

File No. 190547

Committee Item No. 4

Board Item No. 4

### COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: July 18, 2019

Board of Supervisors Meeting:

Date: July 30, 2019

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- Referral FYI - May 24, 2019
- Presidential Action Transfer Memo - May 24, 2019

Prepared by: John Carroll

Date: July 11, 2019

Prepared by: John Carroll

Date: July 19, 2019

1 [Administrative Code - Office of Racial Equity]

2  
3 Ordinance amending the Administrative Code to create an Office of Racial Equity as a  
4 Division of the Human Rights Commission Department, with authority to create a  
5 citywide Racial Equity Framework, assist City departments with the development of  
6 Racial Equity Action Plans, analyze and report on the impact of ordinances on racial  
7 equity, and carry out various other policy and reporting functions regarding racial  
8 equity; require City departments to create Racial Equity Action Plans and to provide  
9 annual updates on such Plans; require City departments to designate employees as  
10 racial equity leaders, and require the Department of Human Resources to produce an  
11 annual report concerning racial equity in the City workforce.

12 NOTE: Unchanged Code text and uncodified text are in plain Arial font.  
13 Additions to Codes are in *single-underline italics Times New Roman font*.  
14 Deletions to Codes are in *strikethrough italics Times New Roman font*.  
15 Board amendment additions are in double-underlined Arial font.  
16 Board amendment deletions are in ~~Arial font~~.  
17 Asterisks (\* \* \* \*) indicate the omission of unchanged Code  
18 subsections or parts of tables.

19 Be it ordained by the People of the City and County of San Francisco:

20 Section 1. Findings.

21 **(a) History of Structural Racism.**

22 San Francisco has a long history of creating and/or enforcing laws, policies, and  
23 institutions that perpetuated racial inequity in our city, much of which is difficult to document  
24 due to historical erasure. The conditions that have created such racial inequity are also  
25 compounded by the intersection of race with class, gender, sexuality, immigration status, and  
other identities and experiences that have resulted in inequitable treatment or opportunities.

1 With the acknowledgement that these findings are by no means an exhaustive list of  
2 systemic racism in San Francisco, this history includesing but is not limited to the following:

3 (1) The state of California has had a violent history with regard to  
4 American Indians, which has included genocide, exploitation, and dispossession of land,  
5 carried out by means of the State's laws and policies. In 1854, the federal government  
6 established an Indian policy for California, and in subsequent actions the federal, state, and  
7 city authorities essentially decimated the local indigenous population, including the Ohlone  
8 populations who inhabited San Francisco and the South Bay Area, spending in excess of \$1.4  
9 million in the process.

10 (2) As American chattel slavery was actively occurring and being contested in  
11 the Southern United States, the Compromise of 1850 was passed by Congress, admitting  
12 California to the Union as a free state but also enacting the Fugitive Slave Act which required  
13 that all escaped slaves, upon capture, be returned to their masters. Compliance with the  
14 Fugitive Slave Act was required of all states in the Union, including California. In 1852,  
15 California legislators passed a fugitive slave law of its own, reinforcing the existence of  
16 Antebellum slavery in the state into the 1960s.

17 (32) In 1870, San Francisco passed its first zoning law, Order 939 Regulating  
18 Lodging Houses, also known as the Cubic Air Ordinance. This legislation was created at the  
19 urging of anti-Chinese labor groups that had formed in response to heightened Gold Rush  
20 immigration. The new law required 500 cubic feet of space per occupant of any lodging room  
21 in the city, but it was only enforced in areas housing mostly Chinese residents, resulting in  
22 hundreds of arrests.

23 (43) In 1880, San Francisco enacted an ordinance prohibiting the operation of a  
24 laundry in a wooden building without a permit. At the time, about 95% of laundries in the City  
25 were operated in wooden buildings, and approximately two-thirds of those laundries were

1 owned by Chinese people. The Board of Supervisors denied permits to all Chinese applicants  
2 while virtually all non-Chinese applicants were granted permits. In 1886, the United States  
3 Supreme Court, reviewing this ordinance, ruled that a law that is race-neutral on its face but is  
4 administered in a prejudicial manner violates the 14th Amendment to the United States  
5 Constitution.

6 (54) In 1937, San Francisco was one of 239 cities that was "redlined," by the  
7 Federal Home Loan Bank Board and the Home Owners' Loan Corporation. This process  
8 involved the creation of "residential security maps" which divided cities into areas that were  
9 appropriate for investment and areas that were more risky. In San Francisco, neighborhoods  
10 with large populations of people of color including the Western Addition, the Haight,  
11 Chinatown, and parts of the Mission were deemed risky. Some San Francisco neighborhoods  
12 were deemed risky by the Home Owners' Loan Corporation because of "undesirable racial  
13 elements," explicitly referring to Black residents, Jews, immigrants, and other people of color.  
14 While residents in majority-white neighborhoods saw their property values and wealth rise,  
15 people of color in redlined neighborhoods were denied loans, city investment, and  
16 infrastructure upgrades. This, in addition to the practice of racial covenants, resulted in  
17 systemic concentrations of poverty and blight in racially segregated communities.

18 (65) In 1942, shortly after the bombing of Pearl Harbor and the U.S.'s official  
19 involvement in World War II, and in response to President Franklin Roosevelt's Executive  
20 Order to exclude Japanese from the West Coast, the San Francisco Police Department joined  
21 the FBI in sweeps and the internment of thousands of persons of Japanese ancestry in  
22 "relocation camps." More than 110,000 Japanese people on the West Coast were sent to  
23 internment camps; evicted and then incarcerated via internment camps; most Japanese  
24 Americans from San Francisco were sent to Tanforan Racetrack near San Francisco  
25 International Airport. As World War II continued, African Americans were recruited from the

1 South to the Bay Area for jobs in the shipyards and other war industries; many moved into  
2 the homes, businesses, and properties in the Fillmore that were left behind vacant by  
3 interned Japanese Americans. were declared a "slum area" by San Francisco government  
4 officials and the city made plans to tear it down.

5 (76) In 1947, the San Francisco Planning Commission submitted a plan to raze  
6 and rebuild a large zone in the Fillmore encompassing 36 blocks. The following year, the San  
7 Francisco Redevelopment Agency was founded, which subsequently used the redlined map  
8 redlining and the Planning Commission's proposed plan to institute "urban renewal" in the  
9 Fillmore and Western Addition, a historically which had become a vibrant Black neighborhood  
10 but that was deemed "blighted" by San Francisco authorities. Over the next twenty years in  
11 the names of "slum clearance," many homes were razed, businesses destroyed, and more  
12 than 10,000 Blacks residents were displaced as a result of the policy. Urban renewal was also  
13 instituted in other San Francisco neighborhoods, including South of Market, where 4,000 low-  
14 income and working class residents of color and more than 700 small businesses were  
15 displaced.

16 (8) In the 1950s and beyond, particularly in the context of a national Civil Rights  
17 Movement, systemic racism in San Francisco became much less explicit. Moving away from  
18 overtly race-based exclusionary policies regarding land or business ownership, the City's  
19 more recent and increasingly sophisticated racism has been defined by inaction or lack of  
20 intervention with regards to racial discrimination in employment, housing, education, health  
21 care, or the criminal justice system.

22 (7) According to the San Francisco District Attorney's Office, in 2000, African-  
23 Americans were 7.8% of San Francisco's population but comprised 41% of marijuana arrests.  
24 By 2010 and 2011, African Americans made up about 50% of the marijuana-related arrests,  
25 yet represented only 6% of the City's population.

1  
2           **(b) Current Racial Disparities.**

3           Although the City has taken steps to undo the damage caused by past policies and  
4 practices, the racial disparities caused continue to the present day. Despite progress in  
5 addressing explicit discrimination, racial inequities continue to be deep, pervasive, and  
6 persistent in San Francisco. Across every social indicator, when data is disaggregated by  
7 race, the legacy of more than two hundred years of racially discriminatory government policies  
8 is evident, as measured by the following:

9           (1) Unemployment: According to a study by the Brookings Institution, in 2015,  
10 San Francisco had the ninth-highest general employment rate in the country (79%), but it was  
11 one of the cities with the highest employment disparity between Black people (53%) and white  
12 people (84%) in the country.

13           (2) ~~Life Expectancy:~~ Health: According to a study on life expectancy by the San  
14 Francisco Health Improvement Partnership ("SFHIP"), the life expectancy at birth in San  
15 Francisco from 2015-17 was 72.1 for Blacks, 76 for Pacific Islanders, 81.7 for white people,  
16 85.1 for Latinxs, and 87 for Asians. The 2019 San Francisco Community Health Needs  
17 Assessment found that racial health inequities and poverty were foundational issues that  
18 affect the health of San Franciscans, including nutrition, stress, heart disease, and more.

19           (3) ~~Maternal Mortality:~~ In San Francisco, Black women are twice as likely as  
20 white women to give birth prematurely, and Black and Pacific Islander women have the  
21 highest rates of prenatal morbidity. SFHIP also found that between 2007 and 2016, Black  
22 mothers had about 4% of births in San Francisco, but experienced 50% of maternal deaths,  
23 and 15% of infant deaths. While the overall rate of infant mortality in California has been  
24 declining since 2005, the American Indian/Alaska Native infant mortality rate in California  
25 remains high, averaging 6-7 infant deaths per 1,000 live births between 2005 and 2012.

1 Mothers of American Indian/Alaska Native infants are more likely to experience preterm birth  
2 and low birth weight babies compared to all California mothers. Food insecurity in San  
3 Francisco also strongly trends along racial lines, for instance, 20–30% of Black/African  
4 American and Latinx pregnant women are food insecure.

5 (34) Household Income: In San Francisco, median income for white households  
6 was \$106,919 in 2016, \$105,295 for Asian households, \$70,290 for Latinx households, and  
7 \$46,571 for Black households. Black residents experience poverty at 3 times the overall  
8 poverty rate in San Francisco, with 46% of Black children living in poverty (in comparison to  
9 27% of Pacific Islander children, 15% of Latinx children, 10% of Asian children, and 3% of  
10 white children). Nearly 40% of San Francisco households that bring in less than 30% of Area  
11 Median Income (AMI) are Asian American or Pacific Islander. The majority of Latinx  
12 households in SF make less than 100% AMI, with the largest proportion of Latinx households  
13 falling in the 30-50% AMI designation.

14 (45) Housing and Displacement: The impact of the redlining that went into effect  
15 in 1937 in San Francisco can still be seen today; 87% of redlined neighborhoods in San  
16 Francisco are low-income neighborhoods currently undergoing gentrification. The 2010  
17 Census data showed a decline in the number of children of every racial group in San  
18 Francisco except white and multiracial children, including Black, Latinx, and Asian and Pacific  
19 Islander. Between 1990 and 2014-15 there was a significant decrease in the percentage of  
20 low-income workers living in San Francisco, while a 30% increase in median rent paid was  
21 associated with a 21% decrease in low-income households of color – a correlation not seen  
22 for low-income white households: Further, as housing prices rose, the share of low-income  
23 Black households in San Francisco living in high-poverty, segregated neighborhoods rose  
24 from 41% in 2000 to 65% in 2015, in comparison to low-income Asian (27%), Latinx (19%),  
25 and White (12%) households. Black and Latinx residents have the lowest home ownership

1 rates at 31% and 32% respectively. Latinxs reported the highest percentage, 24%, of having  
2 been threatened with eviction, with 11% of those evictions having been raised with no cause,  
3 exceeding the percentage of no-cause evictions for other racial groups. 34% of Latinxs also  
4 reported having faced unstable living conditions in the last five years with 36% stating they  
5 would have no other options if they were forced to move from their current residence.

6 (56) Criminal Justice: In 2015, the Burns Institute found that Black adults in San  
7 Francisco are 11 times as likely as white adults to be booked into County Jail; Latinx adults  
8 are 1.5 times as likely to be booked as white adults. Blacks accounted for 41% of those  
9 arrested between 2008 and 2014, 43% of those booked into jail, 38% of cases filed by the  
10 San Francisco District Attorney's Office, and 39% of new convictions despite only accounting  
11 for 6% of the population of the county. Of incarcerated people in San Francisco County Jail,  
12 53% are Black. Among youth in the juvenile justice system, 54% are Black. The effects of the  
13 40+ year War on Drugs continue to reverberate disproportionately in communities of color;  
14 according to the San Francisco District Attorney's Office, in 2000, African-Americans were  
15 7.8% of San Francisco's population but comprised 41% of marijuana arrests. By 2010 and  
16 2011, African-Americans made up about 50% of the marijuana-related arrests, yet  
17 represented only 6% of the City's population. Of incarcerated people in San Francisco County  
18 Jail, 53% are Black. Among youth in the juvenile justice system, 54% are Black. According to  
19 the Urban Indian Health Institute, San Francisco has been identified as one of the cities with  
20 the highest number of missing and murdered indigenous women cases with status unknown.  
21 Racial misclassification compounds inequitable outcomes for these cases, especially involving  
22 victims from tribes that are not federally recognized; for instance the Ohlone people, the  
23 indigenous people of what is now San Francisco, are not a federally-recognized tribe.

24 (67) Police Violence: Black and Latinx people have been disproportionately  
25 impacted by fatal police shootings. Since 2014, San Francisco police officers killed five people



1 – Alex Nieto, Amilcar Perez-Lopez, Mario Woods, Luis Góngora Pat, and Jessica Williams, all  
2 of whom were either Black or Latino. In 2016, then-Mayor Ed Lee and then-Chief of Police  
3 Gregory Suhr requested that the U.S. Department of Justice conduct an assessment of  
4 whether racial bias existed within the San Francisco Police Department.

5 (78) Homelessness: According to the 2017 San Francisco Point in Time Count,  
6 22% of homeless residents in San Francisco identified as Hispanic or Latinx (compared to  
7 being 15% of the general population), and 34% identified as Black or African-American  
8 (compared to being 6% of the general population).

9 (89) Education: 74.9% of Latinx students and 71.1% of Black students  
10 graduated in the San Francisco Unified School District class of 2016 compared to 94.7% of  
11 Asian students and 83.8% of white students. Racial and ethnic biases in discipline can also  
12 have a significant impact on educational achievement and discipline. African American and  
13 Latinx students are significantly more likely to be suspended or expelled for less serious  
14 infractions than are their white classmates. For instance, in San Francisco, African American  
15 students made up 37% of suspensions, compared to 7.3% of enrollment.

16 (940) City and County Workforce: Blacks comprised 23.4% of the City  
17 workforce in 1976 but only 15.2% in 2018, mimicking a dramatic decline in the Black San  
18 Francisco population and pointing to a push-out of the Black population as a whole. Black  
19 workers are concentrated in the lowest-paid job classes, and are in a minority in the highest-  
20 paid job classes. In 2018, while only approximately 15% of the workforce, Black workers  
21 made up 36% of dismissals; 24% of probationary releases, and 38% of medical separations.

22 **(c) The Need for an Office of Racial Equity in San Francisco.**

23 (1) According to a 2019 report from the Board of Supervisors' Budget and  
24 Legislative Analyst, municipalities across the United States have established Offices of Equity  
25 in order to address the longstanding social, economic, and racial disparities within their

1 jurisdictions. The report identified 32 cities in the United States with such offices, though not  
2 all of these offices focus solely on racial equity.

3 (2) The City lacks comprehensive data about racial disparities, with consistent  
4 updates, within the City's workforce, and lacks data about racial inequities in terms of access  
5 to services provided by or funded by the City. San Francisco must deepen its commitment to  
6 racial equity and join cities across the country in this work, by developing concrete tools like  
7 policy and budget analysis, public transparency, and accountability, to ensure that racial  
8 equity is achieved.

9 (3) There have been many reports and initiatives addressing racial disparities  
10 within the City over many years, including but not limited to the following: "One City or Two?  
11 Report of the San Francisco Fair Housing Planning Committee for the Racial, Ethnic and  
12 Economic Integration of Residential Neighborhoods in San Francisco," published in 1973;  
13 "The Unfinished Agenda: The Economic Status of African Americans in San Francisco, 1964-  
14 1990," published in 1993 by the Human Rights Commission of San Francisco's Committee on  
15 African American Parity; "Environmental Racism: A Status Report and Recommendations,"  
16 published by the Human Rights Commission in 2003; "Discrimination by Omission: Issues of  
17 Concern for Native Americans in San Francisco," published by the San Francisco Human  
18 Rights Commission in 2007; "Report of the San Francisco Mayor's Task Force on African-  
19 American Out-Migration," published in 2009; "Socioeconomic Equity in the City of San  
20 Francisco," published by the Budget and Legislative Analyst in 2013; several reports on racial  
21 bias within the San Francisco Police Department including a 2002 American Civil Liberties  
22 Union report, a 2007 City-commissioned Blue Ribbon Panel report on racial bias in policing, a  
23 2013 Burns Institute report on racial disparities in the justice system, a 2016 report by the  
24 federal Department of Justice documenting race-based policing, and a 2017 University of  
25 Pennsylvania report on racial disparities in criminal case outcomes; two Board of Supervisor

1 hearings held in 2018 on “African-American Workforce Hiring, Retention, Promotional  
2 Opportunities, Workplace Discrimination and Complaints;” and most recently a Mayoral  
3 executive directive to address recruitment and training with regards to racial discrimination.  
4 Beginning in 2016, the City launched an “Engineering for Equity” program in partnership with  
5 the Government Alliance for Race and Equity, training City employees as part of the Citywide  
6 Racial Equity Team and supporting City departments to develop strategies for racial equity in  
7 their programs and policy. The San Francisco Human Rights Commission now holds this  
8 important work, supporting City staff and departments in using the racial equity tools  
9 developed by the Government Alliance for Race and Equity. This ordinance is designed to  
10 build upon the foundation of these prior reports and initiatives and further advance racial  
11 equity to make tangible and lasting change.

12  
13 Section 2. Chapter 12A of the Administrative Code is hereby amended by adding  
14 Section 12A.19, to read as follows:

15 **SEC. 12A.19. OFFICE OF RACIAL EQUITY.**

16 *(a) Definitions. For purposes of this Section 12A.19, the following definitions shall apply:*

17 “People of Color” means an inclusive and unifying term for persons who do not  
18 identify as White, who have been historically and systemically disadvantaged by  
19 institutionalized and interpersonal racism.

20 “Race” means a social and political construct that artificially divides people into  
21 distinct groups based on characteristics such as physical appearance (particularly color), ancestral  
22 heritage, cultural affiliation, cultural history, ethnic classification, and the social, economic, and  
23 political needs of a society at a given period of time. Racial categories subsume ethnic groups.

24 “Racial Disparity” means a condition where one racial group systemically and  
25 disproportionately experiences worse outcomes in comparison to another racial group or groups.

1 Racial Disparities may occur in a range of areas, including but not limited to education, employment,  
2 wealth, policing, criminal justice, health, transportation, housing, and homelessness.

3 “Racial Equity” means the systematic fair treatment of people of all Races that results  
4 in equal opportunities, participation, and/or outcomes, while recognizing the historical context  
5 and systemic harm done to specific racial groups, for everyone, so that Race can no longer be  
6 used to predict life outcomes.

7 “Racial Equity Action Plan” means a process and strategic plan for a City department,  
8 guided by the citywide Racial Equity Framework, to enact institutional and structural change to  
9 achieve Racial Equity. A Racial Equity Action Plan shall include Racial Equity indicators to measure  
10 current conditions and impact, outcomes resulting from changes made within programs or policy, and  
11 performance measures to evaluate efficacy, that demonstrate how a City department will address  
12 Racial Disparities within the department as well as in external programs.

13 “Racial Equity Framework” means a document outlining the City’s vision, goals, and  
14 overarching strategies to address structural Racism and Racial Disparities, and advance Racial  
15 Equity in the City, with a focus on the work of City government. It should provide guidelines for  
16 addressing implicit and explicit bias, addressing individual, institutional, and structural Racism, and  
17 advocating for more inclusive policies and practices that reduce Racial Disparities and promote Racial  
18 Equity. The Racial Equity Framework shall set forth a vision for Racial Equity in the City and include  
19 goals and strategies to advance Racial Equity and address structural Racism and Racial Disparities.  
20 The Framework shall also include metrics by which departments, through the ensuing Racial  
21 Equity Action Plans, can measure performance to address racial disparities within the  
22 department’s workforce, service provision, grants, and contracts.

23 “Racial Equity Report Card” means an assessment measured in public data to provide a  
24 snapshot or similar indicator of Racial Disparities that exist across the City in specific areas such as  
25

1 but not limited to education, employment, wealth, policing, criminal justice, health, transportation,  
2 environment, housing, and homelessness.

3 “Racial Reconciliation” means a multi-method approach using facilitated dialogue and  
4 restorative justice processes, and possibly other tools, to build trust and bridge divides while publicly  
5 acknowledging past wrongs created by individual and systemic Racism, and addressing the present  
6 consequences.

7 “Racism” means racial prejudice and/or discrimination, which may be supported  
8 intentionally or unintentionally by institutional power and authority, used to the advantage of one or  
9 more Races and the disadvantage of one or more other Races.

10 (b) Creation of the Office of Racial Equity. There is hereby created the Office of Racial  
11 Equity (“Office”), which shall be a division of the Human Rights Commission Department under the  
12 authority and direction of the Executive Director of the Human Rights Commission.

13 (c) Mission and Purpose. The purpose of the Office is to advance Racial Equity in the City  
14 and repair harm done by government policy decisions that have created, upheld, or exacerbated Racial  
15 Disparities in the City. The Office will achieve this goal through policy analysis and development, data  
16 collection and analysis, and support and accountability for City departments. The Office will address  
17 structural Racism that limits opportunities for and impacts the wellbeing of Ppeople of Ceolor in the  
18 City. The Office will provide leadership and coordination to facilitate training, accountability,  
19 planning and evaluation tools, policy direction, and solutions to achieve Racial Equity within City  
20 government and across the City. The Office will work with City departments to eliminate Racial  
21 Disparity in City policies, processes, decisions, and resource allocations, and will work with other  
22 governmental entities, private businesses, non-government organizations, academia, and community  
23 members to achieve measurable results reducing disparities within the City and throughout the  
24 community. The Office will work to resolve policy issues rooted in racial bias and discrimination,  
25 including examining through an intersectional lens, how Racial Disparities intersect engage with

1 disparities by gender, class, and sexuality, and more, through research, education, and policy  
2 interventions. The Office will work with community partners to promote Racial Equity and inclusion  
3 within the City and throughout the region, producing measurable improvements and disparity  
4 reductions.

5 (d) Powers and Duties of the Office. The Office shall have the powers, and shall perform the  
6 duties, set forth in this subsection (d).

7 (1) Racial Equity Framework. The Office shall develop a Racial Equity Framework  
8 for the City to be submitted to the Board of Supervisors no later than June 30, 2020, for consideration  
9 and possible adoption. The Racial Equity Framework shall be updated and resubmitted to the Board of  
10 Supervisors for possible approval at least every ~~three~~ five years thereafter.

11 (2) Departments' Racial Equity Action Plans. The Office shall oversee the  
12 development of each City department's Racial Equity Action Plan and shall review and provide  
13 necessary input to the department during development and implementation. The Office shall issue  
14 guidance to City departments concerning the development process and content to include in Racial  
15 Equity Action Plans and the content to include in the annual reports on progress under the Racial  
16 Equity Action Plans required by subsection (e).

17 (3) Racial Equity Report Card. The Office shall publish a biennial Racial Equity  
18 Report Card on the status of Racial Equity and indicators of success by Race in the City in ~~seven~~ six  
19 areas: (A) wealth, employment, and economic security, (B) transportation, (C) housing, land use, and  
20 homelessness, (D) education, (E) health, and (F) policing and criminal justice, and (G) environment.  
21 The Report Card is designed to measure indicators by Race for San Francisco as a whole in  
22 the above areas and is not limited to City government performance. The Office may partner with  
23 the Controller's Office, other City departments, or, consistent with the civil service provisions of the  
24 Charter, an academic or non-profit policy institution to create the Report Card. The Office shall  
25

1 submit the first Report Card to the Mayor and the Board of Supervisors no later than December 31,  
2 2021.

3 (4) Analysis of Pending Ordinances. After January 1, 2021, the Office shall analyze  
4 and report on ordinances introduced at the Board of Supervisors in the areas of housing/land use,  
5 employment, economic security, public health and public safety that may have an impact on Racial  
6 Equity or Racial Disparities. The Clerk of the Board of Supervisors shall refer all such ordinances to  
7 the Office within ~~eight~~ five days of introduction. The Office may request that the Clerk of the Board of  
8 Supervisors refer an ordinance to the Office. The Office shall prepare a report concerning the  
9 ordinance that includes an analysis of whether the proposed ordinance would promote Racial Equity  
10 by helping to close opportunity gaps for communities of color, or impede Racial Equity by furthering  
11 Racial Disparities. The Office may solicit assistance from other City departments, and, consistent with  
12 the civil service provisions of the Charter, other experts or professionals as may be appropriate. The  
13 Office shall submit its report to the Board of Supervisors within 30 days of receiving the ordinance  
14 from the Clerk of the Board of Supervisors, or prior to the consideration of the ordinance by a  
15 committee of the Board of Supervisors or the full Board of Supervisors, whichever occurs sooner.

16 (5) Racial Reconciliation. The Office shall develop a process of Racial Reconciliation  
17 to publicly address the specific needs of a racial group and its community and culture. The process  
18 shall engage City stakeholders and community members to address the root causes of racial inequities  
19 and divisions and ensure that the Racial Equity Framework, departments' Racial Equity Action Plans,  
20 and any other steps taken are centered on a model of healing-informed governing for Racial Equity, to  
21 repair historical harm done by structural Racism government-sanctioned actions.

22 (6) Development of Policy Priorities for Racial Equity. The Office shall work to  
23 identify existing policies and practices in the City that contribute to, uphold, or exacerbate Racial  
24 Disparities or lead to barriers to opportunities for communities of color, and shall develop legislative  
25 priorities to address these disparities, to be recommended to the Mayor and Board of Supervisors.

1                    (7) Departmental Strategies for Racial Equity. The Office shall support capacity  
2 building and provide technical assistance for City departments to invest in strategies for Racial Equity,  
3 including: employee training and support, convening of City department meetings concerning Racial  
4 Equity, development of Racial Equity programming, and assisting departments with changes to  
5 departmental policies and practices to improve Racial Equity outcomes.

6                    (8) Budget Equity Assessment Tool. The Office shall create a budget equity  
7 assessment tool for City departments to use in order to determine whether budget requests and annual  
8 allocations benefit or burden communities of color. The Office shall develop this Assessment tool  
9 to be submitted for possible approval by the Board of Supervisors, by December 31, 2021.

10                   (9) Public Accountability and Transparency. In addition to ensuring that City  
11 departments are abiding by the requirements of this Section 12A.19 and providing for public  
12 access to any plans or reports referenced, the Office shall hold itself to a high standard of  
13 public transparency. The Office shall abide by principles of integrity, inclusivity, transparency,  
14 all with the ultimate aim of creating bold change for Racial Equity in San Francisco. The Office  
15 shall provide monthly reports to the Human Rights Commission on the Office's work and  
16 activities. The Office shall prioritize regular engagement with community stakeholders and  
17 residents impacted by systemic racism, to collect input into the process and to guide the  
18 development of the Office's work and plans.

19                   (e) Racial Equity Action Plans and Annual Reports. Each City department shall develop a  
20 Racial Equity Action Plan in alignment with the Racial Equity Framework. By December 31, 2020,  
21 each City department shall submit its Racial Equity Action Plan to the Office, the Mayor, and the  
22 Board of Supervisors, and shall post it on the department's website. The Racial Equity Action Plan  
23 shall include internal metrics concerning the department's plans to achieve equity within the  
24 department and external metrics concerning the department's services to the public.  
25 Departments may consider ways of measuring equity outcomes in hiring and promotional



1 opportunities as well as contracts and provision of services. Prior to submission of these  
2 plans, departments shall present them publicly, through the department's commission or other  
3 oversight or advisory body. If a department does not have a commission, or other oversight  
4 or advisory body, the Office may convene a public meeting for presentation of the  
5 department's Plan. *The Racial Equity Action Plans shall be updated by December 31 every five three*  
6 *years thereafter. City departments shall integrate the Racial Equity Action Plan into departmental*  
7 *five-year strategic plans, as appropriate. Beginning in 2022, each department shall prepare an*  
8 *annual report on the department's progress towards goals set forth in the Racial Equity Action Plan.*  
9 *The annual report shall include relevant data on the status of Racial Equity in the department's*  
10 *workforce and its provision of services to the public, including both direct services as well as*  
11 *services provided through grants and contracts. Each department shall submit its annual report to*  
12 *the Office, the Mayor, and the Board of Supervisors by April March 1 for the preceding calendar year.*  
13 *The Board of Supervisors shall consider the annual reports in connection with the budget process. If a*  
14 *department is not compliant with regards to the Action Plan and annual reports, or if progress*  
15 *is not being made to address key Racial Equity disparities, the Board of Supervisors intends*  
16 *to exercise its discretion to withhold spending authority or freeze hiring during the budget*  
17 *process for the following fiscal year.*

18 *(f) Department Racial Equity Leaders. Each City department with an annual budget under*  
19 *\$10 million shall designate at least one staff person to serve as a "racial equity leader," to coordinate*  
20 *the department's Racial Equity strategy, Racial Equity Action Plan, and programs. Each City*  
21 *department with an annual budget over \$10 million shall designate at least one staff person per*  
22 *departmental division, and submit a staffing plan to the Office identify at least one staff person*  
23 *per 50 full time equivalent positions to ensure sufficient capacity, to be "racial equity leaders,"*  
24 *to coordinate the department's Racial Equity strategy, Racial Equity Action Plan, and relevant*  
25 *programs. Department leadership must consider existing duties for racial equity leaders so*

1 that this responsibility is not in addition to existing duties without adjustment of work  
2 responsibilities. Each City department with more than one racial equity leader shall develop internal  
3 systems to ensure communication about the department's Racial Equity strategy, Racial Equity Action  
4 Plan, and programs, and coordination with the Office of Racial Equity. Department heads and  
5 designated department senior management shall engage with and support the racial equity  
6 leaders in the development of the above measures, to ensure these measures and outcomes  
7 are a priority for the department. The Office shall provide ongoing training for racial equity  
8 leaders. Racial equity leaders shall not be retaliated against for advancing plans to address  
9 racial disparities within the department's operations or service provision.

10 (g) **Annual Workforce Report.** The Department of Human Resources, with support from the  
11 Office and the Office of the Controller, shall release an annual report concerning Racial Equity in the  
12 City government workforce. The report shall include an analysis of the status of City employees by  
13 race, including current employees, new hires, applicant pools (to the extent available),  
14 promotions, classifications, salaries, civil service and exempt positions, disciplinary actions,  
15 probationary releases, medical separations, and complaints regarding racial discrimination, and  
16 retaliation in the workplace along with their status and disposition. The data in the Workforce  
17 Report shall be disaggregated by race, sub-ethnicity, gender, and department, except to the  
18 extent disaggregation would violate any employee's right to privacy. In addition, data will be  
19 disaggregated by city of residence for current employees, applicants, promotions, new hires,  
20 classifications and salaries. The Department of Human Resources shall complete the first report by  
21 December 31, 2019 March 1, 2020, and shall submit it to the Office, the Mayor, and the Board of  
22 Supervisors. After the initial report, annual Workforce Reports shall be released publicly and in  
23 conjunction with the department annual reports released on March 1 of each year as outlined  
24 in subsection (e). Nothing in this subsection (g) requires the Department of Human Resources to  
25 release information that would violate any employee's right to privacy or any applicable law.

1 (h) Contracts Report. The Controller's Office and the City Administrator, with support  
2 from the Office, shall develop processes and systems to gather and report on racial and  
3 gender equity in City contracting. No later than June 30, 2020, the offices shall submit to the  
4 Mayor and Board of Supervisor an implementation plan to achieve this goal, including project  
5 timelines, costs, and the ability to disaggregate data by contract type, level of contracting, and  
6 race, sub-ethnicity and gender.

7 (i) Evaluation of Office. Five years after the creation of the Office, the Controller shall  
8 conduct an evaluation of the Office with the intent to determine whether the existing structures  
9 and staffing are sufficient and how the Office can most effectively to achieve its mission and  
10 objectives.

11 (j) Composition of Office. Subject to the budgetary and fiscal provisions of the Charter, the  
12 Office shall be staffed by a Director and no fewer than five ~~four~~ other full time employees, including  
13 a Director, Deputy Director, and three policy analysts.

14 (k) Powers and Duties of Human Rights Commission. With respect to the work of the Office,  
15 the Human Rights Commission shall hold all the powers and duties set forth in Section 12A.5 of this  
16 Administrative Code and Section 4.102 of the City Charter. This includes, but is not limited to, the  
17 power to hold public hearings on any subject relevant to the Office.

18 (l) Undertaking for the General Welfare. In enacting and implementing this Section 12A.19,  
19 the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it  
20 imposing on its officers and employees, an obligation for breach of which it is liable in money damages  
21 to any person who claims that such breach proximately caused injury.

22 (m) Severability. If any section, subsection, sentence, clause, phrase, or word of this Section  
23 12A.19, or any application thereof to any person or circumstance, is held to be invalid or  
24 unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the  
25 validity of the remaining portions or applications of the Section. The Board of Supervisors hereby

1 declares that it would have enacted this Section, including each and every subsection, sentence, clause,  
2 phrase, and word not declared invalid or unconstitutional, without regard to whether any other portion  
3 of this Section or application thereof would be subsequently declared invalid or unconstitutional.

4  
5 Section 3. Effective Date. This ordinance shall become effective 30 days after  
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
8 of Supervisors overrides the Mayor's veto of the ordinance.

9  
10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12 By:



13 BRADLEY A. RUSSI  
14 Deputy City Attorney

15 n:\legana\as2019\1900343\01375555.docx

REVISED LEGISLATIVE DIGEST

(Updated July 11, 2019)

[Administrative Code - Office of Racial Equity]

Ordinance amending the Administrative Code to create an Office of Racial Equity as a Division of the Human Rights Commission Department, with authority to create a citywide Racial Equity Framework, assist City departments with the development of Racial Equity Action Plans, analyze and report on the impact of ordinances on racial equity, and carry out various other policy and reporting functions regarding racial equity; require City departments to create Racial Equity Action Plans and to provide annual updates on such Plans; require City departments to designate employees as racial equity leaders, and require the Department of Human Resources to produce an annual report concerning racial equity in the City workforce.

Existing Law

The City does not presently have an Office of Racial Equity.

Amendments to Current Law

The proposed ordinance would create an Office of Racial Equity ("Office") as a division of the Human Rights Commission Department under the direction of the Executive Director of the Human Rights Commission. The Office would be tasked with developing a Racial Equity Framework for the City, which will outline the City's vision, goals and strategies to address racial equity and racial disparities in the City. The Racial Equity Framework will be submitted to the Board of Supervisors by June 30, 2020, for consideration and possible adoption by the Board, and will be updated at least every three years thereafter.

The proposed ordinance requires each City department to develop a Racial Equity Action Plan based on the Racial Equity Framework. The Plan shall address racial disparities within the department and in the department's services to the public. Departments' initial Plans must be completed by December 31, 2020, and must be updated every three years thereafter. Beginning in 2022, each department must provide an annual update by April 1 on progress towards the goals in the Plan that will be submitted to the Office, the Mayor, and the Board of Supervisors. The Office shall oversee development of Departments' Plans and shall provide guidance to departments on the content of the Plans and the annual updates.

The proposed ordinance also tasks the Office with preparing a Racial Equity Report Card, which will be a study of racial disparities across the City in specific policy areas. The Office may partner with other City departments, academic institutions, or non-profit policy institutions to conduct the study and prepare the Report Card.

The Office will also be tasked with reporting on ordinances introduced at the Board of Supervisors after January 1, 2021, that may have an impact on racial equity or racial disparities, in the following policy areas: housing/land use, employment, economic security, public health, and public safety. The Office shall prepare an analysis of such ordinances and submit it to the Board within 30 days of referral or before the Board first considers the ordinance, whichever occurs first.

The Office will also be responsible for developing a process for racial reconciliation, for developing policy priorities for achieving racial equity, for supporting department strategies and providing technical assistance for achieving racial equity, and for developing a budget equity assessment tool that will assist in evaluating budget priorities and allocations.

The proposed ordinance requires departments to designate staff to act as racial equity leaders, who will coordinate the department's racial equity activities.

The proposed ordinance would require the Department of Human Resources to prepare an annual report concerning racial equity in the City workforce.


Finally, the proposed ordinance would require the Controller's Office and the Office of the City Administrator to gather and report on racial equity in City contracting.

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CITY AND COUNTY OF SAN FRANCISCO  
BOARD OF SUPERVISORS  
BUDGET AND LEGISLATIVE ANALYST

1390 Market Street, Suite 1150, San Francisco, CA 94102 (415) 552-9292  
FAX (415) 252-0461

July 12, 2019

TO: Government Audit and Oversight Committee  
FROM: Budget and Legislative Analyst   
SUBJECT: July 18, 2019 Government Audit and Oversight Committee Meeting

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<p><b>Item 4</b>  <b>File 19-0547</b>  <i>(Continued from July 11, 2019)</i></p>	<p><b>Department:</b>                  Human Rights Commission (HRC)</p>
--	--

**EXECUTIVE SUMMARY**

**Legislative Objectives**

The proposed ordinance amends the Administrative Code to create an Office of Racial Equity as a division of the Human Rights Commission, with authority to (1)(a) create a citywide Racial Equity Framework, (b) assist City departments with the development of Racial Equity Action Plans, (c) analyze and report on the impact of ordinances on racial equity, and (d) carry out various other policy and reporting functions regarding racial equity; (2) require City departments to create Racial Equity Action Plans and to provide annual updates on such Plans; (3) require City departments to designate employees as racial equity leaders; and (4) require the Department of Human Resources to produce an annual report concerning racial equity in the City workforce.

**Key Points**

- The City currently does not have an office of racial equity.
- The Human Rights Commission leads a number of initiatives, in partnership with other City departments, to address disparate outcomes for certain racial and other groups that traditionally have not been treated equitably by institutions such as government.
- Under the proposed ordinance, the new Office of Racial Equity shall be staffed by a Director and no few than four other full time employees.

**Fiscal Impact**

- The Human Rights Commission intends to add three new positions in FY 2019-20 and an additional new position in FY 2020-21 to staff the Office of Racial Equity for initial startup. The new positions are estimated to cost \$355,783 in FY 2019-20 and \$618,295 in FY 2020-21.
- Funding for the three new positions in FY 2019-20 and one new position in FY 2020-21 in the new Office of Racial Equity, totaling four positions, is included in the FY 2019-20 and FY 2020-21 budget pending before the Board of Supervisors.
- The proposed ordinance requires five total positions in the Office of Racial Equity. The Human Rights Commission anticipates that one more position will be added in two years, or FY 2021-22. Funding for one additional position would need to be included in the FY 2021-22 budget, subject to Board of Supervisors approval.

**Recommendation**

- Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



**MANDATE STATEMENT**

City Charter Section 2.105 states that the Board of Supervisors shall act only by written ordinance or resolution.

City Charter Section 9.105 states that amendments to the Annual Appropriations Ordinance, after the Controller certifies the availability of funds, are subject to Board of Supervisors approval by ordinance.

**BACKGROUND**

The City has a number of initiatives underway to address disparate outcomes for certain racial and other groups that traditionally have not been treated equitably by institutions such as government.

The Human Rights Commission leads implementation of the Government Alliance on Race and Equity (GARE) framework in San Francisco, a model and set of tools developed by GARE, a national organization, to assist governments in implementing changes in their policies and procedures to address systemic biases against certain racial groups. Over 20 City departments currently participate in San Francisco's GARE activities, and representatives of these departments meet twice a month. During the first year of participation, department representatives received training in implicit bias. Representatives then worked within their own departments to develop an Equity Action Plan.

The Human Rights Commission has a Policy and Social Justice Division that leads the GARE model implementation, and provides staff trainings on the topics of institutional racism and racial and socioeconomic inequities. The Human Rights Commission collaborates with groups supporting communities of color to address the impacts of racial disparities and develop strategies to decrease discrimination and bias and close gaps (academic, health, income, wealth, etc.) through the My Brother's and Sister's Keeper Initiative, and hosts several Equity Ambassador workshops and activities with middle and high school students. The Human Rights Commission also investigates complaints about discrimination filed with the office.

In partnership with the Office of Economic and Workforce Development, the Human Rights Commission leads a workforce alignment committee to address racial disparities in the City's workforce, and launched an equity fellowship program focused on addressing the challenges of African Americans in the Fillmore District.

**DETAILS OF PROPOSED LEGISLATION**

The proposed ordinance amends the Administrative Code to create an Office of Racial Equity as a division of the Human Rights Commission, with authority to (1)(a) create a citywide Racial Equity Framework, (b) assist City departments with the development of Racial Equity Action Plans, (c) analyze and report on the impact of ordinances on racial equity, and (d) carry out various other policy and reporting functions regarding racial equity; (2) require City departments to create Racial Equity Action Plans and to provide annual updates on such Plans; (3) require City departments to designate employees as racial equity leaders; and (4) require

the Department of Human Resources to produce an annual report concerning racial equity in the City workforce.

Under the proposed ordinance, the office shall be staffed by a Director and no few than four other full time employees.

**FISCAL IMPACT**

According to Ms. Sheryl Davis, Executive Director of the Human Rights Commission, the department intends to add three new positions in FY 2019-20 to staff the Office of Racial Equity for initial startup, with one position anticipated to be added over each of the next two years, in FY 2020-21 and FY 2021-22, in the Administrative Analyst series. Ms. Davis anticipates that the three new positions in FY 2019-20 would be filled in or after October 2019 and the new position in FY 2020-21 would be filled in October 2020. Based on the anticipated hiring date, the new positions are estimated to cost \$355,783 in FY 2019-20 and \$618,295 in FY 2020-21, as shown in Table 1 below.

**Table 1: Office of Racial Equity Salary and Benefits**

Position	FY 2019-20		FY 2020-21	
	FTE	Amount	FTE	Amount
0922 Manager I	0.77	\$151,798	1.00	\$206,027
1408 Principal Clerk	0.77	96,891	1.00	131,476
9772 Community Development Specialist	0.77	107,094	1.00	145,321
1823 Senior Administrative Analyst	0.00	0	0.77	135,471
<b>Total</b>	<b>2.31</b>	<b>\$355,783</b>	<b>3.77</b>	<b>\$618,295</b>

According to Ms. Davis, funding for the three new positions in FY 2019-20 and one new position in FY 2020-21 in the new Office of Racial Equity, totaling four positions, is included in the FY 2019-20 and FY 2020-21 budget pending before the Board of Supervisors.<sup>1</sup>

As noted above, the proposed ordinance requires five total positions in the Office of Racial Equity, subject to the budgetary and fiscal provisions of the Charter. If the Board of Supervisors were to approve the proposed resolution, funding for one additional position would need to be included in the FY 2021-22 budget, subject to Board of Supervisors approval.

**RECOMMENDATION**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

<sup>1</sup> Funding for the 0922 Manager I and 9772 Community Development Specialist positions were included in the Mayor's proposed budget for the Human Rights Commission. The Budget & Finance Committee added funding for the 1408 Principal Clerk position to the Human Rights Commission budget through the add-back process.

CITY AND COUNTY OF SAN FRANCISCO


BOARD OF SUPERVISORS

BUDGET AND LEGISLATIVE ANALYST

1390 Market Street, Suite 1150, San Francisco, CA 94102 (415) 552-9292  
FAX (415) 252-0461

REVISED 7/9/2019

July 9, 2019

TO: Government Audit and Oversight Committee  
FROM: Budget and Legislative Analyst   
SUBJECT: July 11, 2019 Special Government Audit and Oversight Committee Meeting

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<p><b>Item 1</b> <b>File 19-0547</b></p>	<p><b>Department:</b> Human Rights Commission (HRC)</p>
<p><b>EXECUTIVE SUMMARY</b></p>	
<p style="text-align: center;"><b>Legislative Objectives</b></p> <p>The proposed ordinance amends the Administrative Code to create an Office of Racial Equity as a division of the Human Rights Commission, with authority to (1)(a) create a citywide Racial Equity Framework, (b) assist City departments with the development of Racial Equity Action Plans, (c) analyze and report on the impact of ordinances on racial equity, and (d) carry out various other policy and reporting functions regarding racial equity; (2) require City departments to create Racial Equity Action Plans and to provide annual updates on such Plans; (3) require City departments to designate employees as racial equity leaders; and (4) require the Department of Human Resources to produce an annual report concerning racial equity in the City workforce.</p> <p style="text-align: center;"><b>Key Points</b></p> <ul style="list-style-type: none"> <li>• The City currently does not have an office of equity.</li> <li>• The Human Rights Commission leads a number of initiatives, in partnership with other City departments, to address disparate outcomes for certain racial and other groups that traditionally have not been treated equitably by institutions such as government.</li> </ul> <p style="text-align: center;"><b>Fiscal Impact</b></p> <ul style="list-style-type: none"> <li>• The Human Rights Commission intends to add three new positions in FY 2019-20 and an additional new position in FY 2020-21 to staff the Office of Racial Equity for initial startup. The new positions are estimated to cost \$355,783 in FY 2019-20 and \$618,295 in FY 2020-21.</li> <li>• Funding for the three new positions in FY 2019-20 and one new position in FY 2020-21 in the new Office of Racial Equity, totaling four positions, is included in the FY 2019-20 and FY 2020-21 budget pending before the Board of Supervisors.</li> <li>• The proposed ordinance requires five total positions in the Office of Racial Equity. The Human Rights Commission anticipates that one more position will be added in two years, or FY 2021-22. Funding for one additional position would need to be included in the FY 2021-22 budget, subject to Board of Supervisors approval.</li> </ul> <p style="text-align: center;"><b>Recommendation</b></p> <ul style="list-style-type: none"> <li>• Approval of the proposed ordinance is a policy matter for the Board of Supervisors.</li> </ul>	

**MANDATE STATEMENT**

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**DETAILS OF PROPOSED LEGISLATION**

The proposed ordinance amends the Administrative Code to create an Office of Racial Equity as a division of the Human Rights Commission, with authority to (1)(a) create a citywide Racial Equity Framework, (b) assist City departments with the development of Racial Equity Action Plans, (c) analyze and report on the impact of ordinances on racial equity, and (d) carry out various other policy and reporting functions regarding racial equity; (2) require City departments to create Racial Equity Action Plans and to provide annual updates on such Plans; (3) require City departments to designate employees as racial equity leaders; and (4) require

the Department of Human Resources to produce an annual report concerning racial equity in the City workforce.

Under the proposed ordinance, the office shall be staffed by no fewer than five full-time equivalent (FTE) employees, including a Director, Deputy Director, and three policy analysts.

## FISCAL IMPACT

According to Ms. Sheryl Davis, Executive Director of the Human Rights Commission, the department intends to add three new positions in FY 2019-20 to staff the Office of Racial Equity for initial startup, with one position anticipated to be added over each of the next two years, in FY 2020-21 and FY 2021-22, in the Administrative Analyst series. Ms. Davis anticipates that the three new positions in FY 2019-20 would be filled in or after October 2019 and the new position in FY 2020-21 would be filled in October 2020. Based on the anticipated hiring date, the new positions are estimated to cost \$355,783 in FY 2019-20 and \$618,295 in FY 2020-21, as shown in Table 1 below.

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As noted above, the proposed ordinance requires five total positions in the Office of Racial Equity, subject to the budgetary and fiscal provisions of the Charter. If the Board of Supervisors were to approve the proposed resolution, funding for one additional position would need to be included in the FY 2021-22 budget, subject to Board of Supervisors approval.

## RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

<sup>1</sup> Funding for the 0922 Manager I and 9772 Community Development Specialist positions were included in the Mayor's proposed budget for the Human Rights Commission. The Budget & Finance Committee added funding for the 1408 Principal Clerk position to the Human Rights Commission budget through the add-back process.

(Supervisor's Letterhead)

Member, Board of Supervisors  
District 4



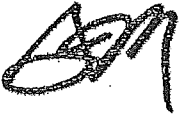
City and County of San Francisco

**GORDON MAR**  
馬兆明

---

DATE: July 18, 2019

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Mar   
Chairperson

RE: Government Audit and Oversight Committee  
COMMITTEE REPORT


---

Pursuant to Board Rule 4.20, as Chair of the Government Audit and Oversight Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, July 23, 2019, as a Committee Report:

**File No. 190547 [Administrative Code - Office of Racial Equity]**

Ordinance amending the Administrative Code to create an Office of Racial Equity as a Division of the Human Rights Commission Department, with authority to create a citywide Racial Equity Framework, assist City departments with the development of Racial Equity Action Plans, analyze and report on the impact of ordinances on racial equity, and carry out various other policy and reporting functions regarding racial equity; require City departments to create Racial Equity Action Plans and to provide annual updates on such Plans; require City departments to designate employees as racial equity leaders; and require the Department of Human Resources to produce an annual report concerning racial equity in the City workforce.

This matter will be heard in the Government Audit and Oversight Committee during a regular meeting on July 18, 2019, at 10:00 a.m.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2019 JUL 18 AM 9:33  


BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: All City Department Heads, via Sophia Kittler, Mayor's Office  
Sheryl Evans Davis, Director, Human Rights Commission  
Micki Callahan, Director, Department of Human Resources

FROM: John Carroll, Assistant Clerk  
Government Audit and Oversight Committee

DATE: May 24, 2019

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Fewer on May 14, 2019:

File No. 190547

Ordinance amending the Administrative Code to create an Office of Racial Equity as a Division of the Human Rights Commission Department, with authority to create a citywide Racial Equity Framework, assist City departments with the development of Racial Equity Action Plans, analyze and report on the impact of ordinances on racial equity, and carry out various other policy and reporting functions regarding racial equity; require City departments to create Racial Equity Action Plans and to provide annual updates on such Plans; require City departments to designate employees as racial equity leaders; and require the Department of Human Resources to produce an annual report concerning racial equity in the City workforce.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).

c: Andres Power, Mayor's Office  
Rebecca Peacock, Mayor's Office  
Susan Gard, Department of Human Resources  
Carol Isen, Department of Human Resources



President, District 7  
BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Tel. No. 554-6516  
Fax No. 554-7674  
TDD/TTY No. 544-6546

Norman Yee

PRESIDENTIAL ACTION

Date: 5/23/2019

To: Angela Calvillo, Clerk of the Board of Supervisors

2019 MAY 24 AM 10:19  
AN ID: 19

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No: \_\_\_\_\_

(Primary Sponsor)

Title: \_\_\_\_\_

Transferring (Board Rule No 3.3)

File No. \_\_\_\_\_

190547

Fewer

(Primary Sponsor)

Title: \_\_\_\_\_

Administrative Code - Office of Racial Equity

From: Rules \_\_\_\_\_

Committee

To: Government Audit & Oversight \_\_\_\_\_

Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

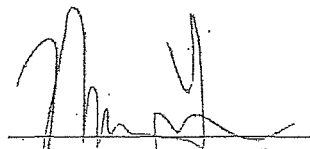
Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_

(Date)

(Committee)

Meeting

  
\_\_\_\_\_  
Norman Yee, President  
Board of Supervisors

**Carroll, John (BOS)**

---

**From:** Board of Supervisors, (BOS)  
**Sent:** Wednesday, July 17, 2019 5:51 PM  
**To:** Carroll, John (BOS)  
**Subject:** FW: Please support the establishment of the Office of Racial Equity

**Categories:** 2019.07.18 - GAO, 190547

---

**From:** zrants <zrants@gmail.com>  
**Sent:** Friday, July 12, 2019 2:19 PM  
**To:** Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>  
**Cc:** Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Marstaff (BOS) <marstaff@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Please support the establishment of the Office of Racial Equity.

EXTERNAL This message is from outside the City email system. Do not open links or attachments from untrusted sources.

July 12, 2019

Supervisors:

re: Support the Office of Racial Equity

We support the efforts being made by San Francisco authorities to address racial and economic equity issues through the legislative process and believe that establishing an Office of Racial Equity will be a good first step in protecting our vulnerable communities. We look forward to seeing the results of a change in strategy that includes protections from displacement brought on by the gentrification of our economically challenged residents who are currently residing in the affordable housing that is threatened by the push to densify the neighborhoods.

We oppose all the bills coming out of Sacramento that reduce local control and protection for the vulnerable communities by setting up a mechanism for handing local control over development to regional non-elected appointees with no knowledge or allegiance to our vulnerable communities. This is a particularly bad time to reduce protections for communities under threat of displacement and deportation from sanctuary cities.

We implore you to support the Office of Racial Equity.

Sincerely,

Mari Eliza, President, East Mission Improvement Association (EMIA)

# Agenda Item 5



- Community Corrections Partnership
- San Francisco Reentry Council
- San Francisco Sentencing Commission
- San Francisco Juvenile Justice Coordinating Council

## Criminal Justice Racial Equity Statement

The San Francisco Community Corrections Partnership, Juvenile Justice Coordinating Council, Reentry Council and Sentencing Commission prioritize racial equity so that all people may thrive. San Francisco’s criminal justice policy bodies collectively acknowledge that communities of color have borne the burdens of inequitable social, environmental, economic and criminal justice policies, practices and investments. The legacy of these government actions has caused deep racial disparities throughout San Francisco’s juvenile justice and criminal justice system. We further recognize that racial equity is realized when race can no longer be used to predict life outcomes. We commit to the elimination of racial disparities in the criminal justice system.

The Criminal Justice Racial Equity Statement was unanimously approved by the following:

- Sentencing Commission            September 12, 2018
- Reentry Council                    September 25, 2018
- Community Corrections  
Partnership Executive  
Committee                          November 15, 2018
- Juvenile Justice  
Coordinating Council            December 5, 2018

## Criminal Justice Racial Equity Workgroup

On September 12<sup>th</sup> the San Francisco Sentencing Commission voted to create a Criminal Justice Racial Equity Workgroup. This group meets bi-monthly to discuss practical steps that criminal justice departments and support agencies can take to ensure progress is made toward the identified racial equity goal; to eliminate racial disparities in the criminal justice system.

## Draft Agenda for Action

San Francisco's Criminal Justice agencies and social service providers can take the following actions to narrow and ultimately eliminate the racial disparity gap.

1. Expressly commit to the elimination of racial disparities in the criminal justice system in legislation and/or resolution;
2. Require racial impact statements prior to the implementation of criminal justice policies and in reviewing the enforcement of existing policies. This includes but is not limited to Budgeting, Request for Proposals, Request for Qualifications, and all grant making mechanisms;
3. Mandate regular racial equity and implicit bias trainings for all criminal justice stakeholders;
4. Mandate regular procedural justice trainings for all criminal justice stakeholders;
5. Require disaggregated data collection, using agreed upon standard measures, on the race and ethnicity of individuals who come into contact with the criminal justice system;
6. Incentivize the elimination of racial disparities in the criminal justice system by requiring annual budgets to include racial equity assessments;
7. Ensure parallel justice; meaning that any of the investments in the criminal justice system that focus on the rights, punishment, and sometimes rehabilitation of the perpetrator include a comparable set of responses to victims;
8. Participate in San Francisco's Government Alliance on Race and Equity (GARE) Initiative;
9. Conduct meaningful community engagement;
10. Conduct department-level decision point analysis to learn whether and to what extent racial and ethnic disparities exist at key criminal justice decision making points; and
11. Enhance recruitment, hiring, workforce development and promotional policies and practices to ensure the workforce in criminal justice agencies reflects the diversity of the communities we serve. This diversity should exist across the breadth (functions) and depth (hierarchy) of government.

For more information about this work please contact Tara Anderson, Director of Policy, San Francisco District Attorney's Office [tara.anderson@sfgov.org](mailto:tara.anderson@sfgov.org).

# Washington, DC, Is Being Sued for Gentrification

VIDEO VERY SMART BROTHAS THE GLOW UP THE GRAPEVINE JOURN



VIDEO VERY  
Terrell Jermaine Starr  
Sunday 10:15am

THE THE

JOURNAL-

NEWS

POLITICS

162 22



Photo: Getty Images

A civil rights lawyer is suing Washington, D.C., for what he claims are the city's discriminatory housing and urban-renewal policies that favor white millennial renters over long-standing black residents, according to DCist.

Aristotle Theresa out of nearby Anacostia is representing three native Washingtonians and community group CARE. The lawsuit claims that the policies of the previous mayoral

administrations of Adrian Fenty and Vincent Gray were designed to attract “creative” workers who tend to come in fields like journalism, technology, the arts and science. Theresa claims that D.C.’s success in attracting these types of workers has come at the expense of low- and middle-income African-American families who can no longer afford housing in the city.

“The city is intentionally trying to lighten black neighborhoods, and the way they have primarily been doing it is through construction of high density, luxury buildings, that primarily only offer studios and one bedrooms,” the suit reads.

\* The suit is seeking more than \$1 billion in damages. The city \*  
hasn’t responded to the filing so far.

Here is more on how Washington’s urban-renewal policies work, from DCist:

Many of D.C. policies—like the policies of large cities across the country in the mid-1980s—were based on the work of Richard Florida, an influential urban theorist who wrote the seminal text on the “creative class.” His 2002 book *The Rise of the Creative Class* describes a specific kind of worker, often young and working in fields like technology, science, art and journalism. According to his theory, the key to a successful city economy lies in the hands of these workers, who have very particular ideas about where and how they want to live.

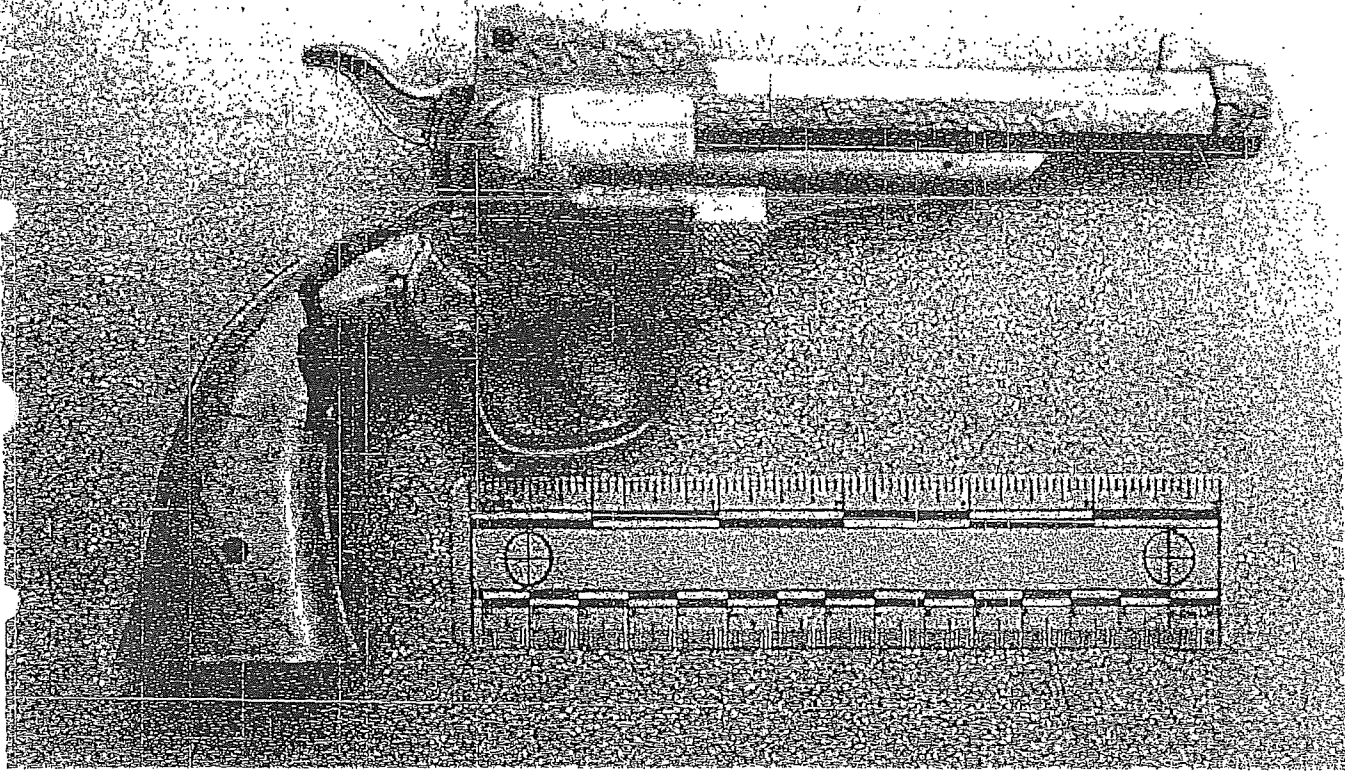
“Creatives prefer indigenous street level culture—a teeming blend of cafes and sidewalk musicians and small galleries and bistros, where it is hard to draw the line between performers and spectators,” Florida once wrote.

According to the complaint, former Mayor Adrian Fenty’s administration set about creating such an environment to attract these workers, and the two administrations since have kept it going. Theresa says these policies have been directly discriminatory on the basis of age and source of income, as well as having a disparate impact on the city’s African-American communities.

Will the suit stand a chance in court? It is hard to say because it depends on how it will be argued in court. One thing for sure is that D.C. has lost a lot of black residents over the past five decades. In 1970, 71 percent of the city’s residents were black; today, less than 50 percent of residents are African American.

If this suit actually wins in court, it could set a precedent for other cities in the U.S. that are dealing with gentrification.





Police say they shot a costumed man when he pulled this replica gun from his waistband.

Photo: San Jose Police Dept.

## \* \$4.95 million settlement in San Jose police shooting \*

By Henry K. Lee

Updated 8:42 pm PDT, Wednesday, September 11, 2013

\* San Jose has agreed to pay \$4.95 million to settle a federal lawsuit filed by a man who was drunk, dressed as a surgeon for Halloween and armed with a toy gun when he was shot more than 20 times by police officers. \*

The settlement, to come out of city coffers, is the largest paid by the city involving police conduct, City Attorney Rick Doyle said.

### Recommended Video

This "is a lot of money, but given the extent of the injuries, it's something that the parties can live with," Doyle said.

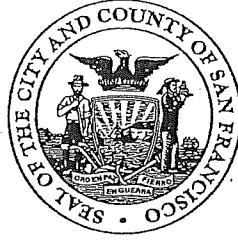
On Oct. 23, 2011, officers found Javier Gonzales-Guerrero, 27, of San Jose passed out or sleeping in a stairwell at the Extended Stay Deluxe Hotel at 55 E. Brokaw Road. He was dressed in medical scrubs, and police said they saw the butt of a gun in his waistband.

They called out to him, and he reached for what turned out to be a fake gun, police said.

Fearing he was going to shoot them, four officers fired at him. Gonzales-Guerrero has endured numerous surgeries to "repair his ravaged body," his suit said.

Henry K. Lee is a San Francisco Chronicle staff writer. E-mail: [hlee@sfchronicle.com](mailto:hlee@sfchronicle.com) Twitter: [@henryklee](https://twitter.com/henryklee)

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

## MEMORANDUM

GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Gordon Mar, Chair  
Government Audit and Oversight Committee

FROM: John Carroll, Assistant Clerk

DATE: July 19, 2019

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, July 23, 2019

The following file should be presented as a COMMITTEE REPORT at the regular Board meeting, Tuesday, July 23, 2019. This ordinance was acted upon at the regular Government Audit and Oversight Committee meeting on Thursday, July 18, 2019, at 10:00 a.m., by the votes indicated.

Item No. 54                      File No. 190547

Ordinance amending the Administrative Code to create an Office of Racial Equity as a Division of the Human Rights Commission Department, with authority to create a citywide Racial Equity Framework, assist City departments with the development of Racial Equity Action Plans, analyze and report on the impact of ordinances on racial equity, and carry out various other policy and reporting functions regarding racial equity; require City departments to create Racial Equity Action Plans and to provide annual updates on such Plans; require City departments to designate employees as racial equity leaders; and require the Department of Human Resources to produce an annual report concerning racial equity in the City workforce.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Gordon Mar - Aye  
Supervisor Vallie Brown - Aye  
Supervisor Aaron Peskin - Aye

Cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Jon Givner, Deputy City Attorney

# Introduction Form

By a Member of the Board of Supervisors or Mayor

BOARD OF SUPERVISORS  
SAN FRANCISCO

2019 MAY 14

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [redacted]
- 9. Reactivate File No. [redacted]
- 10. Topic submitted for Mayoral Appearance before the BOS on [redacted]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Fewer, Brown, Walton, Mandelman, Ronen, Mar, *Safai*

Subject:

Administrative Code - Office of Racial Equity

The text is listed:

Ordinance amending the Administrative Code to (1) create an Office of Racial Equity as a division of the Human Rights Commission Department, with authority to create a citywide Racial Equity Framework, assist City departments with the development of Racial Equity Action Plans, analyze and report on the impact of ordinances on racial equity, and carry out various other policy and reporting functions regarding racial equity; (2) require City departments to create Racial Equity Action Plans and to provide annual updates on such Plans; (3) require City departments to designate employees as racial equity leaders, and (4) require the Department of Human Resources to produce an annual report concerning racial equity in the City workforce.

Signature of Sponsoring Supervisor:

*Sandra Lee Fewer*

or Clerk's Use Only

