



Legislation Text

File #: CB 119120, Version: 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to organization of the Office for Civil Rights; amending Section 3.14.910 of the Seattle Municipal Code to change removal from at-will to for-cause for subsequent Directors of the Office for Civil Rights.

WHEREAS, the Seattle Office for Civil Rights (SOCR) works to advance civil rights and end barriers to equity; and

WHEREAS, in 2004, The City of Seattle (City) launched a Race and Social Justice Initiative (RSJI), led by SOCR, to implement its longstanding commitments to social justice and ending racism; and

WHEREAS, the goal of RSJI is to end institutional racism within City government, working toward a vision where racial disparities will be eliminated and racial equity achieved; and

WHEREAS, the Seattle City Council unanimously adopted Resolution 31164 on November 30, 2009, affirming the City's RSJI and directing City departments to use available tools to end racial inequities across key indicators of success; and

WHEREAS, on April 3, 2014, Mayor Ed Murray issued Executive Order 2014-02, reaffirming the City's commitment to RSJI and racial equity in education, equitable development, criminal justice, health, housing, jobs, the environment, service equity and arts and culture; and

WHEREAS, the 2016 RSJI Community Survey, found that people who live, work, or go to school in Seattle continue to face racial inequities in nearly every indicator of well-being and 53 percent of all Black/African American survey respondents said they are not experiencing economic opportunities; people of color and transgender respondents were more likely to say their neighborhoods are unhealthy

places to live; close to half of all American Indian/Alaska Native respondents do not feel they have benefited from Seattle's environmental progress; 56.1 percent of Black/African American and 47 percent of American Indian/Alaska Native respondents have little to no confidence in the police to do a good job enforcing the law; 70 percent of people of color reported a lack of confidence in the courts; over 57 percent of American Indian/Alaska Native and Black/African-American persons surveyed responded that they or someone in their family have moved out of Seattle in the past two years due to rising cost of housing; youth of color were less likely to rate Seattle Public Schools favorably compared to their White counterparts; and

WHEREAS, to address these inequities, the City must invest in community-driven strategies that hold government accountable to those most impacted by structural racism and other forms of bias; and

WHEREAS, input and concerns from City employees prompted a meeting in the Committee on Civil Rights, Utilities, Economic Development & Arts (CRUEDA) on September 12, 2017 to discuss how degrees of separation for SOCR from the Executive branch might enable SOCR to address some of the issues identified; and

WHEREAS, at the September 12 CRUEDA meeting, Councilmembers expressed support for a plan informed by SOCR to pass legislation during the 2017 budget process to accomplish the highest priority changes regarding independence; and

WHEREAS, SOCR will conduct a Racial Equity Toolkit Analysis (RET) to the issue of the permanent structure, leadership appointment or designation, and duties and responsibilities of SOCR with SOCR staff, City departments, community members, anti-racist community-based agencies, and partner agencies; and

WHEREAS, preliminary reports regarding the progress and outcomes of the RET are due to the committee overseeing civil rights in March 2018 and July 2018, and a final report should be complete by October 2018; and

WHEREAS, legislation implementing the recommendations of the RET is anticipated in 2018, and it is expected to amend provisions regarding the SOCR Director as addressed in this ordinance; and

WHEREAS, the City Council is currently considering provisions protecting persons exercising their rights in proposed Section 3.14.910 of the Seattle Municipal Code from retaliation, working with other City departments and commissions to determine the appropriate entity to enforce such anti-retaliation provisions, and intends to propose an amendment within 60 days of passage of the ordinance introduced as Council Bill 119120 creating such anti-retaliation provisions and enforcement of those provisions;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Racial equity goals

The City Council is committed to pursuing policies and legislation related to the Seattle Office for Civil Rights' new structure, leadership, and duties and responsibilities that lead to racial equity goals, which include:

A. Centering communities most negatively impacted by institutional racism and structural oppression, including Black/African American and American Indian/Alaska Native communities, other communities of color, immigrant and refugee communities, LGBTQ communities, communities with disabilities, youth, elderly, and communities experiencing homelessness;

B. Investing in community-driven strategies that hold all City departments accountable to the communities most negatively impacted by structural racism and other oppressions to transform the institution from the inside; and

C. Eliminating racial disparities so that all people have the opportunity to thrive and have self-determination.

Section 2. Section 3.14.910 of the Seattle Municipal Code, last amended by Ordinance 125231, is amended as follows:

3.14.910 Director-Appointment, removal, and duties

A. There shall be a Director of the Office for Civil Rights who shall be appointed by the Mayor. Such appointment shall be subject to confirmation by a majority vote of all members of the City Council. The Director of the Office for Civil Rights shall not be included in the classified civil service.

B. Directors of the Office for Civil Rights confirmed by Council after the effective date of the ordinance introduced as Council Bill 119120 shall be appointed with advice from Office for Civil Rights staff, the Seattle Women’s Commission, the Seattle Human Rights Commission, the Seattle LGBTQ Commission, and the Seattle Commission for People with Disabilities to a term that begins on the date of confirmation and ends on December 31, 2021. Subsequent terms shall be for four years. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment. On the effective date of legislation implementing recommendations of a Racial Equity Toolkit (RET) conducted regarding permanent structure, leadership appointment or designation, and duties and responsibilities of the Office for Civil Rights, the term described in this subsection 3.14.910.B shall end, although the Director may hold over until such time a successor for the Director position has been appointed.

C. The Mayor may remove from office a Director confirmed by Council after the effective date of the ordinance introduced as Council Bill 119120 only for just cause, and in accordance with the following provisions:

1. The Mayor shall give written notice, specifying the basis for the intended removal, to the Council President and the Chair of the committee overseeing civil rights, specifying the basis for the intended removal.

2. Before removal, the Mayor shall consult with Office for Civil Rights staff, the Seattle Women’s Commission, the Seattle Human Rights Commission, the Seattle LGBTQ Commission, and the Seattle Commission for People with Disabilities.

D. The Director of the Office for Civil Rights shall be the head of and, under the direction of the

Mayor, shall be responsible for the administration of the office and in connection with such administration shall have duties and responsibilities including but not limited to the following:

- ~~((A))~~1. Undertake enforcement, policy, and education activities consistent with the mission of the Office for Civil Rights;
- ~~((B))~~2. Administer and govern the Office for Civil Rights;
- ~~((C))~~3. Appoint, remove, and supervise officers and employees in the Office for Civil Rights;
- ~~((D))~~4. Provide staff support for the Seattle Women's Commission, the Seattle Human Rights Commission, the Seattle LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) Commission, and the Seattle Commission for People with Disabilities; consult with and report regularly to the Seattle Women's Commission, the Seattle Human Rights Commission, the Seattle LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) Commission, and the Seattle Commission for People with Disabilities on the workings of the Office for Civil Rights; and attend, either in person or by designated representative, all regular meetings of the Seattle Women's Commission, the Seattle Human Rights Commission, the Seattle LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) Commission, and the Seattle Commission for People with Disabilities;
- ~~((E))~~5. Administer all ordinances pertaining to the Office for Civil Rights and take appropriate remedial action where necessary;
- ~~((F))~~6. Manage the preparation of the proposed annual budget of the Office for Civil Rights, and authorize necessary expenditures, and supervise the maintenance of adequate accounting systems;
- ~~((G))~~7. After identifying priority issue areas, develop policies and programs, and seek additional funding sources in these areas, which seek to ameliorate the effects of disparate treatment and impact upon persons based on race, color, sex, marital status, parental status, sexual orientation, gender identity, political ideology, age, creed, honorably discharged veteran or military status, genetics information, religion, ancestry, national origin, the presence of any disability, participation in a Section 8 or other subsidy program, right of a mother to breastfeed her child, alternative source of income, or the use of a service animal by a disabled person;

~~((H))~~8. Make periodic reports and recommendations to the Mayor and City Council concerning the operations of the Seattle Women's Commission, the Seattle Human Rights Commission, the Seattle LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) Commission, the Seattle Commission for People with Disabilities and the Office for Civil Rights;

~~((H))~~9. Receive, consider, and make recommendations concerning statements, reports and complaints relative to problems of civil rights including such problems of civil rights as may arise in connection with the treatment, facilities or services of any office or department of the City;

~~((F))~~10. Exercise such other and further powers and duties as shall be prescribed by ordinance (~~(-~~));

11. Partner with a consultant to conduct an RET analysis and provide recommendations of the RET to the City Council to define and determine the permanent structure, leadership appointment or designation, and duties and responsibilities of the Office for Civil Rights. The City Council shall strongly consider legislation implementing the recommendations of the RET.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2017, and signed by me in open session in authentication of its passage this _____ day of _____, 2017.

President _____ of the City Council

Approved by me this _____ day of _____, 2017.

_____, Mayor

Filed by me this _____ day of _____, 2017.

Monica Martinez Simmons, City Clerk

(Seal)