

Council Business Meeting

May 4, 2021

Agenda Item	Second Reading of Ordinance No. 3197; an Ordinance Creating the Social Equity and Racial Justice Commission	
From	Dave Lohman	City Attorney
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SUMMARY

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

POLICIES, PLANS & GOALS SUPPORTED

Resolution 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 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”.

On February 16, 2021, Council addressed 15 questions about the intended scope and authority of the proposed new Commission on Social Equity and Racial Justice, and 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.

At the April 20, 2021 meeting, Council approved First Reading of proposed Ordinance No. 3197.

BACKGROUND AND ADDITIONAL INFORMATION

At First reading of proposed Ordinance No. 3197, Council agreed on five changes to the version initially presented by staff. The five changes are highlighted in the excerpts below. Those changes are not highlighted in the attached proposed Second reading version of the ordinance but are fully incorporated therein.

Change #1 (page 2, lines 6 - 8 of Attachment):

2.20.010E. Commission membership shall reflect a broad spectrum of community interests and perspectives, specifically including individuals with backgrounds in race and social equity work and a representative cross section of historically marginalized or underrepresented groups, such as Black, Indigenous, People of Color, transgender, gay, GLBTQ+ and disabled persons.

Change #2 (page 3, lines 8 - 9 of Attachment):

2.20.030E. To foster increased economic opportunities for Black, Indigenous, People of Color, transgender, gay GLBTQ+, and disabled persons, as well as other marginalized persons in the Ashland community.

Change #3 (page 3, lines 13 – 17 of Attachment):

~~**2.20.030H. 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.**~~

~~2.20.030I. 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.~~

2.20.030H. An individual may approach the Commission regarding a specific instance of prejudice, discrimination, or racism. If there is a mutual agreement from all parties involved in the incident, then the Commission shall arrange for impartial, nonbinding, collaborative conciliatory services that do not conflict with the functions of any other government body. If any party involved in the incident does not want to engage in conciliatory services, then the aggrieved individual will be referred to qualified sources of impartial advice and counsel.

Change #4 and #5 (page 4. Lines 1 – 3 of Attachment):

2.20.030I.1. Identifying and ~~censuring~~ **rectifying 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~~ **GLBTQ+**, and disabled persons, as well as other marginalized persons in the Ashland community.**

At the April 20 meeting, a Councilor also suggested changing the minimum number of Commission members in section 2.20.010B from nine to a minimum number of seven. As that change was not offered as an amendment, and there was no clear agreement to make that change, the attached Second reading version of Ordinance No. 3197 does not incorporate it. On Second reading, Council may wish to discuss the size of the Commission further.

FISCAL IMPACTS

No funds are budgeted for this commission.

STAFF RECOMMENDATION

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

ACTIONS, OPTIONS & POTENTIAL MOTIONS

1. I move approval of Second Reading of draft Ordinance No. 3197 as presented.
OR
2. I move approval of Second 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 (with revisions agreed to on First Reading incorporated)

February 16, 2021 [Staff Report](#) and [Meeting Video](#)

April 20, 2021 [Staff Report](#) and [Meeting Video](#)

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 and
4 perspectives, specifically including individuals with backgrounds in race and social
5 equity work and a representative cross section of historically marginalized or
6 underrepresented groups, such as Black, Indigenous, People of Color, GLBTQ+, and
7 disabled persons.

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

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

14 2.20.20 Meetings and Rules

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

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

22 2.20.030 Duties - Generally

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

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

29 B. To encourage understanding and celebration of the diversity of the City's
30 population and visitors.

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

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

3 E. To foster increased economic opportunities for Black, Indigenous, People of Color,
4 GLBTQ+, and disabled persons, as well as other marginalized persons in the Ashland
5 community.

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

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

11 H. An individual may approach the Commission regarding a specific instance of
12 prejudice, discrimination, or racism. If there is a mutual agreement from all parties
13 involved in the incident, then the Commission shall arrange for impartial, nonbinding,
14 collaborative conciliatory services that do not conflict with the functions of any other
15 government body. If any party involved in the incident does not want to engage in
16 conciliatory services, then the aggrieved individual will be referred to qualified sources
17 of impartial advice and counsel.

18 I. To deliver to the Council annual reports on its activities and accomplishments in the
19 preceding year and to provide to the Council for its approval the Commission's
20 priorities for the succeeding year and the Commission's draft workplan for developing
21 recommendations on:

22 1. Identifying and rectifying historic and contemporary systemic and systematic
23 practices of racism, homophobia, sexism, classism, and other racial and social
24 inequities impacting Black, Indigenous, People of Color, GLBTQ+, and disabled
25 persons, as well as other marginalized persons in the Ashland community.

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

28 2.20.040 Powers

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

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

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

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

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

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

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

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

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

22 ATTEST:

23 _____
24 Melissa Huhtala, City Recorder

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

26 _____
27 _____
28 Julie Akins, Mayor

29 Reviewed as to form:

30 _____
David H. Lohman, City Attorney