

Legislative Process

The Legislative Process subgroup of the Racial Equity Task Force has been evaluating matters of the local legislative process, public engagement, and local legislation in Howard County as it pertains to advancing racial equity. Members have been reviewing pertinent data and evaluating best practices for inclusive government operations as they develop recommendations to address racial equity in the local legislative process. Draft recommendations are below.

Legislative Process

Recommendation 1: We recommend that the County Council assess and remove barriers to in-person and virtual participation legislative processes that create disparate impacts on community engagement and involvement.

1. Survey residents about the accessibility of the schedule (i.e., time of day, day of the week), frequency (i.e., monthly, every two months, quarterly) and number of legislative session days, and the location(s) of hearings. The survey must be widely circulated, meet accessibility needs, and be available for an amount of time that maximizes opportunities for marketing/communications and response. Adopt recommended changes based on survey results and publicize accordingly.

Racial Equity Impact:

Our communities would inform what the best legislative calendar is to meet our needs as they are presently, and changing the schedule in this informed manner gives more people the opportunity to participate in the legislative process.

Timeframe to Impact:

6 months – 1 year (0-2 years)

Data that supports the recommendation:

The Maryland Constitution offers significant flexibility in the schedule and number of legislative days, therefore, the County Council can change them to suit current needs. – “Provided, however, that the charters for the various Counties shall specify the number of days, not to exceed forty-five, which may but need not be consecutive, that the County Council of the Counties may sit in each year for the purpose of enacting legislation for such Counties, and all legislation shall be enacted at the times so designated for that purpose in the charter, and the title or a summary of all laws and ordinances proposed shall be published once a week for two successive weeks prior to enactment followed by publication once after enactment in at least one newspaper of general circulation in the county, so that the taxpayers and citizens may have notice thereof.” [MD Constitution, Article XI-A *Local Legislation*, Section 3; <https://msa.maryland.gov/msa/mdmanual/43const/html/11aar.html>]

Intent behind the recommendation:

The schedule of the legislative session has been the same for a long time (exact start date is hard to find) and it simply does not serve everyone according to feedback received about what gets in the way of legislative engagement. By surveying Howard County residents for ideas, we will have a participatory process for change that involves the very people the impacted by that change rather being prescriptive about what a smaller group of us would like to see.

2. Expand and clarify public information about the legislative process in multimedia formats, including but not limited to: posting a series of videos on the County website on the process to testify, how to sign up to testify, navigating the County Council's website, and how to present testimony.

Racial equity impact:

Multimedia formats share information in ways that people access and understand it, thereby encouraging greater participation. Furthermore, with the County Executive's recent announcement of a digital equity initiative and redesign of the County government's website (<https://www.howardcountymd.gov/News052421>), the County Council and Howard County residents would benefit from undertaking a similar initiative.

Timeframe to impact:

0-2 years

Data to support the recommendation:

The County Council website is text-heavy in explaining the legislative process (<https://cc.howardcountymd.gov/About-Us/The-Legislative-Process>) and the website can be difficult to navigate to find information based on both Task Force members' experiences of trying to find information and feedback from residents. When comparing the County Council's website to the MD General Assembly's website, the latter is much easier to navigate. The MD General Assembly has resources such as a flow chart to explain the legislative process plus guides for understanding legislative language (<http://mgaleg.maryland.gov/mgawebsite/Legislation/Publications>) in addition to video tutorials (<http://mgaleg.maryland.gov/mgawebsite/Information/VideoTutorials>) about how to engage in various parts of the process.

Intent behind the recommendation:

Make the legislative process more understandable so residents can see how they fit into it and where they can be involved.

3. Develop ways to regularly collect and publicly report demographic information, particularly racial/ethnic information (e.g., add optional field for race/ethnicity to testimony sign-up), about residents who participate in legislative sessions and hearings

to track progress in engaging diverse groups in the legislative process.

Racial equity impact:

Establishing metrics to measure/track progress will provide data disaggregated by race/ethnicity to determine where we are presently and how we are doing over time.

Timeframe to impact:

0-1 year, with ongoing upkeep

Data to support this recommendation:

To date, no report has been found detailing the race/ethnicity of people who participate in the public hearings, on task forces, etc. When gathering one-on-one feedback, the general consensus was that most people who testify at hearings, for example, are white and far fewer are people of color.

Intent behind the recommendation:

Collecting demographic information is a way of seeing where we are and measuring our progress. This would not be used to limit who can participate nor would it be a requirement in order to participate, rather, it would give us the opportunity to gather more information about who participates.

4. Document, update, and share internal processes for proposing legislation, staff operations, etc. within Councilmembers' offices to minimize confusion when there are transitions among staff and Councilmembers and have greater clarity for residents about who and how to contact to address needs.

Racial equity impact:

Having a consistent process across all of the legislative districts and from term to term allows continuity and consistency for engaging in the legislative process.

Timeframe to impact:

0-2 years

Data to support this recommendation:

Feedback around experiences of people having to learn different operating processes for legislative work from Councilmember to Councilmember.

5. Maintain the capability to have in-person and remote participation in legislative hearings, work sessions, etc. permanently, including the ability to sign up to testify in real time both in-person and remotely. Enable the capacity to submit a video and/or audio message for testimony/comments when someone cannot participate live during a meeting, hearing, session, etc.

Racial equity impact:

This allows opportunities for people to engage in various legislative processes with greater flexibility. If we change back to primarily in-person participation as before the COVID-19 pandemic, we will reinstate a barrier that has kept people from participating in the past.

Timeframe to impact:

0-2 years (already in place; maintain permanently)

Data to support this recommendation:

Feedback from residents – Virtual participation/operations throughout the pandemic have created opportunities for participation in public hearings, task forces, etc. for many people who would not have participated otherwise.

Intent behind the recommendation:

The COVID-19 pandemic revealed that the County Council can, in fact, manage remote participation in the legislative process that provided gains for many people who could not otherwise participate in hearings, task forces, meetings, etc. As there is a gradual shift to in-person participation, it is important not to lose the gains made, particularly since the technological infrastructure permitting virtual participation is already in place.

6. Conduct a racial equity audit of in-person participation in the legislative process and remove the barriers revealed by the audit.

Racial equity impact:

Identifying and removing barriers to in-person participation allows for a more equitable future as in-person participation begins to be a reality again.

Timeframe to impact:

0-2 years

Data to support this recommendation:

While there do not seem to be overt ways of exclusion from the legislative process, there are other implicit ways that have the impact of racial exclusion from the legislative process that need to be assessed and remedied. For example, access to government buildings typically requires an individual to present a photo ID for entry for security purposes, however, having and maintaining a photo ID may be a barrier to entering a space where an individual's voice is important; if the purpose for presenting an ID is building security, alternatives such as signing in can be presented to both maintain safety and not restrict public access to government buildings.

Intent behind the recommendation:

The lifespan of the Racial Equity Task Force has been fully virtual given the COVID-19 pandemic. Given that, a key focus of recommendations have been through a virtual

experience and we cannot forget to prioritize in-person experiences for getting rid of barriers.

Recommendation 2: We recommend that the County Council require legislative summaries, documents/press releases from the Council, reports, videos, audio recordings, etc. to be easily available online in plain language, in general literacy level standards, and translated into, at least, the most commonly used languages in the County.

Racial equity impact:

Maximize accessibility to and understanding of information in the languages and literacy levels of our community.

Timeframe to impact:

0-2 years

Data to support this recommendation:

When looking through the various reports, summaries, etc. available, it is often written in ways that make it difficult to understand what legislation means/will do, what data from reports means, etc. and requires access to people who can further explain and/or translate information. While understanding that legislative language must be written in certain ways for bills and resolutions, efforts can be made to have information outside of that more understandable. Additionally, while the County Council's main page utilizes Google Translate to make the main page accessible in other languages, that translation does not extend to any links clicked, the carousel on the front page, nor to any documents available on the website.

Intent behind the recommendation:

Not everyone in the County lives and breathes legislative language, expert language on issues, and the like, yet everyone should be able to weigh in on any issue presented before the Council if they choose to do so. It is of mutual benefit to have information in plain language and translated into commonly spoken languages so residents understand what is going on and Councilmembers can receive more robust feedback throughout the process.

Public Engagement

Recommendation 1: We recommend that the County Council transform the process of nominating and selecting members of Howard County Government Boards and Commissions solicit participation of the entire community, including an advertised, open and transparent application process with published qualifications and criteria for potential applicants. The membership should not only have qualifications relevant to the business of the Board or Commission, but also reflect the diversity of county residents with regard to gender, race, age, and location of residence.

Racial Equity Impact:

Implementation will facilitate the inclusion of representatives from all segments of the community and ensure that different points of view are considered in the development and implementation of policies.

Data to support this recommendation:

The Howard County website lists over fifty Boards and Commissions, in most cases consisting of at least three and up to twenty, residents of Howard County. Most Boards and Commissions are under the authority of the County Executive and are established in the County Charter, a few are authorized by the County Council, and some (Health and Social Services) are under the authority of the State of Maryland, governed by COMAR. Federal law and programs govern other agencies/departments. The Board or Commission is usually established to advise a department or oversee a function of County Government. The County Executive typically nominates a candidate for an open position on a Board or Commission, and the County Council must approve that candidate. Members serve three to five year terms. Citizens may apply for vacancies by writing a letter to the County Executive.

The information found on the Board/Commission websites varies widely in quality. The best and most informative do the following: a) cite the specific legal authority establishing and governing the operation of the Board or Commission, b) explain the function, duties and responsibilities of the Board/Commission, c) publish the rules of procedure for the Board/Commission, d) list the members, contact information, including email addresses, and a resume/bio for each member, and e) advertise vacancies and openly solicit applicants. Most websites also include: a) a calendar of upcoming meetings, b) the minutes (and or video recordings) of meetings, c) agendas of future meetings and links to the relevant documentation that will be discussed at that meeting, d) links to sign up to testify at public hearings and/ or to submit written comments, e) public testimony received, and f) several recent annual reports. There are also links to the Departments and Programs that are under the advisory or oversight jurisdiction of the Board/Commission.

Intent behind the recommendation:

The published membership of Howard County Boards and Commissions shows that, in most cases, membership is overwhelmingly male. (Not all membership data is published). Data showing race or ethnicity is not readily available. In fact, the RETF itself included few Asian-American members relative to the population of Howard County, and interested representatives of the Asian-American community in Howard County were initially overlooked in the nomination process. This provision is intended to expand membership to all interested citizens, beyond those already known to county officials. Members of County Boards and Commissions should represent a cross-section of the entire community and represent every election district. If necessary, the number of citizens serving on these panels should be expanded. For greatest impact, the members of Boards and Commissions should be trained in using racial equity tools in their deliberations, and consideration should be given to utilizing trained facilitators at some sessions. Having a seat at the table does not guarantee one has a voice at the table; it is necessary to be both seen and heard.

Timeframe to impact:

The County Executive is able to modify the application and nomination process independently and “immediately.” To ensure permanent change, formal legislation is necessary. Boards and Commissions are established and defined in Howard County Code, or by Maryland Code. Full implementation of this recommendation would require a review of the legal authority for each board or commission and legislation by the County Council or General Assembly to update the requirements for serving on the Board or Commission. This process could take at least two years, to ensure adequate time for legal review, drafting of legislation, and passage by the General Assembly. Assuming that current members would continue to serve out their terms, full implementation could take up to five years beyond the enactment of new laws.

Recommendation 2: We recommend the County Council implement the following changes to have a more accessible public engagement experience:

1. Provide notice on every public hearing announcement a similar notice found at the bottom of a Howard County Resolution:

“Persons needing accommodations to fully participate in the meeting [public hearing], please contact the Council Office, 410-313-2001.”
2. Provide reduced or no fare assistance for people who want to attend/testify at public hearings and do not have or cannot afford a private means of transportation to the hearing.
3. Provide credit or fee reimbursement to use ride-sharing services like Lyft or Uber to attend and/or testify at public hearings.
4. Display on the Office of Transportation’s website page the process to get a free or reduced fare ride to attend and/or testify at public hearings.
5. Display on the Council’s website page under Legislative Process, Public Hearing – “Persons needing accommodations to fully participate in the public hearing, please contact the Council Office, 410-313-2001.”
6. Post on a scrolling unit at public transportation locations, public hearing information, ways to testify in person or via computer.
7. Post a series of videos on the County website on the Process to Testify, How to Sign Up to Testify and How to Present Testimony.
8. Post information at homeless shelters in the County about where to testify in person at the County, free or reduced fare transportation to testify in person, and how to testify.
9. Post information at domestic violence centers and via non-profit organizations about where to testify in person at the County, free or reduced fare transportation to testify in person, and how to testify.

10. Post information at all public libraries in the County about where to testify in person at the County, free or reduced fare transportation to testify in person, how to testify in person or use the free resources of public computers at the library.
11. Post information at all community centers in the County about where to testify in person at the County, free or reduced fare transportation to testify in person, and how to testify.
12. On the HC Library System's website, add information under the Community Education tab about public engagement and the importance of testifying.
13. Post information on community boards in houses of worship about where to testify in person at the County, free or reduced fare transportation to testify in person, and how to testify.

Racial Equity Impact:

The goal of the impact is to reach citizens with this information where they are, where they meet others and worship to assist those citizens who may not otherwise engage in the process to participate. Data provided by the [Association of Community Services of Howard County's report of Self-Sufficiency Indicators for Howard County 2020](#) refers to relevant data and indicators on the need.

Timeframe to Impact:

0 – 2 years

Recommendation 3: We recommend that the County Council fund one Racial Equity and Social Justice workgroup per district under the auspices of the Office of Human Rights and Equity manager:

1. To identify injustices, inequities and institutional racism in Howard County
2. To address disparate impacts on race and social justice issues in Howard County.

Intent Behind Recommendation

To address disparate impacts on race and social justice issues in Howard County. This workgroup would be responsible for doing the groundwork and setting the foundation and vision for the creation of a Racial Equity and Social Justice Lab in Howard County. This workgroup should consist of: one member of the Howard County Public school system, one member of the Howard County Housing Commission, one member of the Howard County Board of Health, two residents of the district, a police officer of the Howard County Police Department assigned to the district and a designee of the County Council. The workgroup will reflect a range of race and ethnicity, socioeconomic status and gender.

Racial Equity Impact:

Amendment and creation of policies, practices and procedures that dismantle existing inequities in Howard County.

Data that Supports Recommendation:

Montgomery County created a similar workgroup. More information on it can be found here: <https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/RacialEquity/Bill27-19.pdf>

Timeframe to Impact:

Depending on availability and collaborative efforts of OHRE staff.

County Budget and Programs

Recommendation 1: We recommend the County Council issue a resolution that financial grants to community organizations paid from Howard County government funds be distributed following an advertised and transparent process that includes open applications and published evaluation and selection criteria, serve a documented community need, and incorporate a racial equity focus. Organizations in receipt of such grant money must submit to program and budget audits to support continued public investment. The County shall publish the grant recipients and amounts of awards.

Racial Equity Impact:

This recommendation might be used to provide direct financial support to community organizations that seek to mediate disparate racial impacts in our community.

Data to support this recommendation:

Analysis of County Budget documents for 2017-2020 show annual amounts of \$5 to \$10 million awarded to community organizations via Pay-As-You-Go Non-Departmental Funds and other unassigned grants. No documentation of amount or purpose is provided, nor is a recipient selection process documented in the budget. The Budget states that this money is intended to be awarded for one-time needs, yet some organizations received 'one-time' funds over a period of several years. Online searches for such documentation on the Howard County Government website did not locate that information. The County Budget document lists only grants made. It should also direct citizens where to find additional information about the grant processes, programs and recipients.

Intent behind the recommendation:

The intent of this recommendation is to provide all community organizations the opportunity to apply for grants, and to provide the flexibility to focus on new organizations which address dynamic situations and disparate racial impacts in the community.

Timeframe to impact:

It is possible that this recommendation could be implemented in the 2023 budget development process by the current County Executive. The 2022 budget development is nearly complete. The County Council would have to pass legislation to create a permanent change which would bind future County Executives.

GARE

Recommendation 1: We recommend the County Council pass legislation to allow the county to become a member of Local and Regional Government Alliance on Race and Equity (GARE). GARE is a national network of government working to achieve racial equity and advance

opportunity for all.

Intent behind recommendation:

GARE membership would allow the county to receive technical assistance and research support in its equity work as well as join a professional peer-to-peer network that enables governments to exchange information, collaborate to advance their practice and develop solutions to racial equity practices.

Racial Equity Impact:

Government institutions at the local, state and federal level have historically played a role in creating and maintaining racial inequity from laws and policies on who could be a citizen, vote, own property and where one could live and so on. With the Civil Rights movement, laws and policies were passed to address explicit discrimination. Many current inequities are sustained by government laws and policies as well such as how schools are funded, zoning and land use policy and more. GARE membership would boost county efforts to eliminate racial disparities and raise quality life for all.

Timeframe to impact:

Short-term as well as long-term

Data that supports this recommendation:

Unfortunately racial inequities exist in education, jobs, housing, public infrastructure and public health. Please see other RETF subgroup data.

Metrics to measure impact:

Reductions in disparities over time and with eventual lift in quality of life for all groups.

Howard County Charter

Recommendation 1: We recommend that the Howard County Council adopt the second recommendation of their 2019-2020 Charter Review Commission, which calls for a Councilmanic Redistricting Commission that is not selected by political party interests. [Charter Review Commission 2019-2020 \(howardcountymd.gov\)](https://www.howardcountymd.gov/charter-review-commission-2019-2020).

Data to support this recommendation:

In their final report, the Commission recommended that the Howard County Charter be changed so that the Councilmanic Redistricting Commission shall have seven members appointed by the County Council from a list of applicants, that no more than three members may be from the same political party, and that no person shall be eligible for appointment to the Commission who holds elective office or any office with a political party or resides in the same household of any such person [Sec. 202 (f)].

In response, Resolution CR94-2020 was subsequently proposed including adding language such as “from the list of Howard County registered voters and who reasonably reflect the geographic, racial, ethnic, gender, and age diversity of the County” and “The Commission shall consider the Voting Rights Act of 1965 and preserve communities of interest when developing the plan of Councilmanic districts.” On July 29, 2020, the Resolution failed.

The 2021 Howard County Councilmanic Redistricting Commission (HCCRC) was therefore appointed under the previous rules, with three members appointed by the Democratic Central Committee, three from the Republican Central Committee, and one by the Council. White persons, women, and unaffiliated voters are underrepresented in the 2021 Commission.^{1,2}

Intent behind this recommendation:

Testimony given on March 3, 2020 to the Commission connected redistricting to racial equity.

“Redistricting should be fair and impartial to serve the citizens of Howard County and not simply a way to pack the County Council with one mindset to speak for all the citizens of Howard County [sic] which is an economically, politically, education level, racially, and ethnically diverse citizenry.” - Tae & Lisa Kim

“Responsibility for redistricting should be invested in an independent special commission with membership that reflects the diversity of the county, including citizens at large, representative of public interest groups, and members of minority groups.” - LWVHC (Linda Wengel)

In 2011 Donna Edwards, at the time the Congressional Representative from the 4th District (2008-2017), after examining Maryland’s proposed 2011 gerrymandered Congressional district map, predicted that majority-minority Montgomery County, “would be represented by three white men³.” Her prediction is currently true.

At the national level, the Council of NJ Grantmakers’ Webinar: *Racial Gerrymandering: A Fundamental Threat to Equity*, states, “... it (racial gerrymandering) is a modern-day form of voter suppression and a tool that reinforces institutional racism⁴.”

Timeframe to Impact:

2+ years (Changes would apply to redistricting based on the 2030 Census.)

Data links:

1. <https://www.census.gov/quickfacts/fact/table/howardcountmaryland>, accessed on April 2, 2021.
2. Howard County Registration of Voters in the 2020 Presidential General Election.
3. The Washington Post, “Montgomery officials line up against re-districting map”, October 11, 2011.
4. [Racial Gerrymandering: A Fundamental Threat to Equity | Council of New Jersey Grantmakers \(cnig.org\)](#)

Student Involvement in the Legislative Process

Recommendation 1: We recommend the Howard County Council issue a resolution to the Maryland House of Delegates and Maryland Senate to prohibit the involvement of school staff (in their official capacity) in the student member of the board (SMOB) selection processes, in any way other than facilitating the logistics of student voting.

Intent behind the recommendation:

Currently, to become a Student Member of the Board of Education, one has to take the following steps.

1. One must fill out a 9-page application form found on the HCPSS website.
 - a. This form requires the signatures of one's guidance counselor, one's principal, and one's parent/guardian.
 - b. Also, it "requires four letters of recommendation (one from the principal, one from a teacher, one from a student council or student activity advisor, and one from a community leader)."
2. Upon being nominated to the SMOB convention, the nominees attend the "MASC General Assembly held at the Legislative Session ... Following the speeches and a question and answer session, the MASC voting delegates will elect the two nominees."
3. The two nominees then compete in a general election, where every student enrolled in grades 6 through 11 can vote after watching a short debate between the two candidates.

The process needed to become a MASC delegate may vary from school to school. However, (at least in some schools) one has to go through the following steps.

1. One must fill out an application and submit it to the principal.
2. One is then interviewed by a panel consisting of the principal as well as the previous year's MSAC delegates. Each panelist (including the principal) assigns a score to each candidate. The highest scoring 2-3 candidates from each grade are selected.

School administrators are heavily involved in the selection of the Student Member of the Board of Education at several steps of the process, and this is unacceptable. The students who are dissatisfied with their school's administration (e.g., on issues of staff discipline, discrimination, and racial equity) are thus likely to be disadvantaged and/or not represented. The selection process, therefore, should not involve school staff in any way other than facilitating the logistics of the voting.

Timeframe to impact:

Short-term

Recommendation 2: We recommend the Howard County Council issue a resolution (in the form of an official statement) to the Maryland Board of Education and the Howard County Board of Education to mandate the instruction of certain topics related to civic engagement (voting, voicing one's concerns, and requirements to run for local office/responsibilities of local officeholders).

Data that supports the recommendation:

Statistics collected by KFF highlight racial disparities in voter registration rates for the 2018 midterm election in Maryland, where approximately 77.2% of eligible White residents registered to vote, 66.1% of eligible Asian residents registered to vote, 65.9% of eligible Black residents registered to vote, and 59.5% of Hispanic residents registered to vote.

Intent behind the recommendation:

Instruction on civic engagement

Currently, Howard County Public Schools are required to provide instruction on certain topics that are not purely academic. For example, the Howard County Board of Education mandates instruction in financial literacy.

Apart from being financially literate, it is also crucial for students to learn how to be engaged citizens and how to make suggestions and voice concerns about the state of their communities and the School System. Howard County Public Schools should be required to provide instruction on the following topics (related to civic engagement):

- Voting
 - How to register to vote.
 - How to request an absentee/mail-in ballot.
- Voicing one's concerns
 - How to report bullying or discrimination (including by staff) to the school administration.
 - How to sign up to testify at public forums/meetings of the Board of Education.
 - How to testify to the County Council.
 - Rights of protestors/peaceful demonstrators.
- Responsibilities of all local elected officials, as well as requirements to run for those offices.

Data links: Citations

Kramer, Sharon. *Financial Literacy Education*, Howard County Public School System, www.hcpss.org/parents/financial-literacy/.

Apply for Student Member of the Board of Education by February 4, 2021, Howard County Public School System, 8 Jan. 2021, news.hcpss.org/news-posts/2021/01/apply-for-student-member-of-the-board-of-education-by-february-4-2021/.

"Voting and Voter Registration as a Share of the Voter Population, by Race/Ethnicity." *KFF*, 22 May 2019, www.kff.org/other/state-indicator/voting-and-voter-registration-as-a-share-of-the-voter-population-by-raceethnicity/?currentTimeframe=0&sortModel=%7B%22colId%22%3A%22Location%22%2C%22sort%22%3A%22asc%22%7D