

ORDINANCE NUMBER O- 21248 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 19 2020

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW DIVISION 55, SECTION 22.5501, ESTABLISHING THE OFFICE OF RACE AND EQUITY AS A CITY DEPARTMENT IN THE ADMINISTRATIVE CODE.

WHEREAS, the City Council (Council) may create new City departments under San Diego City Charter (Charter) section 26 by ordinance; and

WHEREAS, this ordinance establishes the Office of Race and Equity as a new City department to provide education and technical support to City staff, local law enforcement, and elected officials, and to implement community programs, all to recognize and eliminate systemic racism and other barriers to fair and just distribution of resources, access, and opportunity in the City; and

WHEREAS, because of the City's role in serving the public, it is uniquely positioned to address racial inequity by recognizing and acknowledging the existence of racism in our systems and by working to eradicate it both individually and systemically; and

WHEREAS, achieving equity requires the intentional examination of policies and practices that, even if there is an appearance of fairness, may marginalize communities of color; and

WHEREAS, efforts to address racism and advance racial equity can repair and strengthen the relationship between law enforcement and communities of color and, as a result, strengthen police departments' ability to serve and protect all communities in the same or similar manner; and

WHEREAS, racial inequity in the City exists not only in the criminal justice system, but also in environment, health, jobs, housing, and other areas; and

WHEREAS, data indicates that there are severe racial disparities across most indicators, underscoring the need for the City to implement systemic measures that prioritize racial equity; and

WHEREAS, the City will work with partners in government, private businesses, non-governmental organizations, universities and colleges, and community members to achieve the goals set forth for the Office of Race and Equity; and

WHEREAS, the Office of Race and Equity will work to end racial disparities within City government using racial equity tools, and to create fairness in City hiring and promotions, greater opportunities and inclusion within contracting, and equitable services to all residents, with the understanding that economic development, job creation, and stable employment are essential to achieving equity; and

WHEREAS, the Office of Race and Equity will prioritize the health and economic success of communities of color and low- to moderate-income communities to assist in a communitywide effort to eliminate inequity in criminal and environmental justice; and

WHEREAS, the Council recognizes that advancement of equity may require resources to be shifted and reallocated; and

WHEREAS, the Council wishes to establish a Community Equity Fund to be used to create systematic change in eliminating racism and inequity in San Diego communities, which will be administered by the Office of Race and Equity once established in the San Diego Municipal Code; and

WHEREAS, Charter section 26 requires an Administrative Code, which has been codified in Chapter 2, Article 2 of the San Diego Municipal Code, that provides for the detailed powers and duties of all City administrative offices and departments; and

WHEREAS, under Charter section 26, the Council must approve, by a two-thirds vote, an ordinance to establish new departments or combine existing departments in the Administrative Code; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. Chapter 2, Article 2 of the San Diego Municipal Code is amended by adding Division 55, section 22.5501, to read as follows:

Division 55: Office of Race and Equity

§22.5501 Office of Race and Equity

- (a) The Office of Race and Equity is a City department. The department is responsible for providing education and technical support to City staff, local law enforcement, and elected officials, and implementing community programs, in order to recognize and eliminate systemic racism and barriers to fair and just distribution of resources, access, opportunity, and inclusion.
- (b) The Director is the administrative head of the department and is appointed by, and may be removed by, the City Manager. The Director is the appointing authority of all personnel in the department.
- (c) The Office of Race and Equity will operate under the direction of the City Manager to achieve the City's goals of:

- (1) ending racial disparities within City government, creating fairness in hiring and promotions, promoting greater opportunities and inclusion in City contracting, and providing City services equitably to all City residents;
 - (2) prioritizing racial and social justice practices in the City's outreach programs and civic engagement and improving access to City government; and
 - (3) prioritizing health and economic success for communities of color and low- to moderate-income communities.
- (d) The department is responsible for performing those duties and functions assigned and directed by the City Manager to meet those goals, including:
- (1) Develop and work with City departments to implement an action plan to achieve racial equity in City operations and public programs;
 - (2) Develop a racial equity tool to be used to operationalize equity. This tool will use data and community engagement to evaluate proposals, policies, practices, programs, and budget decisions for racial equity issues and impact. The racial equity tool shall:
 - (i) proactively seek to eliminate racial inequities and advance equity;
 - (ii) identify clear objectives and measurable outcomes;
 - (iii) engage the community in the decision-making process;

- (iv) identify who will benefit or be burdened by decisions made by City leaders, examine potential unintended consequences of decisions, and develop strategies to advance racial equity and mitigate unintended negative consequences; and
 - (v) develop mechanisms for successful implementation and evaluation of impacts;
- (3) Work with City departments on issues of systematic racism, including the use of the racial equity tool to evaluate department policies and procedures and provide training on racial equity issues;
 - (4) Identify City policies and procedures that perpetuate racial inequity and make recommendations for revising policies and procedures that do not meet racial equity goals;
 - (5) Identify measurable racial equity goals and outcomes;
 - (6) Gather and analyze data pertaining to racial inequities;
 - (7) In conjunction with the Equal Opportunity Contracting Program and the Citizens Equal Opportunity Commission, work to increase opportunities for women-owned businesses, minority-owned businesses, disadvantaged-owned businesses, and disadvantaged veteran owned businesses in City contracting;
 - (8) Identify and communicate to City leaders potential unintended consequences of proposed policy initiatives;

- (9) Participate in communitywide efforts to eliminate racial inequity in criminal and environmental justice;
- (10) Develop sustainable relationships with the community by creating partnerships with economic, racial, and social justice organizations;
and
- (11) Coordinate with City boards and commissions working on equity, racial justice, and law enforcement issues, including the San Diego Human Relations Commission, the Community Review Board on Police Practices, and the Citizens Advisory Board on Police/Community Relations, to solicit community input and recommendations for meeting the City's goals of achieving race equity and eliminating systematic racism.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Jennifer L. Berry
Jennifer L. Berry
Deputy City Attorney

JLB:jvg
06/15/20
Or.Dept: Mayor
Doc. No.: 2477078_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 10/13/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk

Approved: 10/16/20
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(The date of the final passage is October 19, 2020, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

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Practices, and the Citizens Advisory Board on Police/Community Relations, to solicit community input and recommendations for meeting the City's goals of achieving race equity and eliminating systematic racism.

JLB: jvg
06/15/20
Or.Dept: Mayor
Doc. No.: 2477151_2

Passed by the Council of The City of San Diego on OCT 13 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

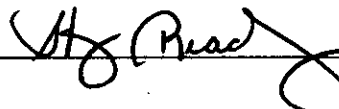
Date of final passage OCT 19 2020.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.


By , Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on SEP 29 2020, and on OCT 19 2020.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21248