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.

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

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

Section 1. Findings.

(a) History of Structural Racism.

San Francisco has a long history of creating and/or enforcing laws, policies, and institutions that perpetuated racial inequity in our city, much of which is difficult to document due to historical erasure. The conditions that have created such racial inequity are also 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.
With the acknowledgement that these findings are by no means an exhaustive list of systemic racism in San Francisco, this history includes but is not limited to the following:

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

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

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

(4) In 1880, San Francisco enacted an ordinance prohibiting the operation of a laundry in a wooden building without a permit. At the time, about 95% of laundries in the City were operated in wooden buildings, and approximately two-thirds of those laundries were
owned by Chinese people. The Board of Supervisors denied permits to all Chinese applicants while virtually all non-Chinese applicants were granted permits. In 1886, the United States Supreme Court, reviewing this ordinance, ruled that a law that is race-neutral on its face but is administered in a prejudicial manner violates the 14th Amendment to the United States Constitution.

(54) In 1937, San Francisco was one of 239 cities that was “redlined,” by the Federal Home Loan Bank Board and the Home Owners’ Loan Corporation. This process involved the creation of “residential security maps” which divided cities into areas that were appropriate for investment and areas that were more risky. In San Francisco, neighborhoods with large populations of people of color including the Western Addition, the Haight, Chinatown, and parts of the Mission were deemed risky. Some San Francisco neighborhoods were deemed risky by the Home Owners’ Loan Corporation because of “undesirable racial elements,” explicitly referring to Black residents, Jews, immigrants, and other people of color.

While residents in majority-white neighborhoods saw their property values and wealth rise, people of color in redlined neighborhoods were denied loans, city investment, and infrastructure upgrades. This, in addition to the practice of racial covenants, resulted in systemic concentrations of poverty and blight in racially segregated communities.

(65) In 1942, shortly after the bombing of Pearl Harbor and the U.S.’s official involvement in World War II, and in response to President Franklin Roosevelt’s Executive Order to exclude Japanese from the West Coast, the San Francisco Police Department joined the FBI in sweeps and the internment of thousands of persons of Japanese ancestry in “relocation camps.” More than 110,000 Japanese people on the West Coast were sent to internment camps; evicted and then incarcerated via internment camps; most Japanese Americans from San Francisco were sent to Tanforan Racetrack near San Francisco International Airport. As World War II continued, African Americans were recruited from the
South to the Bay Area for jobs in the shipyards and other war industries; many moved into the homes, businesses, and properties in the Fillmore that were left behind vacant by interned Japanese Americans, were declared a “slum area” by San Francisco government officials and the city made plans to tear it down.

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

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

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

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

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

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

(3) Maternal Mortality: In San Francisco, Black women are twice as likely as white women to give birth prematurely, and Black and Pacific Islander women have the highest rates of prenatal morbidity. SFHIP also found that between 2007 and 2016, Black mothers had about 4% of births in San Francisco, but experienced 50% of maternal deaths, and 15% of infant deaths. While the overall rate of infant mortality in California has been declining since 2005, the American Indian/Alaska Native infant mortality rate in California remains high, averaging 6-7 infant deaths per 1,000 live births between 2005 and 2012.
Mothers of American Indian/Alaska Native infants are more likely to experience preterm birth and low birth weight babies compared to all California mothers. Food insecurity in San Francisco also strongly trends along racial lines, for instance, 20–30% of Black/African American and Latinx pregnant women are food insecure.

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

(45) Housing and Displacement: The impact of the redlining that went into effect in 1937 in San Francisco can still be seen today: 87% of redlined neighborhoods in San Francisco are low-income neighborhoods currently undergoing gentrification. The 2010 Census data showed a decline in the number of children of every racial group in San Francisco except white and multiracial children, including Black, Latinx, and Asian and Pacific Islander. Between 1990 and 2014-15 there was a significant decrease in the percentage of low-income workers living in San Francisco, while a 30% increase in median rent paid was associated with a 21% decrease in low-income households of color—a correlation not seen for low-income white households. Further, as housing prices rose, the share of low-income Black households in San Francisco living in high-poverty, segregated neighborhoods rose from 41% in 2000 to 65% in 2015, in comparison to low-income Asian (27%), Latinx (19%), and White (12%) households. Black and Latinx residents have the lowest home ownership
rates at 31% and 32% respectively. Latinxs reported the highest percentage, 24%, of having been threatened with eviction, with 11% of those evictions having been raised with no cause, exceeding the percentage of no-cause evictions for other racial groups. 34% of Latinxs also reported having faced unstable living conditions in the last five years with 36% stating they would have no other options if they were forced to move from their current residence.

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

(Police Violence: Black and Latinx people have been disproportionately impacted by fatal police shootings. Since 2014, San Francisco police officers killed five people.
— Alex Nieto, Amilcar Perez-Lopez, Mario Woods, Luis Góngora Pat, and Jessica Williams, all of whom were either Black or Latino. In 2016, then-Mayor Ed Lee and then-Chief of Police Gregory Suhr requested that the U.S. Department of Justice conduct an assessment of whether racial bias existed within the San Francisco Police Department.

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

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

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

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

(1) According to a 2019 report from the Board of Supervisors' Budget and Legislative Analyst, municipalities across the United States have established Offices of Equity in order to address the longstanding social, economic, and racial disparities within their
jurisdictions. The report identified 32 cities in the United States with such offices, though not all of these offices focus solely on racial equity.

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

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

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

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

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

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

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

“Racial Disparity” means a condition where one racial group systemically and disproportionately experiences worse outcomes in comparison to another racial group or groups.
Racial Disparities may occur in a range of areas, including but not limited to education, employment, wealth, policing, criminal justice, health, transportation, housing, and homelessness.

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

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

“Racial Equity Framework” means a document outlining the City’s vision, goals, and overarching strategies to address structural Racism and Racial Disparities, and advance Racial Equity in the City, with a focus on the work of City government. It should provide guidelines for addressing implicit and explicit bias, addressing individual, institutional, and structural Racism, and advocating for more inclusive policies and practices that reduce Racial Disparities and promote Racial Equity. The Racial Equity Framework shall set forth a vision for Racial Equity in the City and include goals and strategies to advance Racial Equity and address structural Racism and Racial Disparities.

The Framework shall also include metrics by which departments, through the ensuing Racial Equity Action Plans, can measure performance to address racial disparities within the department’s workforce, service provision, grants, and contracts.

“Racial Equity Report Card” means an assessment measured in public data to provide a snapshot or similar indicator of Racial Disparities that exist across the City in specific areas such as
but not limited to education, employment, wealth, policing, criminal justice, health, transportation, environment, housing, and homelessness.

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

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

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

(c) Mission and Purpose. The purpose of the Office is to advance Racial Equity in the City and repair harm done by government policy decisions that have created, upheld, or exacerbated Racial Disparities in the City. The Office will achieve this goal through policy analysis and development, data collection and analysis, and support and accountability for City departments. The Office will address structural Racism that limits opportunities for and impacts the wellbeing of People of Color in the City. The Office will provide leadership and coordination to facilitate training, accountability, planning and evaluation tools, policy direction, and solutions to achieve Racial Equity within City government and across the City. The Office will work with City departments to eliminate Racial Disparity in City policies, processes, decisions, and resource allocations, and will work with other governmental entities, private businesses, non-government organizations, academia, and community members to achieve measurable results reducing disparities within the City and throughout the community. The Office will work to resolve policy issues rooted in racial bias and discrimination, including examining through an intersectional lens, how Racial Disparities intersect engage with
disparities by gender, class, and sexuality, and more, through research, education, and policy interventions. The Office will work with community partners to promote Racial Equity and inclusion within the City and throughout the region, producing measurable improvements and disparity reductions.

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

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

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

(3) Racial Equity Report Card. The Office shall publish a biennial Racial Equity Report Card on the status of Racial Equity and indicators of success by Race in the City in seven areas: (A) wealth, employment, and economic security, (B) transportation, (C) housing, land use, and homelessness, (D) education, (E) health, and (F) policing and criminal justice, and (G) environment. The Report Card is designed to measure indicators by Race for San Francisco as a whole in the above areas and is not limited to City government performance. The Office may partner with the Controller’s Office, other City departments, or, consistent with the civil service provisions of the Charter, an academic or non-profit policy institution to create the Report Card. The Office shall
submit the first Report Card to the Mayor and the Board of Supervisors no later than December 31, 2021.

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

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

(6) Development of Policy Priorities for Racial Equity. The Office shall work to identify existing policies and practices in the City that contribute to, uphold, or exacerbate Racial Disparities or lead to barriers to opportunities for communities of color, and shall develop legislative priorities to address these disparities, to be recommended to the Mayor and Board of Supervisors.
(7) **Departmental Strategies for Racial Equity.** The Office shall support capacity building and provide technical assistance for City departments to invest in strategies for Racial Equity, including: employee training and support, convening of City department meetings concerning Racial Equity, development of Racial Equity programming, and assisting departments with changes to departmental policies and practices to improve Racial Equity outcomes.

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

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

(e) **Racial Equity Action Plans and Annual Reports.** Each City department shall develop a Racial Equity Action Plan in alignment with the Racial Equity Framework. By December 31, 2020, each City department shall submit its Racial Equity Action Plan to the Office, the Mayor, and the Board of Supervisors, and shall post it on the department’s website. The Racial Equity Action Plan shall include internal metrics concerning the department’s plans to achieve equity within the department and external metrics concerning the department’s services to the public. Departments may consider ways of measuring equity outcomes in hiring and promotional
opportunities as well as contracts and provision of services. Prior to submission of these plans, departments shall present them publicly, through the department’s commission or other oversight or advisory body. If a department does not have a commission, or other oversight or advisory body, the Office may convene a public meeting for presentation of the department’s Plan. The Racial Equity Action Plans shall be updated by December 31 every five years thereafter. City departments shall integrate the Racial Equity Action Plan into departmental five-year strategic plans, as appropriate. Beginning in 2022, each department shall prepare an annual report on the department’s progress towards goals set forth in the Racial Equity Action Plan. The annual report shall include relevant data on the status of Racial Equity in the department’s workforce and its provision of services to the public, including both direct services as well as services provided through grants and contracts. Each department shall submit its annual report to the Office, the Mayor, and the Board of Supervisors by April 1 for the preceding calendar year. The Board of Supervisors shall consider the annual reports in connection with the budget process. If a department is not compliant with regards to the Action Plan and annual reports, or if progress is not being made to address key Racial Equity disparities, the Board of Supervisors intends to exercise its discretion to withhold spending authority or freeze hiring during the budget process for the following fiscal year.

(f) Department Racial Equity Leaders. Each City department with an annual budget under $10 million shall designate at least one staff person to serve as a “racial equity leader,” to coordinate the department’s Racial Equity strategy, Racial Equity Action Plan, and programs. Each City department with an annual budget over $10 million shall designate at least one staff person per departmental division, and submit a staffing plan to the Office, identify at least one staff person per 50 full-time equivalent positions to ensure sufficient capacity, to be “racial equity leaders,” to coordinate the department’s Racial Equity strategy, Racial Equity Action Plan, and relevant programs. Department leadership must consider existing duties for racial equity leaders so
that this responsibility is not in addition to existing duties without adjustment of work responsibilities. Each City department with more than one racial equity leader shall develop internal systems to ensure communication about the department’s Racial Equity strategy, Racial Equity Action Plan, and programs, and coordination with the Office of Racial Equity. Department heads and designated department senior management shall engage with and support the racial equity leaders in the development of the above measures, to ensure these measures and outcomes are a priority for the department. The Office shall provide ongoing training for racial equity leaders. Racial equity leaders shall not be retaliated against for advancing plans to address racial disparities within the department’s operations or service provision.

(g) Annual Workforce Report. The Department of Human Resources, with support from the Office and the Office of the Controller, shall release an annual report concerning Racial Equity in the City government workforce. The report shall include an analysis of the status of City employees by race, including current employees, new hires, applicant pools (to the extent available), promotions, classifications, salaries, civil service and exempt positions, disciplinary actions, probationary releases, medical separations, and complaints regarding racial discrimination, and retaliation in the workplace along with their status and disposition. The data in the Workforce Report shall be disaggregated by race, sub-ethnicity, gender, and department, except to the extent disaggregation would violate any employee’s right to privacy. In addition, data will be disaggregated by city of residence for current employees, applicants, promotions, new hires, classifications and salaries. The Department of Human Resources shall complete the first report by December 31, 2019 March 1, 2020, and shall submit it to the Office, the Mayor, and the Board of Supervisors. After the initial report, annual Workforce Reports shall be released publicly and in conjunction with the department annual reports released on March 1 of each year as outlined in subsection (e). Nothing in this subsection (g) requires the Department of Human Resources to release information that would violate any employee’s right to privacy or any applicable law.
(h) Contracts Report. The Controller's Office and the City Administrator, with support from the Office, shall develop processes and systems to gather and report on racial and gender equity in City contracting. No later than June 30, 2020, the offices shall submit to the Mayor and Board of Supervisor an implementation plan to achieve this goal, including project timelines, costs, and the ability to disaggregate data by contract type, level of contracting, and race, sub-ethnicity and gender.

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

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

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

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

(m) Severability. If any section, subsection, sentence, clause, phrase, or word of this Section 12A.19, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the Section. The Board of Supervisors hereby
declares that it would have enacted this Section, including each and every subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional, without regard to whether any other portion of this Section or application thereof would be subsequently declared invalid or unconstitutional.

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

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

By: BRADLEY A. RUSSI
Deputy City Attorney
City and County of San Francisco

Tails

Ordinance

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

Date Approved
8.9.19