

Council Business Meeting

April 20, 2021

Agenda Item	First Reading of Ordinance No. 3197; Creating the Social Equity and Racial Justice Commission; Adding New AMC Chapter 2.20	
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SUMMARY

This agenda item seeks Council approval of first reading of an ordinance establishing a new City commission, the Race and Social Equity Commission.

POLICIES, PLANS & GOALS SUPPORTED

Resolution No. 2020-15 – Declaration of the City of Ashland’s Commitment to Social Equity and Racial Justice

PREVIOUS COUNCIL ACTION

On July 7, 2020, Council approved Resolution No. 2020-15 on Social Equity and Racial Justice to formalize the City’s commitment to “move forward with purpose in order to provide immediate support for advocacy efforts while putting in place the elements necessary for long-term systemic change”.

At the January 5, 2021 business meeting, Council approved a motion directing staff to “initiate development of an ordinance for the creation of a Race and Social Equity Commission based on the proposal provided by Mayor Akins and integrated into Resolution 2020-15”.

At the February 16, 2021 meeting ([staff report](#), [meeting video](#)), Council addressed 15 questions about the intended scope and authority of the proposed new Commission on Race and Social Equity. Council approved specific responses to 11 of the questions and discussed the remaining four questions at some length in order to guide staff’s drafting of the detailed ordinance provisions.

BACKGROUND AND ADDITIONAL INFORMATION

Generic questions to be asked about any City commission surely include at least these:

POLICY PARAMETERS.

1. What is the commission’s general purpose and what are its main goals?
2. What role should City Council have in influencing the commission’s priorities?
3. What role should City staff have in influencing the commission’s priorities?
4. How should the activities and recommendations of the commission and those of other City commissions, community institutions, and governmental authorities be coordinated when they intersect or conflict?
5. What role should interested Ashlanders who are not commission members have in influencing its priorities?

COMPOSITION

6. In addition to interest in the subject matter and desire to help improve the city, what other qualities and backgrounds would be useful for commission members to have?
7. How many members should the commission have?

Proposed Ordinance No. 3197 is staff’s attempt to pragmatically address a serious set of issues in Ashland through ordinance provisions intended to answer the above generic questions. Those provisions are a structured blend of (a) Mayor Akins’ initial draft proposal; (b) the guidance provided by City Council at its February 16 meeting; and (c) a few points derived from the founding documents for similar commissions in ten other cities -- plus METRO, the regional government which covers multiple cities in the Portland area. Only a few of the draft ordinance provisions

contain pat answers to the above generic questions; an ordinance typically can provide only general guidelines to be fleshed out and re-interpreted over time as specific circumstances arise.

Whether Ordinance No. 3197 accurately reflects the intent of the majority of Councilmembers is now for Council to determine. Staff recommends approval of the draft ordinance with whatever changes Council deems appropriate.

FISCAL IMPACTS

No funds are budgeted for this commission.

STAFF RECOMMENDATION

Staff recommends Council approval of first reading of draft Ordinance No. 3197.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

1. I move approval of First Reading of draft Ordinance No. 3197 as presented.
OR
2. I move approval of First Reading of draft Ordinance No. 3197 with the following changes:...
OR
3. I move to postpone consideration of draft Ordinance No. 3197 indefinitely [or to a date certain].

REFERENCES & ATTACHMENTS

Attachment 1: Draft Ordinance No. 3197

1 D. A member of the City Council shall serve on the Social Equity and Racial Justice
2 Commission as a nonvoting, ex-officio member.

3 E. Commission membership shall reflect a broad spectrum of community interests
4 and perspectives, specifically including individuals with backgrounds in race and
5 social equity work and a representative cross section of historically marginalized or
6 underrepresented groups, such as Black, Indigenous, People of Color, transgender,
7 gay, and disabled persons.

8 F. Commission members shall serve as individuals exercising their own best
9 judgments and not as delegates or spokespersons for their respective organizations
10 or groups.

11 G. The staff liaison to the Commission shall be appointed by the City Manager and
12 shall be responsible for meeting arrangements and minutes and supporting the
13 Commission as set forth in Section 2.10.055 of the AMC chapter on Uniform Policies
14 and Operating Procedures for Advisory Commissions and Boards.

15 2.20.20 Meetings and Rules

16 A. Notwithstanding any other provision of this code, a quorum of the Social Equity
17 and Racial Justice Commission shall consist of more than one-half of the total
18 number of its current Council-confirmed voting members, but in no case fewer than
19 five (5).

20 B. Except as otherwise expressly stated in this Chapter, the Social Equity and
21 Racial Justice Commission shall establish and observe policies and meeting and
22 conduct rules consistent with those set forth in the AMC chapter on Uniform
23 Policies and Operating Procedures for Advisory Commissions and Boards.

24 2.20.030 Duties - Generally

25 The duties and responsibilities of the Social Equity and Racial Justice Commission shall be
26 as follows:

27 A. To serve as an advisory body to the City Manager and City Council, with the
28 same authority as other City commissions to define problems in City policies or
29 governance, specify remedies, and partner with community organizations to
30 implement those remedies upon City Manager or City Council approval.

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B. To encourage understanding and celebration of the diversity of the City’s population and visitors.

C. To promote amicable inter-group relations within the City.

D. To provide or facilitate human rights education and training opportunities for policymakers and the general public.

E. To foster increased economic opportunities Black, Indigenous, People of Color, transgender, gay, and disabled persons, as well as other marginalized persons in the Ashland community.

F. To consult with other City advisory bodies and non-City entities on matters of mutual interest in the course of developing Commission recommendations.

G. To engage at least every two years a broad spectrum of community members in gathering information on emerging issues and needs as they relate to human rights and intergroup relations.

H. Upon mutual petition from all the parties to a controversy concerning allegations of prejudice, discrimination, or racism, to arrange for impartial, non-binding collaborative conciliation services that do not conflict with the functions of any other government body.

I. To refer individuals requesting assistance to qualified sources of impartial advice and counsel for dealing with specific problems of prejudice, discrimination, or racism in Ashland

J. To deliver to the Council annual reports on its activities and accomplishments in the preceding year and to provide to the Council for its approval the Commission’s priorities for the succeeding year and the Commission’s draft workplan for developing recommendations on:

1. Identifying and censuring historic and contemporary systemic and systematic practices of racism, homophobia, sexism, classism, and other racial and social inequities impacting Black, Indigenous, People of Color, transgender, gay, and disabled persons, as well as other marginalized persons in the Ashland community.

2. Proposed policies, measures and practices to bring about social and racial equity and a greater inclusion for all who live, work, or visit in the City.

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2.20.040 Powers

In the performance of its duties, the Social Equity and Racial Justice Commission shall:

A. Provide only services that do not conflict with the functions of any other City department or government agency.

B. Have no executive or administrative powers or civil rights investigatory or enforcement authority except as specifically provided in this Chapter.

C. Have the authority to request voluntary testimony but may not compel an individual or organization to appear before or respond to questions from the Commission.

D. Serve solely as an advisory body whose recommendations shall not be final decisions and are therefore not subject to administrative or judicial appeal.

SECTION 2. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such limitations, may:

- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section, or chapter numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical, or typographical errors.

SECTION 3. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this _____ day of _____, 2021.

ATTEST:

Melissa Huhtala, City Recorder

1 SIGNED and APPROVED this _____ day of _____, 2021.

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Julie Akins, Mayor

Reviewed as to form:

David H. Lohman, City Attorney