

FIRST DRAFT (July 17, 2020)

**COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND
2020**

An Act To:

- (1) establish a Frederick County Government racial equity and social justice program;
- (2) require the County Executive to create and submit for County Council approval a Racial Equity and Social Justice Master Action Plan for the County;
- (3) require each County Department and Office to develop a Racial Equity and Social Justice Master Action Plan that fulfills the goals of the County's Master Action Plan;
- (4) require that the County Executive submit no less than annually, a report summary of the actions taken by the County on the developed Racial Equity and Social Justice Master Action Plans for the preceding fiscal year;
- (5) require that, for each bill that is introduced within the County Council, that a Racial Equity and Social Justice Impact Statement be developed;
- (6) require the County Executive to provide an explanation of management initiatives and/or funded programs presented in the upcoming fiscal year recommended budget that will promote racial equity and social justice;
- (7) create the position of a Chief Equity Officer within the Office of the County Executive;
- (8) establish a Racial Equity and Social Justice Advisory Commission and set forth the composition and duties of the Commission;
- (9) require certain County appointed boards and commissions, including, but not limited to the Frederick County Planning Commission to consider racial equity and social justice impact when conducting business and arriving at outcomes;

Although not unique to Frederick County, many County residents suffer from stark disparities linked to race and social justice issues. These disparate outcomes among County residents include wealth, housing, criminal justice, education, and health.

Inequitable outcomes linked to race and social justice issues will persist in the County without intentional intervention. The work to dismantle racial and social justice inequity must occur on an individual, institutional, and structural basis.

It is in the general interest and for the greater good of All county residents that Frederick County Government work towards dismantling and removing the barriers that produce racial and social justice inequity within the community.

NOW, THEREFORE, BE IT ENACTED, that the Frederick County code be, and it is hereby, amended as shown on the attached Exhibit 1.

DEFINITIONS:

Director means the Chief Equity Officer within the Office of the County Executive office.

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

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

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

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

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

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

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

Racial Equity and Social Justice Master Action Plan and supporting action plans means a comprehensive plan to incorporate and embed racial equity and social justice principles and strategies into operations, programs, service policies, and community engagement. Supporting Action Plans are those developed by County Departments and Offices to support the County Master Plan.

Social justice means that everyone deserves to benefit from the same economic, political and social rights and opportunities, free from health disparities, regardless of race, socioeconomic

status, age, sex – including on the basis of gender identity or orientation, religion, disability or other characteristics.

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

FUNCTIONS:

Racial Equity and Social Justice Master Action Plan:

- (1) The County Executive shall create for submission and approval by the County Council a Racial Equity and Social Justice Master Action Plan, which shall be updated no less than every third year thereafter after its initial adoption.
- (2) The Racial Equity and Social Justice Master Action Plan must include:
 - (A) a community engagement process that is utilized to help create the plan;
 - (B) a mandatory racial equity and social justice training program for all County employees, to be implemented no less than once per fiscal year;
 - (C) defined and established racial equity and social justice considerations that are utilized in the evaluation of new and established County programs, rules, procurement and processes;
 - (D) a requirement that the County Executive explain how each management initiative or program that would be funded in the Executive's annual submitted operating and capital budgets promotes racial equity and social justice;
 - (E) short and long term County goals for promoting racial equity and social justice;
 - (F) metrics for measuring progress in meeting these goals;
 - (G) guidelines for each department and office to develop its own equity supporting action plans;
 - (H) recommended racial equity and social justice 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.

Reports

The Director, via the County Executive, shall submit an annual report on the activities of the Racial Equity and Social Justice efforts to the Council prior to the conclusion of each fiscal year.

The report shall include:

- (1) the metrics used to measure the success of each short- and long-term goal of the approved Racial Equity and Social Justice Master Action Plan;
- (2) the progress toward meeting the goals of the approved Racial Equity and Social Justice Master Action Plan; and

- (3) any recommendations for changes in law, regulation, or operating budget resources to assist in meeting the goals of the Racial Equity and Social Justice Master Action Plan.

Racial Equity and Social Justice Advisory Commission.

- (a) *Members.* The County Executive shall appoint, subject to confirmation by the Council, a Racial Equity and Social Justice Advisory Commission. The Committee must have no less than twelve (12) members and a maximum of fifteen (15).
 - (i) *Voting members.* The members must reflect a range of ethnicities, professional backgrounds, socioeconomic status, and places of origin to reflect the racial, economic, and linguistic diversity of the County's communities. It is preferable that each member shall have some experience in redressing disparate impacts based on race and social justice issues.
 - (1) One member should be a designee of Frederick County Public Schools.
 - (2) One member should be a designee from a County-based higher education institution.
 - (3) One member should be a designee from the County's Affordable Housing Council.
 - (4) One member should be a designee of each County Council district.
 - (5) One member should be a designee of the County Health Department.
 - (6) One member should be a designee of the County's Parks Department.
 - (7) One member should be a designee of the County's Sheriff's Office.
 - (8) One member should be a designee of the City of Frederick municipal government.
 - (9) No less than one member should be a public member with experience in redressing disparate impacts based on race and social justice issues. Each public member must reside in the County.
- (b) *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.
- (c) *Removal.* The County 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 County Executive removes a member, the Executive shall give the member notice of the reason for removal and a reasonable opportunity to reply.
- (d) *Chair and Vice Chair.* The Commission shall annually designate one member as chair and another as vice chair.
- (e) *Meetings.* The Commission may meet at the call of the chair as often as required to perform its duties, but no less than four (4) times each year. The Commission shall also meet if a majority of the members submit a written request for a meeting to the chair at least fourteen (14) 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. Each meeting shall be accessible to the public via video, digital or other equivalent visual service. Written notes, made subsequently available to the public afterwards, shall be taken to form a complete record of each meeting.

- (f) *Staff*. The Chief Equity Officer (Director) shall be present at each Commission meeting and provide staff support as appropriate.
- (g) *Duties*. The Committee must:
 - (i) adopt rules and procedures as necessary to perform its functions;
 - (ii) develop and distribute information about racial equity and social justice in the County;
 - (iii) promote educational activities that increase the understanding of racial equity and social justice in the County;
 - (iv) recommend coordinated strategies for reducing racial and social justice inequity in the County;
 - (v) 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.
- (h) *Advocacy*. The Committee must not engage in any advocacy activity at the State or federal levels unless that activity is approved by the County Executive.

Chief Equity Officer [Director]:

After consulting with each County department and office, the Director 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 in conjunction with the Racial Equity and Social Justice Commission a comprehensive, actionable, Master Plan on Racial Equity and Social Justice;
- (3) develop metrics to measure progress in redressing disparate outcomes based on race or social justice;
- (4) work with each County department and office to develop Racial Equity and Social Justice Master Action Plans designed to remedy individual, institutional, and structural racism or social justice issues adversely impacting County residents;
- (5) provide racial equity and social justice training to County employees and commissions;
- (6) develop short term and long term goals for success in redressing disparate outcomes based on race or social justice issues;
- (7) measure progress in meeting both short term and long term goals;
- (8) provide staff support for the Racial Equity and Social Justice Advisory Commission; and
- (9) shall submit a statement to the Council, via the County Executive, describing the Racial Equity and Social Justice Impact, if any, for each bill under consideration by the Council.

County Appointed Boards and Commissions

- (1) County-appointed boards and commissions, as jointly identified by the County Executive and County Council including, but not limited to the Frederick County Planning

Commission, shall be required to consider Racial Equity and Social Justice Impacts when making recommendations and decisions.

(a) The Frederick County Planning Commission shall take into consideration the local impacts on racial equity and social justice when considering the following actions:

- (i) The formation and action on Comprehensive Plans
- (ii) The formation and action on Master Plans
- (iii) Updates and actions as related to Livable Frederick