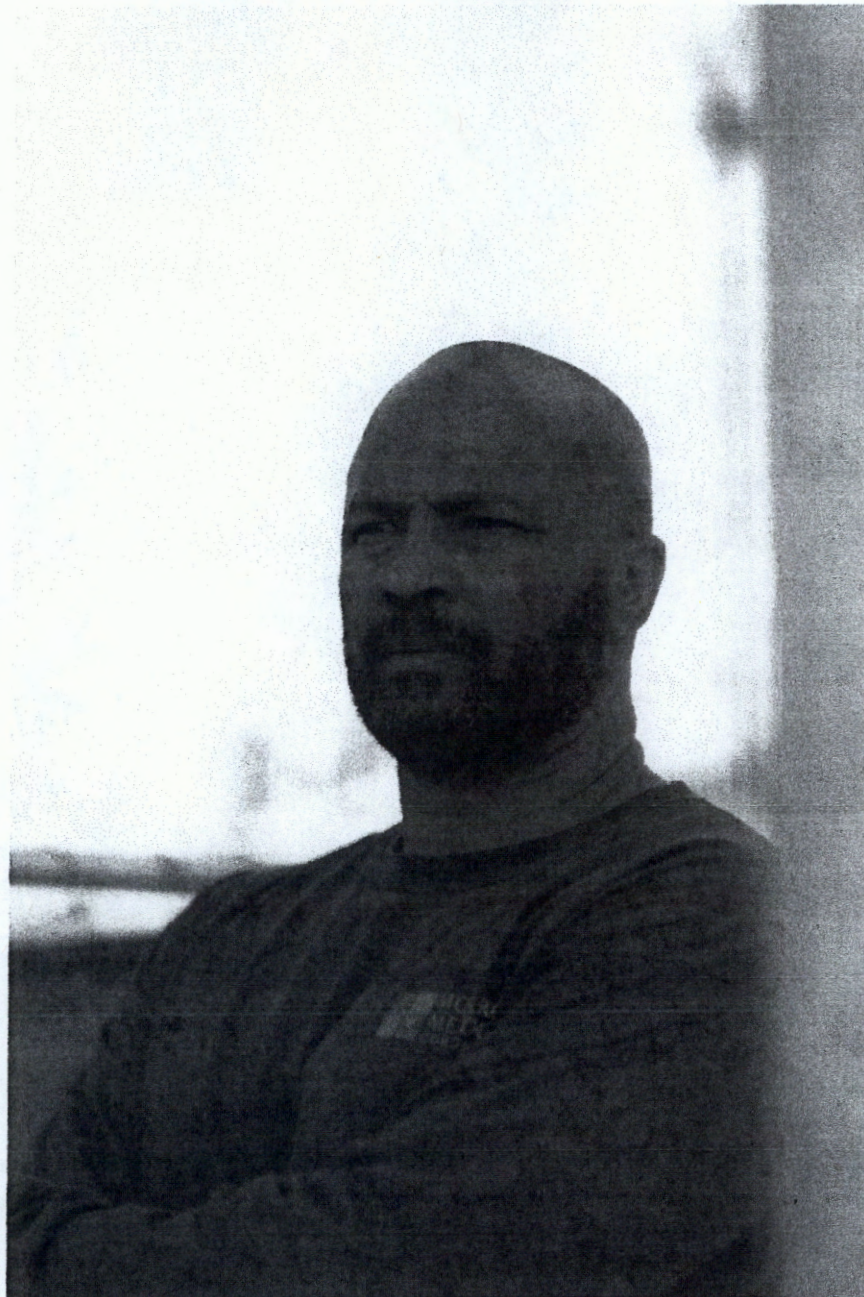
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Collectively, these systems spend more than \$50 billion a year on a range of services — from construction to catering to laundry. Traditionally, they have directed much of that money to huge, national corporations that distribute their profits to shareholders around the world. The basic goal among the participants in the Healthcare Anchor Network is to shift their spending to local companies, keeping the wealth close by. Kaiser Permanente, which erected the new medical center near Baldwin Village, is one of the largest medical systems in the network.

The health systems are also directing their reserve funds toward so-called impact investments — loans to nonprofits that buy homes to spare low-income people from eviction; capital for minority-owned businesses; child care for the working poor.

This initiative was behind Kaiser’s decision to reserve a third of the construction jobs at its new campus for people who lived nearby. Among them were 70 former prison inmates employed as plumbers, carpenters and electricians.

“You have individuals building homes rather than doing home invasions,” says John Harriel, a former gang member turned tradesman who has helped Kaiser recruit previously incarcerated people at the construction site.



Charles Slay, who now works in construction, spent 27 years behind bars for a gang-related murder. Elizabeth Weinberg for The New York Times

Backlash to Inequality

The idea that turned into the Healthcare Anchor Network began with a man named Ted Howard, who co-founded the Democracy Collaborative, an advocacy and research institution that experiments with fresh ways to attack economic inequality.

A decade ago, in the midst of the Great Recession, Mr. Howard used his hometown, Cleveland, as a laboratory for a new approach toward recovering from factory closings and joblessness. He started three cooperative companies in low-income neighborhoods, including a laundry service that gained a contract to wash linens at the Cleveland Clinic, a world-renowned health care provider.

The laundry hired people from surrounding communities. It won the contract on competitive terms, with an important guarantee: It paid workers better than rival national chains. It could deliver on that promise because it was a cooperative. It merely had to break even rather than enrich shareholders with dividends.

"These are businesses," says Mr. Howard. Unless they produce returns, "you lose all the social benefits. We think it's really important to open up the imagination to successful models."

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The approach is especially tailored to the United States, where efforts to increase support for government programs confront a strong American aversion to taxes. Rather than wring hands over the difficulty of prying money from Congress for social programs, he pressured deep-pocketed companies to spend, and invest, locally.

"Our epiphany is that one answer to the supposed scarcity of funds is that the money is right there in the community now," says Mr. Howard. "It's in institutions that are locked in place."

His success in Cleveland has captured attention far beyond the American Rust Belt, sending Mr. Howard around the world to evangelize. He found adherents in northwest England, where political leaders in the city of Preston were wrestling with years of national austerity that had decimated local government services.

Drawing on Mr. Howard's counsel, the city government, Lancashire County, the police department and a pair of local universities joined forces and directed their spending toward local companies.

"We had the double whammy of austerity, and also an economy that wasn't working for people," says Matthew Brown, the leader of the Preston Council. "We took inspiration from Ted."

Beyond the Hospital Walls

In the United States, health care has become especially fertile ground for Mr. Howard's approach, in part because of the passage of the Affordable Care Act, better known as Obamacare, which aimed to expand medical coverage to the tens of millions of people lacking access.

The program requires that nonprofit hospitals annually assess the health needs of their communities in a broad context — including job markets and the availability of affordable housing — while coming up with ways to improve local life. Given that 56 percent of community hospitals in the United States are nonprofit, this amounted to a significant potential alteration of American health care.

Kaiser, which operates nonprofit hospitals and provides health care for more than 12 million people, was already conducting such assessments under California regulations. Obamacare, passed nearly a decade ago, extended the obligation nationwide.

"It brought a discipline to the industry so that we all had to think about this," says Bernard J. Tyson, Kaiser's chief executive officer, during an interview at the company's headquarters in Oakland. "It forced the industry to think outside its own box."

The Democracy Collaborative convened the first participants in what would become the Healthcare Anchor Network in Washington in December 2016. In the years since, it has sought to coax medical companies to formalize and expand financial commitments that are now voluntary and vaguely defined — more like an accepted social compact than a firm obligation.

The logic is driven by large numbers: Hospitals and health care providers across the United States collectively spend more than \$780 billion a year, control investment portfolios worth some \$400 billion and employ more than 5.6 million people. Even a minor shift in how they manage their money, contract for services or hire workers will have an impact on the American economy.

"We encourage a pledge of 1 percent of assets as a starting point," says David Zuckerman, the coordinator for the health care network. "This conversation is moving very fast and moving in a very powerful way. These institutions are just being exposed to this idea."

Over the last two years, members have pledged more than \$300 million toward local investments, with Kaiser alone promising two-thirds of those funds.

The company has taken its cue from volumes of literature attesting to the fact that poverty is lethal. People who experience homelessness have shorter life expectancies than the rest of the population. People without jobs do not eat as well as those who are fully employed. Financial stress can breed other ills, including substance abuse. Health care costs have risen so rapidly that many Americans fret about how to pay their bills.

"One in four Americans are having to make a choice between 'Do I buy milk today?' or 'Do I pay my co-pay to get my prescription?'" says Bechara Choucair, Kaiser's chief community health officer, citing a recent company survey.

For health care companies, improved community fortunes help the bottom line. More jobs mean more people in stable homes, lowering the cost of care when they need hospitalization. It means more people can afford medical plans, which spreads health care costs across larger populations.

That reasoning prompted Dignity Health, another health care provider that joined the anchor network, to deliver a \$1 million loan to La Cocina, a San Francisco nonprofit that helps women of color start catering and restaurant businesses. Since its inception in 2005, the organization has produced 55 now self-sufficient businesses. Two of its graduates have been finalists for the prestigious James Beard Award.

La Cocina is using Dignity's money to turn a shuttered post office in San Francisco's Tenderloin district — an area rife with open-air drug sales — into a food court offering the dishes of program graduates. Geared to working poor people, the food court will provide a daily \$5 special.

Among the chefs featured is Dilsa Lugo, a Mexican immigrant. Sixteen years ago, a pregnant Ms. Lugo carried a lunch of home-cooked tamales to the construction site where her husband was working. The property owner tried them, loved them and demanded to buy them. Ms. Lugo honed her skills in La Cocina's commercial kitchen in the Mission District, where volunteers helped her secure funding.

"If I was by myself, I would have been afraid," Ms. Lugo says. "I didn't know how to start."

Today, her Los Cilantros restaurant in Berkeley employs nine people. She earns more than her husband.

Dignity has also funded another local nonprofit, the Mission Economic Development Agency, which aims to blunt the displacement of low-income, predominantly Latino families. It has purchased 23 buildings in recent years, keeping existing tenants in place at subsidized rents, while maintaining fruit and vegetable merchants and bakeries in ground-floor commercial spaces.

"We're looking for ways that we can address health care issues beyond the hospital walls," says Pablo Bravo, Dignity's vice president of community health.

Creating Local Jobs

This was the thinking as Kaiser Permanente began preparations for its new medical campus serving the neighborhoods of Crenshaw and Baldwin Hills in America's second-largest city.

The need for the facility was obvious. The company's closest hospital was a 25-minute drive away, before factoring in Los Angeles's traffic. Many people in the neighborhood lacked cars. They relied on a patchy bus service that could take an hour to reach the facility.

But beyond the demand for doctors' offices, a pharmacy and a laboratory, the community had other needs. Among the 278,000 area residents, 93 percent were black or Hispanic and nearly 30 percent were officially poor. A similar percentage had not completed high school. Former gang members languished in housing projects with no means of supporting themselves.

In 2015, Kaiser held meetings to ask residents what they wanted. Their testimony shaped the blueprint: The hospital would offer Wi-Fi and comfortable work spaces, enabling low-income residents to send out online job applications. The complex would include green space, exercise equipment and a farmers' market.

But the primary demand was the most basic — paychecks. "The number-one thing people wanted was jobs," recalls Jodie Lesh, who then oversaw Kaiser's construction projects in Southern California.

Kaiser required its contractor to reserve 30 percent of all jobs for people living within five miles of the site. It set aside \$24 million of the \$90 million construction costs for women- and minority-owned businesses.

At first, Kaiser stumbled. It held a job fair, and hardly anyone came.

Then Ms. Lesh met John Harriel, an electrician and a conspicuous character known as Big John.

Raised in the neighborhood, Mr. Harriel, 49, was a former member of the Bloods and the son of a single mother bedeviled by addiction. He had spent more than five years in prison for dealing drugs. He used that time to gain his high school equivalency degree.

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Once out, Mr. Harriel trained as an electrician apprentice and eventually rose to supervisor. He works with a community nonprofit, 2nd CALL (for Second Chance at Loving Life), which prepares former inmates for careers.

About 600,000 people are released from prison every year in the United States. The unemployment rate among formerly incarcerated people is about 27 percent, according to the Prison Policy Initiative, a research and advocacy group.

Mr. Harriel sees those numbers as indicators of hidden promise. People released from prison are so eager for a career, and so fearful they may never get the opportunity, that they will work harder than the next person to master a trade. Starting over means feeling special pressure to show up on time, do the job the right way and stay out of trouble, he said.

"The world is looking at us," Mr. Harriel says. "You'd rather be two hours early than two minutes late."

Still, employers are reluctant to hire convicted murderers, robbers and drug dealers, Mr. Harriel acknowledges. That is where he and his organization come in. They offer job training and courses in anger management, trauma counseling and financial literacy. They teach black and Latino former gang members to look their white supervisors in the eye — something that could provoke violence in prison. Those who sign up for training must complete it, and then demonstrate their skills and dedication, before he will provide a recommendation to an employer.

"If someone is screwing around," he says, "I will be the first to say they should be fired."

From Guns to Tape Measures

Physically imposing and blunt, Mr. Harriel is reflexively skeptical of outsiders' promises to rescue his community. He is impatient with corporate-sponsored happy talk. As a child, he drew discipline at his elementary school for scoffing at the notion of Santa Claus.

"I said, 'Let me get this straight,'" he recalls. "'There's this fat white guy riding around in the sky delivering presents down the chimney? I don't see any chimneys in the projects.' I said: 'That's a lie. You're telling us a lie.'"

His neighborhood had suffered through more aborted promises of redevelopment schemes than he could recall. What was different this time?

Kaiser's cluelessness about its job fair was not a hopeful sign. "They didn't know where to go. They didn't go inside the belly of the beast right there," Mr. Harriel says, pointing to a cluster of apartments. "They went to the library. They went to some church. I said, 'That's not where the suspects hang out.'"

He went into gang communities and knocked on doors. At the next job fair, several hundred people descended. Dozens were hired, including Mr. Slay, the ex-Blood.

Mr. Slay grew up in South Central Los Angeles. His mother had died when he was 10, leaving him with his father, who cadged work as a mechanic. He wanted to join the Boy Scouts, he recalls, but he lacked the \$16 fee. Jobs in the neighborhood were scarce, and good jobs nonexistent. People flipped burgers and bagged groceries, pursuits with no route out of poverty.

"The only people getting respect were the people coming out of the penitentiary," Mr. Slay says.

By 14, he was living in itinerant hotels, smoking angel dust and robbing stores with the Bloods. By 21, he was behind bars for killing a man of the same age from a rival gang.

In prison, he attended a class about the impact of gang violence on victims and their families and listened to a woman who had seen her daughter raped.

"She was talking to us about forgiveness," Mr. Slay says. "I had never seen compassion and forgiveness. My approach had been: 'I'm in a gang. I got you before you got me.'"

He completed his high school equivalency degree and then studied sociology.

"I started thinking about the people that I robbed," he says. "I started thinking about the magnitude of my actions. How did I go from a little boy that my mother loved to a man willing to take another man's life? I started thinking about some of the things that I was lacking. I said, 'If I ever get a chance to get home, I will relish it.'"

The chance came when he was 48 years old.

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Back on the outside, he was euphoric at first. He moved in with his aunt and attended Alcoholics Anonymous. Then, grim realities took over. He applied to be a truck driver, but the conditions of his parole barred him from driving more than 50 miles from home. He got a job unloading ships at a port. It paid \$9 an hour with no health care.

Then Mr. Slay met Big John, who saw him as a potential electrician. He finished life skills classes and was sent to a contractor as an apprentice, alternating seven weeks of work with a week of training.

Five years later, he is part of a crew handling the electrical work at a new stadium for the Los Angeles Rams football team.

He earns \$39 an hour — enough to buy a car, help his 86-year-old aunt with rent, buy groceries and presents for his eight grandchildren. He pays for a health care policy from Kaiser.

"I've been through several lives within my time," he says. "I feel like I've been around the world twice and it's amazing that I'm a productive member of society, the backbone of my family."

Montgomery County Council Public Hearing on October 29, 2019, 7:00 pm
Testimony from Robert Alex Stubblefield in favor of Bill 27-19, with amendments

Council President Navarro and the Montgomery County Council:

Good evening. My name is Robert Alex Stubblefield and I am an activist and organizer with Young People for Progress. I am humbled and honored to testify on their behalf in support of Bill 27-19. I first want to commend the council for supporting this bill, especially given where we are as a country and as a county. As Council President Navarro pointed out at the People's Forum last September, this effort will shape local elections from the standpoint of anyone who wants to run for office here in Montgomery County must have a racial equity policy as part of their platform. In other words, it is not enough to talk about diversity but now one has to talk about plans for racial equity. This is good news. Yet we do have concerns. I hope you all will hear me out and I will try my best to be brief.

My first concern deals with the acknowledgement of where we are and how we got here. What exactly does it mean? Acknowledgement is not only admitting what wrong was done but also not trying to whitewash it with a false history of Montgomery County always being a progressive place. It is a myth and a harmful one that has cost the lives of many, most recently Robert White and Emmanuel Okutuga, as well as the history of racial profiling and police brutality. But another part of the myth is that it shows itself in other more covert ways. For instance, whenever we think of the phrase sundown towns and suburbs, we tend to think of places like Mississippi, Alabama, Illinois, etc. Yet here in Montgomery County, Maryland, we were a sundown suburb, so much so that housing covenants banned blacks and sometimes Jews in addition to redlining. We see the effects today with the rampant gentrification in places that have been home to black and brown people, especially in places in East County like Briggs Chaney, Burtonsville, Long Branch, Wheaton, and Glenmont. Another example is how black history is taught in the school system. Local civil rights heroes such as Roscoe Nix aren't talked about at all while a town drunk is not only talked about in class, but a bust is built for him. It is also the desecration of black cemeteries like the African Moses Cemetery and the continued battle for memorialization is brushed aside by this body, yet a pet cemetery in Aspen Hill is built and maintained by taxpayer dollars. Or the fact that Montgomery County was the site of some of the largest slave plantations and that a slave rebellion happened here. I can go on and on but the main thing is that acknowledgement is taking corrective action to make sure this history is well-known so that the phrase never again has true meaning and is not just a mere saying.

The second concern that I have is how this going to be enforced among the agencies. I ask this for the simple fact that laws are easy to write but hard to enforce. For instance, I remember back when I was in high school the school board passed a similar racial equity measure. I didn't have high hopes because there was no enforcement. As we see now, our schools are more segregated sixty-five years after Brown v. Board of Education than ever before. While the council will provide oversight, I would like to point out that oversight and enforcement are not the same thing, and our fear is that this will help create loopholes. In other words, we do not need lip service, we need concrete action to ensure that racial equity is truly real and that Montgomery County can turn the progressive myth into reality.

So, what does this entail? The Office of Racial Equity and Social Justice needs to be fully funded and be given protective status so the budget isn't slashed by any reactionary forces. The Equity Officer should be given enforcement powers so that they can discipline agencies that aren't following their own racial equity policy. Secondly, the Racial Equity and Social Justice Committee needs to be made up of people from marginalized communities, because those closest to the problem are the ones closest to the solutions. The Committee should have seats reserved for youth of color because, as Huey Newton once said, "The youth always inherit the revolution." In other words, the youth are the leaders of tomorrow and as we have seen in recent years, the youth are the leaders of today. Lastly, the racial equity and social justice program for the County needs to be developed by the people from impacted communities to ensure that we get to the root cause and concrete solutions for true racial equity to flourish here.

In closing, we of Young People for Progress support this bill with the cautious hope that it can help lead the groundwork for true racial equity in this county. I end with the words of the slain revolutionary leader Maurice Bishop, "Forward ever, backwards never!"

Testimony of Teresa Ledesma
To Montgomery County Council Members
October 29, 2019

Reasons to reject Bill 27-19 – Office of Racial Equity and Social Justice (introduced on Sept. 17, '19 by Navarro and "the gang")

- Bill 27-19 would:
 - 1 establish a racial equity and social justice program;
 - Racial equity means changes in policy, practice and allocation of County resources so that race does not predict one's success, while also improving opportunities and outcomes for all people. Racial equity action plan means a comprehensive plan to incorporate and embed racial equity principles and strategies into operations, programs, service policies, and community engagement.
 - Social justice means social construct that artificially divides people into distinct groups based on age, gender, sexual orientation, gender identification, religion, or disability.
 - 2 establish an Office of Racial Equity and Social Justice in the Executive Branch;
 - 3 remove the Chief Equity Officer position in the Office of the Executive as a non-merit position;
 - 4 require the Executive to adopt, by Method 2 regulation, a racial equity and social justice action plan for the County;
 - 5 require each Department and Office to develop a racial equity and social justice action plan;
 - 6 require the Executive to submit a racial equity and social justice impact statement to the Council for each Bill and for each management initiative or program in the recommended budget;
 - 7 establish a Racial Equity and Social Justice Committee and set forth the composition and duties of the Committee;
 - Will this RE/SJ Advisory Cmte members (9) = will they be chosen or appointed according to political party affiliation or not?
 - 8 require the Planning Board to consider racial equity and social justice impact when preparing a Master Plan;
 - 9 and generally amend the law governing racial equity and social justice

My name is Teresa Ledesma. I am a second-generation American of Spanish and Mexican descent. I was born and raised in Lansing, Michigan to migrant parents who moved up to Michigan from Texas in the early 1940s. My father went to school only until the 3rd grade and my precious mother, unfortunately, never was allowed to go to school, so she never learned to read and write neither in English nor in Spanish. My mother worked as a domestic her entire life; my father, a factory worker. My first language was Spanish but then I had to learn English when I started school. Now English is my dominant

language. I honor that my parents were almost never on public assistance except for a short time when my father was hospitalized with tuberculosis. Then we really needed the help. My siblings and I learned at an early age to help the family finances by working and earning our own spending money.

I served as a Foreign Service Officer at the State Department, the diplomatic arm of the Federal government, and was fortunate to live abroad in a number of countries, many of them third world. There is where I saw how fortunate we as Americans are and how I really don't have a lot to complain about even to this day. Poverty up close and personal is a real eye opener and it made grateful to have been born and raised (albeit in a very poor family) in this great nation of America. Racism and discrimination was a part of my upbringing in the 50s and 60s, but I would not trade that experience for anything in this world because it taught me that hard work and self-sufficiency are noble characteristics one can be proud of. I remember one assignment in Caracas, Venezuela when one fellow officer said to me one day, "the more time I spend in third world and developing countries, the more a patriot I become." And to that I say, Amen, brother! America is the land of opportunity for those seeking to take responsibility and to be self-sufficient and a contributor member of society and the nation.

- **"The Bill 27-19 would establish a formal process for the County to address these difficult issues that have persisted in the nation for at least 400 years. Are you and your Council intending to assume responsibility to heal the historical wounds of racial inequality and social injustice of the last 400 years ago? Really?! If so, what makes you so qualified? Instead of reinventing the wheel with the establishment of this Office, why not join forces with the Montgomery County EEOC to help solve these disparity issues? They were established in 1964 as part of the Civil Rights Act to deal with such issues of discrimination in the workplace. And I'm confident they've evolved to include such racial and social "disparities" of the 21st century. At best, this insane Bill is racist and regressive in nature and will impose an unnecessary burden on LEGAL CITIZENS and take us all back to the civil rights days of MLK, not to mention the unnecessary economic cost to the legal citizen taxpayer.**
- Who are you really protecting here with this Bill? Those who are legal American citizens living in MoCo or those here illegally? The answer matters. The fact that the Council is made up of all Democrats is suspect right there of your motivation. You have made MoCo a sanctuary county, you harbor and protect illegal criminals, you refuse to cooperate with ICE and now you are trying to force this Bill down the throats of unsuspecting LEGAL MoCo residents who, for the most part, are trying to raise their families and live out productive lives as contributing citizens and loyal patriots of this nation. This bill would create problems that aren't necessarily there ... not in all cases, and will only cause more problems and division within our County. Most recently, you are making an issue about how someone wears their hair to work? Really?! What's next? Legal rights for pedophiles? If you dig deep enough on any issue, you will always find some level of discontent "inequality" in many areas of human life no matter how idealistic one may be.
- WHAT is it that will really bind us as human beings, as a community, a county, a state, a nation? Where is the collective conscience that we are all endowed with, that thread of humanity and morality that lives within us all regardless of our race or economic background?

- When will you propose a county-wide bill to protect the free speech of people of faith, reintroduce prayer in the schools and the Pledge of Allegiance? Since prayer was removed from the school in 1962, American patriotism and morality has significantly declined.
- I will end with this: I sincerely thank you for this opportunity to testify before the Council and finally **in the now famous words of the now famous Rodney King, "Can we all just get along?" (March 3, 1991 beating by 4 LAPD white policemen)**

THANK YOU!

Testimony of Charles I Carter

On

Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Committee – Established

10/29/2019

My name is Charles I Carter. I am a resident of Montgomery County residing at 18760 Tanterra Way, Brookeville, MD, 20833.

I am testifying in support of Bill 27-19. As a long term resident and former employee of Montgomery County.

I support Bill 27-19 in principle and urge its adoption by the County Council with some modifications.

I recommend that the County Council require that the Parks and Planning Departments comply with all the provisions of the Act, including development of a racial equity and social justice plan.

It is recognized while the Planning Board is appointed and confirmed by the County Government as an independent agency, the Planning Board receives county funding for the Montgomery County Parks and Planning Departments which are an integral part of services provided by and for the County Government that should be addressed in a racial equity and social justice program.

The Planning Board has recommended that its Chairman be designated as a member of the Racial Equality and Social Justice Advisory Committee. Bill 27-19 should allow for designation of a member of the Planning Board with some experience in redressing disparate impacts based on race.

I support the provision in Bill 27-19 that requires the Planning Board to consider racial equity and social justice impact when preparing a Master Plan.

It should also be stated that the demographics of the executive staffing of the Planning Department in particular and to a lesser degree the Parks Department do not reflect the minority-majority composition of county residents. Therefore, I support the recommendation of former planning board member, Dr. Allison Bryant that calls for an EEOC audit of the MNCPPC in Montgomery County to establish a baseline for staffing of the Parks and Planning Departments.

Navarro Amendment 1 (Impact Statements for Bills)

Amend lines 135-136 as follows:

Director means the Director of the Office of [[Racial Equity and Social Justice]] Legislative Oversight or the Director's designee.

Amend lines 176-177 as follows:

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

Navarro Amendment 2 (Training)

Amend lines 88-91 as follows:

- (2) The racial and social justice equity action plan must include:
 - (A) a community engagement process;
 - (B) mandatory racial equity and social justice training for
[[managers and supervisors]] all County employees;

Navarro Amendment 3 (Advisory Committee Members)

Amend lines 181-204 as follows:

- (a) Members. The Executive must appoint, subject to confirmation by the Council, a Racial Equity and Social Justice Advisory Committee. The Committee must have ~~[[9]]~~ 15 voting members. At least 6 of the voting members must, when appointed, either reside in or be an employee of the County.
- (1) Voting members. The members must reflect a range of ethnicities, professional backgrounds, socioeconomic status, and places of origin to reflect the racial, ~~[[and]]~~ economic, and linguistic diversity of the County's communities, with an emphasis on those most ~~[[proportionately]]~~ disproportionately impacted by inequities. Each member should have some experience in redressing disparate impacts based on race and social justice issues.
- (A) One member should be an employee of the ~~[[Montgomery County Public Schools]]~~ public education system in the County.
- (B) One member should be an employee of the Housing Opportunities Commission.
- (C) One member should be a designee of the County Council.
- (D) One member should be an employee of the County Department of Health and Human Services.
- (E) One member should be an employee of the County Department of Correction and Rehabilitation.
- (F) One member should be ~~[[an employee]]~~ a sworn officer of the County Police Department.
- (G) One member should be an employee of the Maryland National Capital Park and Planning Commission.
- (H) ~~[[Three]]~~ Eight members should be a public member with experience in redressing disparate impacts based on race and social justice issues.

Navarro Amendment 4 (Committee Member Compensation)

Amend lines 210-212 as follows:

- (3) Compensation. ~~[[Members]]~~ Except for the 8 public members,
members must receive no compensation for their services. ~~[[A]]~~
Each of the 8 public ~~[[member]]~~ members may receive an annual
stipend of \$2000.00 and reimbursement for expenses incurred in
serving.

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Navarro Amendment 5 (Committee Duties)

Amend lines 241-246 as follows:

- (6) advise the Council, the Executive, and County agencies about racial equity and social justice in the County, and recommend policies, programs, legislation, or regulations necessary to reduce racial and social justice inequity; [[and]]
- (7) meet periodically with the racial equity and social justice lead for each department and office; and
- (8) submit an annual report by December 1 of each year to the Executive and Council on the activities of the Committee.

Navarro Amendment 6 (Funding)

Amend lines 127-131 as follows:

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

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

(2) ensure that the operating budget is sufficient:

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

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

TO: County Council President Nancy Navarro

FROM: Dale Tibbitts on behalf of the County Executive

DATE: October 31, 2019

CONTACTS: BB Otero and Tiffany Ward

RE: **Bill 27-19 – Human Rights- Office of Racial Equity and Social Justice – Racial Equity and Social Justice Committee - Established**

The Executive has reviewed the memorandum submitted by County Attorney on October 7, 2019 and is in full agreement with the suggested amendments and legislative findings as presented.

The Executive makes the following additional suggested changes:

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

(b) Definitions

Suggested Language for definition of Racial Equity and Social Justice:

(line 57) Racial Equity means changes in policy, practice and allocation of County resources so that race and racial constructs do not predict one's success

(line 60) Social Justice means that everyone deserves to benefit from the same economic, political and social rights and opportunities, regardless of race, socioeconomic status, gender, sexual preference, religion, disability or other characteristics.

Lines 92-102 currently read:

- (C) the use of a racial and social justice equity lens in establishing new programs and evaluating existing programs;
- (D) a requirement for the Executive to submit a racial equity and social justice impact statement to the Council for each management initiative or program that would be funded in the Executive's annual recommended operating and capital budgets;
- (E) short term and long-term goals for redressing inequity;

The Executive suggests the following changes:

- (C) *the use of explicit racial equity and social considerations in establishing new programs and evaluating existing programs;*
- (D) *a requirement for the Executive to explain how management initiative and programs that would be funded in the Executive's annual recommended operating and capital budgets promote racial equity and social justice;*

(E) *short term and long-term goals for promoting racial equity and social justice*

2-81C. (b) Racial Equity and Social Justice Statements

Lines 150 -153 currently reads:

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

The Executive Branch suggests that the racial equity and social justice impact statement for each Council bill be written and submitted to Council by the Office of Legislative Oversight and NOT by the Director of the Office of Racial Equity and Social Justice.

Article XIV, Racial Equity and Social Justice Advisory Committee

Lines 180-204

The Bill authorizes the Executive to appoint 9 members to The Racial Equity and Social Justice Advisory Committee, 6 members are specified as employees of the county.

- *The Executive suggests that the Advisory Committee be increased to a number that would accommodate the number of public members to be equal to or greater than that of county employees*
- *The Executive requests that the Executive be given discretion to choose the departments from which the employee members will be appointed.*
- *The Executive suggests deleting the qualification that "each member should have some experience in redressing disparate impacts based on race" as it disqualifies a large portion of potential members who may not have "experience" but would bring valuable insights to the board.*