

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 1105,000 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 P~~e~~ople of C~~o~~lor 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 *\$40 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
Deputy City Attorney

14 n:\legana\as2019\1900343\01375555.docx
15
16
17
18
19
20
21
22
23
24
25



City and County of San Francisco
Tails
Ordinance

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

File Number: 190547

Date Passed: July 30, 2019

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.

July 11, 2019 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 11, 2019 Government Audit and Oversight Committee - CONTINUED AS AMENDED

July 18, 2019 Government Audit and Oversight Committee - RECOMMENDED AS COMMITTEE REPORT

July 23, 2019 Board of Supervisors - PASSED ON FIRST READING

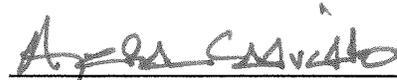
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

July 30, 2019 Board of Supervisors - FINALLY PASSED

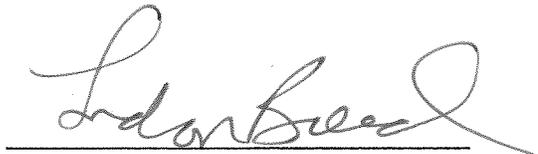
Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani and Yee
Excused: 1 - Walton

File No. 190547

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/30/2019 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

8.9.19

Date Approved