

ORDINANCE NO. 2387

AN ORDINANCE AMENDING BEND CODE CHAPTER 1.20 TO ADD SECTION 1.20.120 – HUMAN RIGHTS AND EQUITY COMMISSION

Recital

- A. In June 2017, City Council adopted Resolution 3068 declaring Bend an inclusive and welcoming city that embraces and celebrates its immigrant and refugee residents, and welcomes and encourages their contributions to the collective prosperity and security of all current and future residents. The Resolution also affirmed the City's membership in the National Welcoming America Initiative.
- B. The 2019-2021 Council Goals include a strategy to embed a commitment to diversity, equity, and inclusion (DEI) within the City of Bend. The strategy includes the following actions: implement a DEI training program for City Council, City staff, and volunteers; hire a consultant to conduct an organizational assessment; establish a short-term task force to assist in identifying needs and priorities of underrepresented communities in Bend; and establish a permanent commission or committee to develop a DEI action plan and to seek opportunities to leverage community efforts through funding and staff support.
- C. The City contracted with Allyship in Action (AiA) to assist in implementing these actions. AiA began working with City Council members and City staff in autumn 2019.
- D. The AiA work included interviews with community stakeholders representing a broad range of marginalized and underrepresented communities to help inform how the City could better serve members of those communities.
- E. The City created the short-term Diversity, Equity, and Inclusion (DEI) task force called for in the Council's DEI strategy. The task force was asked to:
- i. Identify ways the needs and priorities of historically marginalized and underrepresented communities could be addressed by a DEI committee or commission.
 - ii. Evaluate existing models for DEI-related committees and commissions to identify options for Bend.
 - iii. Draft recommendations for City Council drawing from this research, evaluation, and consultation.
- F. City Council liaisons, City staff, and AiA participated in task force meetings and deliberations.

G. The task force concluded the City needed a multifaceted, permanent commission with a responsibility to Bend's historically marginalized and underrepresented communities, the City Council, and the community as a whole.

H. The task force identified needs, priorities, and other considerations for a permanent commission; the task force recommendations are outlined in detail in the August 2020 Diversity, Equity, and Inclusion Summary Report and Recommendations from AiA presented first to the Council Stewardship Subcommittee and then embedded within the full report to the City Council.

I. Some key elements of the recommendations for a permanent commission include, but are not limited to, the following:

- i. The ability to investigate and respond to complaints of discrimination and/or violations of Bend's Equal Rights Ordinance;
- ii. Developing and facilitating non-punitive resolutions, such as mediation or restorative justice, supported by appropriate education and resources;
- iii. Advising City Council on issues relating to DEI;
- iv. Creating and providing regular guidance and feedback on implementation of a DEI action plan for the City that is responsive to the evolving needs of historically marginalized and underrepresented communities as well as the capacity of Council and staff.

J. Based on the recommendation of the Stewardship Subcommittee and the review by the entire Council, the Council desires to form a permanent Human Rights and Equity Commission (HREC) pursuant to Bend Code Chapter 1.20. Council has found that committees, boards, and commissions are most effective when they have both support from the City and clear direction on what is expected, which is Council's intent in this amendment to the Bend Municipal Code.

K. The Council intends the HREC to be broadly representative of the Bend community by effectively representing people from historically marginalized and underrepresented communities. While it can be difficult to create a comprehensive listing of every community fitting that description, Council believes that in Bend those communities include people of color, immigrants, those for whom English is not their first language, people who do not identify as cisgender or heterosexual, people who have physical, mental, sensory, or intellectual/developmental disabilities, and others.

L. At its September 16, 2020 meeting, Council discussed and considered several topics and ideas related to equity and inclusion. While the HREC will develop its own work plan informed by the Council Goals, Council expects that HREC's work may start with consideration of some of the ideas and topics discussed and presented at the September 16, 2020 Council meeting, as well as in the August 2020 report from AiA to Council.

M. Council also expects that part of the work of the HREC will include interactions, as needed, with other key committees whose work relates to and involves important issues related to diversity, equity and inclusion in the community of Bend, such as (but not limited to) the City of Bend Accessibility Advisory Committee (COBAAC), the Affordable Housing Advisory Committee and the Environment and Climate Committee.

Based on these findings,

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1.** Chapter 1.20 of the Bend Code is amended to read as shown on the attached Exhibit A.
- Section 2.** All other provisions of Chapter 1.20 Bend Code remain unchanged and in full effect.
- Section 3.** If any provision, section, phrase, or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

First Reading Date: October 7, 2020

Second Reading and adopted by roll call vote on October 21, 2020.

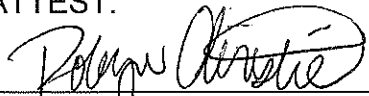
YES: Sally Russell, Mayor
Bruce Abernethy
Barb Campbell
Justin Livingston
Gena Goodman-Campbell
Chris Piper

NO: Bill Moseley




Sally Russell, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



City Attorney's Office

1.20.120 Human Rights and Equity Commission

A. Purpose. The Human Rights and Equity Commission (HREC) will ensure historically marginalized and underrepresented people and communities in Bend have equal access to City programs and services, representation in City decision-making, and a venue to raise concerns and complaints about discrimination. HREC will:

1. Provide input to the City Council on City goals and policies using a diversity, equity, and inclusion lens and perspective, including recommending effective strategies to increase engagement with historically marginalized and underrepresented communities.
2. Create an action plan to achieve an equitable society, where our diversity is celebrated and all are included, and advise the City Council on implementation, progress, and updates to the plan. The plan should be responsive to the evolving needs and priorities of marginalized and underrepresented communities, engage with Bend community members, interested groups, other agencies, City staff, and businesses and non-profits to develop strategies to promote diversity, equity and inclusion goals.
3. Work with the Bend community, interested groups, staff, and elected officials to make recommendations that embrace the City's commitment to building a more inclusive community, where all can be treated with compassion and respect, regardless of race, ethnicity, place of origin, immigration status, or any other perceived or self-identified class or status.
4. Provide opportunities for people seeking resolution and assistance regarding complaints of discrimination in Bend, including potential violations of the City's Equal Rights Ordinance. HREC may connect people with resources and assistance, and seek resolution of complaints through conciliatory or educational processes, but does not have authority to compel participation, require specific actions, or impose economic sanctions or other penalties.

B. Membership.

1. HREC membership consists of 9 to 13 community members, a majority of whom identify with one or more historically marginalized or underrepresented communities. HREC membership is intended to reflect a diverse spectrum of people and communities in Bend that have been historically marginalized, underrepresented in public governance and policy-making, and/or underserved by public programs and services. The Mayor has discretion to determine the number of members between 9 and 13 at a given time, but shall consider the recommendations and input from HREC if membership is ever fewer than 13, and will strive to maintain an odd number of members to the extent possible.
2. Initial members shall serve staggered two- and four-year terms. Subsequent terms will be four years.

C. HREC derives its authority from Bend Municipal Code 1.20.005 and this section. HREC may advocate to the City Council when HREC identifies issues of community significance involving diversity, equity, and inclusion during goal setting or as otherwise scheduled by the City for advisory committees or for the HREC.

D. HREC may establish subcommittees and appoint HREC members as subcommittee members.