

SUBSTITUTE

ORDINANCE No. 184880 As Amended

*Create the Office of Equity and Human Rights, provide for staffing of Human Rights Commission and Portland Commission on Disability by Office of Equity and Human Rights, establish Council commitment and approve initial work plan (Ordinance; replace Code Chapter 3.128 and amend Chapter 3.129)

The City of Portland ordains:

Section 1. The Council finds:

1. The Equity initiative in the Portland Plan (subject to final approval by City Council) provides a framework for the City's overall equity strategy. It declares a vision for Portland where:
 - a. All Portlanders have access to a high-quality education, living wage jobs, safe neighborhoods, a healthy natural environment, efficient public transit, parks and green spaces, decent housing and healthy food;
 - b. The benefits of growth and change are equitably shared across our communities, and no one community is overly burdened by our region's growth.
 - c. All Portlanders and communities fully participate in and influence public decision-making; and
 - d. Portland is a place where your future is not limited by your race, ethnicity, gender, sexual orientation, disability, age, income, where you were born or where you live.
2. Equity exists when everyone has access to opportunities necessary to satisfy essential needs, advance their well-being, and achieve their full potential. Equity is both the means to healthy communities and an end that benefits us all. We all are interconnected – as individuals within a community and communities within society. All communities need the ability to shape their own present and future.
3. Assuring equity and equal opportunity is a priority of the Portland City government. City leaders, bureaus and staff are committed to providing excellent services and opportunities to every Portlander.
4. The Human Rights Commission is an essential component of the Council's commitment to human rights and equity. "Human Rights" is intended to mean those rights set forth in the United Nations Universal Declaration of Human Rights, attached as Exhibit A.
5. The Portland Commission on Disability guides the City in ensuring that it is a more universally accessible city for all and facilitates increased collaboration and information exchange between persons with disabilities, City bureaus, and City Council.

6. The Council declares:
- a. Portland has become more diverse. Communities of color and immigrant and refugee communities are growing. Today, approximately 1-in-2 students in Portland's public schools are students of color.
 - b. Data presented by the Urban League of Portland's State of Black Oregon (2009), and the Coalition of Communities of Color's Communities of Color in Multnomah County: An Unsettling Profile (2010), shows that racial and ethnic disparities are pervasive and worsening over time. In poverty, employment and education measures, Portland's communities of color have outcomes between 15% and 20% worse than white communities.
 - c. Data presented by the Portland Commission on Disability demonstrates that significant disparities for persons with disabilities, including 80% of persons with intellectual or mental disability have been sexually assaulted; persons with disabilities are twice as likely to be earning \$15,000 or less annually. The national average unemployment rate for persons with disabilities is 18%, though many sources report it may be as high as 70% for persons living outside of institutions. (Oregon Office of Investigations and Training annual reports (2003-2010); the Attorney General's Sexual Assault Task Force findings (2009); Final Report, Best Practices for the Employment of People with Disabilities in State Government, Equal Employment Commission (2005); and the National Adult Protective Services Association's National Inventory 2008-2010).
 - d. Data presented by the Coalition for a Livable Future's Regional Equity Atlas (2007) highlights demographic disparities across the Metro region, and shifts in location of poverty and residences of communities of color between 1990 and 2000.
 - e. The City recognizes the need to eliminate disparities based on race, ethnicity, national origin, English language proficiency, gender, gender identity, sexual orientation, religion, socio-economic status, source of income, geographic location of residence, familial status, disability, age, physical and mental illnesses, and other factors.
 - f. Data indicates that racial and ethnic disparities and those for people with disabilities are vast across all indicators, supporting the need for the City to lead with race and ethnicity as a starting focus and also for disabilities to be an initial priority for the City and the Office of Equity and Human Rights.
 - g. Equity and human rights, including civil rights, will be key priorities internally, and in the City's work externally, with partners in government, private businesses, non-government organizations, academia and each community member.
 - h. Achieving equity requires the intentional examination of policies and practices that, even if they have the appearance of fairness, may marginalize individuals or groups and perpetuate disparities or injustices.

- i. Working toward equity requires an understanding of historical contexts and active investment in social structures over time so that all communities can experience their vision of success.
- j. Achieving equity and protecting human rights requires commitment, collaboration, and clear, transparent communication with the cities, counties, and school districts of our region that serve as the primary structures for managing how resources are divided and how public services are provided.
- k. The Portland Public Schools Educational Equity Policy, Policy 210.010-P, attached as Exhibit B, is a good example of a governmental equity policy designed to address racial disparities.
- l. Advancing equity for and protecting the human rights of all Portlanders will require coordination with other equity and human rights work not only in government but also in private business, nongovernment organizations, academia, community groups, and the media.
- m. Economic development, job creation, and the stable employment of people in our region are essential to achieving equity.
- n. Advancement of equity may require resources to be shifted and reallocated.
- o. The City Office of Equity and Human Rights must work with the City Attorney's Office and the Office of Management and Finance to help meet the City's legal obligations to protect and advance the civil rights of all persons and to ensure that equity-related initiatives and implementation strategies are legally supportable.
- p. The Portland City Council is committed to supporting the Office of Equity and Human Rights by ensuring it is strategically positioned within City government to coordinate between City Bureaus, assist with implementation, monitor compliance, foster accountability, and help the City become a leader in defining and achieving equitable outcomes and eliminating disparities.

NOW, THEREFORE, the Council directs:

- a. It is the commitment of the City Council to achieve equity and to protect human rights in City government policies, procedures and practice.
- b. The Office of Equity and Human Rights will provide leadership and coordination in facilitating systemic training, change, and accountability to achieve equity and protect human rights in City government.
- c. The Office of Equity and Human Rights will work with all bureaus to eliminate disparity in City policies, processes, decisions and resource allocations and with other governments, private businesses, non-government organizations, academia and each community member to achieve measurable results reducing disparities within the City and throughout the community.

- d. The Office of Equity and Human Rights will lead with race and ethnicity as a starting focus and also address disparities for people with disabilities, as initial priorities. The focus of new work will be internally oriented, designing systemic changes within the City of Portland government.
- e. The draft work plan for the Office of Equity and Human Rights attached as Exhibit C is an outline of the potential work of the Office. The Office of Equity and Human Rights will finalize an initial work plan after it is staffed and begins operations, guided by the Equity initiative of the Portland Plan (March 2011 draft attached as Exhibit D and pending September 2011 draft attached as Exhibit E.).
- f. The Commissioner in Charge will provide a progress report to Council and the community within six months from the date of adoption of this Ordinance. This report will include the structure of an advisory system for the Office of Equity and Human Rights, including community members and City staff. The advisory system will include but not be limited to representatives from the Human Rights Commission and Portland Commission on Disability.
- g. The Commissioner in Charge will request the Bureau of Human Resources to establish the classification of Director of the Office of Equity and Human Rights upon adoption of this ordinance.
- h. The Commissioner in Charge and the Director of the Office of Equity and Human Rights will work with the Bureau of Human Resources to provide a staff position in the Office of Equity and Human Rights to assist the Human Rights Commission and will consult with the Human Rights Commission to fill that position in 2011-12.
- i. The Commissioner in Charge and the Director of the Office of Equity and Human Rights will work with the Bureau of Human Resources to move staff support for the Portland Commission on Disability from the Office of Neighborhood Involvement to the Office of Equity and Human Rights.
- j. The funding for the Office of Equity and Human Rights will combine the new allocation for the "Office of Equity" in the 2011-12 Budget, and the existing resources from the Office of Human Relations. The combined budget will be used to support the purpose and work plan of the Office of Equity and Human Rights as stated in this ordinance, particularly a – d in this section.
- k. Other than one position to staff the Human Rights Commission, and the staff position for the Portland Commission on Disability to be transferred from the Office of Neighborhood Involvement, decisions about staffing and programs in the new Office to implement the purpose and work plan of the Office of Equity and Human Rights will be determined by the Director and the Commissioner in charge, informed by community and advisory system input.

1. Chapter 3.128 of the Portland City Code is amended by substituting the following chapter for existing Chapter 3.128:

3.128.010 Creation and Organization

There is established the Office of Equity and Human Rights. The Office of Equity and Human Rights shall consist of the Director and such other employees as the Council may provide. The Director shall report to the Commissioner in Charge.

3.128.020 Purpose

The purpose of the Office of Equity and Human Rights is to:

- A. Promote equity and reduce disparities within City government;
- B. Provide guidance, education and technical assistance to all bureaus as they develop sustainable methods to build capacity in achieving equitable outcomes and service.
- C. Work with community partners to promote equity and inclusion within Portland and throughout the region, producing measurable improvements and disparity reductions;
- D. Support human rights and opportunities for everyone to achieve their full potential; and
- E. Work to resolve issues rooted in bias and discrimination, through research, education, and interventions.

3.128.030 Director's Powers and Duties

The duties of the Director of the Office of Equity and Human Rights include, but are not limited to:

- A. Overall administration of the Office and supervision of its staff;
- B. Implementing the policy directives of the City Council and the Commissioner in Charge, and proposing policies and practices to achieve the purpose of the Office;
- C. Developing an annual work plan to organize and prioritize the work of the Office.
- D. Working with the Human Rights Commission, the Portland Commission on Disability and all other City bureaus, offices, boards and commissions, as well as regional partners in government, business and the community, to increase equitable outcomes and reduce disparities.
- E. Recommending implementation strategies, accountability mechanisms, evaluation standards, and specific actions to the City Council that will

achieve the goals of the Portland Plan Equity initiative, and other equity and human rights policies adopted by City Council.

- F. Providing reports to Council and the community annually and as requested.

m. Chapter 3.129, Human Rights Commission, is amended as follows:

Section 3.129.010 ~~Creation~~ Staffing and Membership

~~There is hereby created~~ There is established in the City of Portland a Human Rights Commission. ~~The Director of the Office of Human Relations shall also serve as the Director of the Commission. The Commission shall be staffed by the Office of Equity and Human Rights.~~ The Commission shall consist of 11 to 15 members. All members shall serve without compensation. Appointments are for staggered terms of three years. No member may serve more than two consecutive three-year terms. ~~When an interim~~ a vacancy occurs, a Human Rights Commission workgroup – after consultation with the Office of Human Relations Commissioner in Charge of the Office of Equity and Human Rights – nominates, the Mayor appoints, and the Council confirms, a member to fill the vacancy-balance of the unexpired term. This same process shall be used when an interim vacancy occurs to appoint a member to fill the balance of the unexpired term. Members shall be appointed by the Mayor so as to provide representation from a reasonably broad spectrum of the community, including without limitation the following factors: areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion, and geographic identification. Members must live, work, worship or be enrolled in school within the City of Portland. Members are encouraged to establish constructive relationships with each member of Council, the City Auditor and other elected officials. The Mayor may remove a member from the Commission at any time, with the recommendation of the Commission and subject to approval by the Council.

Section 3.129.020 ~~Mission~~

The Human Rights Commission shall work to eliminate discrimination and bigotry, to strengthen intergroup relationships and to foster greater understanding, inclusion and justice for those who live, work, study, worship, travel and play in the City of Portland. In doing so, the Human Rights Commission shall be guided by the principles embodied in the United Nations Universal Declaration of Human Rights and by the Portland Plan Equity initiative. The Human Rights Commission shall report at least annually to the Council on the activities of the Human Rights Commission (to include any subcommittees or task forces as may be established) on the progress of the Commission and any recommendations to the Council for further action.

[The remainder of this Chapter is unchanged.]

Section 2. The Council declares that an emergency exists as delay will prevent moving forward with the hiring of the leadership that will refine and implement the work plan; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: **SEP 21 2011**

Mayor Adams/Commissioner Fritz

Prepared by: Tom Bizeau

Date Prepared: September 14, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By *Gayla Jennings*

Deputy

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Agenda No.
ORDINANCE NO. 184880 As Amended
 Title

* Create the Office of Equity and Human Rights, provide for staffing of Human Rights Commission and Portland Commission by Office of Equity and Human Rights, establish Council commitment and approve initial work plan (Ordinance; amend Code Chapters 3.128 and 3.129)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Adams, Commissioner Fritz</p>	<p>CLERK USE: DATE FILED <u>SEP 16 2011</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz <i>[Signature]</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> _____ Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Bureau Head:</p>	<p>ACTION TAKEN:</p>
<p>Prepared by: 9/14/11 Date Prepared: Sara Hussein</p>	
<p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Council Meeting Date September 21, 2011</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>GF for LM</i></p>	

AGENDA

TIME CERTAIN
Start time: 11:00 AM

Total amount of time needed: 1 hour
 (for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	