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CITY OF BOSTON IN CITY COUNCIL

Ordinance to Establish RISE: Reshaping Inequities through Systematic Empowerment

WHEREAS: On June 12, 2020, the City of Boston declared racism a public health crisis and affirmed the need for proactive reinforcement of policies that promote a more equitable Boston; *and*

WHEREAS: In 2021, President Biden, through Executive Order 13985, set a powerful example by charging the Federal Government with advancing equity for all, including underserved communities, addressing systemic racism, and supporting and empowering all Americans, thereby setting a precedent for local governments to follow; *and*

WHEREAS: Reflecting on past city policies, programming, investments, and instances of negligence, we recognize that Boston's communities of color have been consistently disadvantaged and disinvested in, leading to their further marginalization and dismantling; *and*

WHEREAS: In response, former Mayor Martin J. Walsh issued an executive order affirming the role of the Equity & Inclusion Cabinet to instill resilience and racial equity throughout city government, mandating data collection, outreach, inter-agency collaborations, and capacity building across all City departments; *and*

WHEREAS: Building on this foundation, the City launched significant initiatives, including the establishment of the Equity & Inclusion Cabinet, the creation of a racial equity fund, the implementation of new zoning amendments, the Office of Cultural Affairs, and the formation of the Reparations Commission Taskforce; *and*

WHEREAS: The City of Boston has continued to make substantial strides in promoting racial equity through various initiatives and policies, including the Pilot E+I Academy training and the REAL training series, aimed at building trust, fostering belonging, and equipping employees with tools to better serve diverse populations, reflecting a broader national movement toward systemic empowerment and equitable practices; *and*

WHEREAS: In this spirit of continuous improvement and alignment with best practices, the District of Columbia implemented the "Racial Equity Achieves Results Amendment Act of 2020," requiring the Mayor to include a summary of how each

year's proposed budget "advances racial equity in the District, reduces disparate outcomes, and allocates resources to support equitable outcomes; *and*

WHEREAS: In 2021, the residents of Boston voted to give the City Council more budget oversight, empowering local governance to better address community needs and promote equity; *and*

WHEREAS: Recognizing this power, the government serves in the public's interest and is uniquely positioned to address racial systemic inequity and bias; *and*

WHEREAS: Addressing racialized societal inequities is essential for developing safe, resilient, and collaborative communities, and for preventing crime, violence, homelessness, and poor health outcomes; *and*

WHEREAS: Proactively pursuing racial equity strengthens government-community relationships and ensures fair opportunities for all, particularly in Black and Brown communities; *and*

WHEREAS: The City of Boston recognizes the need to implement clear, intentional strategies and practices to address racial disparities and promote equity in all aspects of city governance; *and*

WHEREAS: Including the employment of Minority and Women Business Enterprises (MWBs) in City contracting and promoting equity in public procurement is crucial, with regular reporting and disparity studies essential for monitoring and addressing inequities in city contracts;

WHEREAS: Through this Ordinance, the Boston City Council has made it a priority to examine how each department is addressing inequities; ***NOW THEREFORE***

Be it ordained by the City Council of Boston as follows:

That the City of Boston Code, Ordinances, 2-12 shall be amended by adding the following new sections and subsections after 2-12.5

Section One.

Section 2-12.6 Equity in Action

Section 2-12.6.1 Purpose:

This legislation intends to establish protocols to ensure that all city ordinances and budgetary decisions are informed by and adhere to principles of racial and social equity with the goal of closing racial wellness and achievement gaps and improving health, educational, economic, and societal outcomes for all residents.

Section 2-12.6.2 Definitions:

For purposes of this section, the term:

- I. "Determinants of equity" refers to the social, economic, geographic, political, and physical environmental conditions in which people in the City of Boston are born

in, grow, live, work, and age that lead to the creation of a fair and just society. Access to the determinants of equity is necessary to have equity for all people regardless of race, class, ethnicity, religion, disability status, sexual orientation, gender identity, language spoken, or perceptions thereof. Inequities are created when barriers exist that prevent individuals and communities from accessing these conditions, thereby preventing them from reaching their full potential. The determinants of equity include, but are not limited to:

- A. Community economic development that supports local ownership of assets including homes & businesses and assures fair access to business development & business retention opportunities;
- B. Community & public safety including services such as fire, police, emergency medical services, and code enforcement that is responsive to feel safe to live, work, and play in any neighborhood;
- C. A law & justice system that provides equitable access and fair treatment for all;
- D. Early childhood development that supports nurturing relationships, high-quality, affordable child care & early learning opportunities that promote optimal early childhood development and school readiness for all children;
- E. Education that is high quality, accessible, and culturally appropriate;
- F. Equity in practices that address implicit bias and institutional racism to promote fair and inclusive treatment for all individuals engaging with city operations and services.
- G. Food systems that support local food production and provide access to affordable, healthy, and culturally appropriate foods for all people;
- H. Health & human services that are high quality, affordable, accessible, culturally appropriate, and support the optimal well-being of all people;
- I. Healthy and accessible built & natural environments for all people that include mixes of land use that support: jobs; housing; amenities & services; trees & forest canopy; and clean air, water, soil, & sediment;
- J. Housing for all people that is safe, affordable, high quality, and supportive of good health;
- K. Job training and quality jobs that provide all residents with the knowledge & skills required to support their ability to make sufficient income to support themselves and their families with a decent standard of living;
- L. Neighborhoods that support all communities & individuals through strong social networks, trust among neighbors, and the ability to work together to achieve common goals that improve the quality of life for everyone in the neighborhood;
- M. Parks and natural resources that provide access for all people to safe, accessible, clean, and high-quality outdoor spaces, facilities, and activities that appeal to the interests of all communities; and
- N. Transportation that provides everyone with safe, efficient, affordable, accessible, convenient, and reliable mobility options including public transit, walking, and biking.

- II. "Equity" refers to the elimination of disparities such that race, class, ethnicity, religion, disability status, sexual orientation, gender identity, language spoken, or perceptions thereof no longer predict opportunities, outcomes, or the distribution of resources for residents of the City.
- III. "Budget Amendment Packet" refers to the collection of all individual budget amendments proposed by the individual City Councilors.

Section 2-12.6.3 Council Central Staff Committee on Equity:

There shall be established an independent Council Central Staff Committee on Equity (C-COE), composed of a Director and the Central Staff legislative liaisons. These individuals shall serve as research & legislative consultants for the offices of the City Councilors.

Section 2-12.6.4 Equity in Action:

Ordinances and Home Rule Petitions proposed by the Mayor or the individual Councilors shall be accompanied by a written analysis of if and how the proposed ordinance:

- I. advances access to determinants of equity in the City;
- II. addresses disparities of access to the determinants of equity;
- III. analyzes any expected disparate impact on individual's or community's age, race, class, ethnicity, disability status, sexual orientation, gender identity, immigration status, language spoken, or perception thereof;
- IV. and/or allocates resources to support improved individual and/or communal outcomes.

This analysis shall be created by the Mayor's Office or Primary Sponsor's Office with research support and in consultation with the Mayor's Office of Equity And Inclusion and C-COE, respectively, as requested.

This analysis shall be appended as a preamble, serving as a cover letter to accompany the legislation upon initial submission. It will outline how the proposed ordinance or home rule petition advances access to equity determinants, addresses disparities, analyzes potential disparate impacts across various demographics, and allocates resources to support improved outcomes, ensuring clarity and alignment with the City's equity goals.

Beginning in part in fiscal year 2027 and in each subsequent fiscal year, the Equity and Inclusion Cabinet will develop guidelines to aid policymakers in establishing a standardized framework for ensuring equity.

Section 2-12.6.5 Equity in Budgeting:

Section 2-12.6.5.1 Equity Analysis in Budget Submissions

Beginning in part in fiscal year 2027 and for each subsequent fiscal year, the Mayor's budget package to the Council and the Council's proposed Budget Amendment Packets shall be accompanied by a written analysis of if and how the proposed budget or amendment(s):

- I. Improves access to the determinants of equity in the City;
- II. Addresses disparities of access to the determinants of equity;

- III. Improves health, educational, economic, and societal outcomes for residents, particularly those from traditionally marginalized communities determined by an individual's or community's age, race, class, ethnicity, disability status, sexual orientation, gender identity, immigration status, language spoken, or perception thereof;
- IV. Allocates resources to support equitable access and improved outcomes.

This analysis shall be created by the Mayor's Office or Primary Sponsor's Office with research support and in consultation with the Mayor's Office of Equity And Inclusion and C-COE, respectively, as requested. This analysis shall be included as a preamble to each Mayoral docket submission and each Council Amendment, in accordance with the process outlined by the chair.

Section 2-12.6.5.2 Departmental Equity Reports

Beginning in part in fiscal year 2027 and for each subsequent fiscal year as part of the annual budget process, the Office of Budget Management shall require each department to submit a written report that summarizes, at a minimum:

I. The budget book through an equity lens must, at a minimum, include detailed reports from each department addressing the following areas:

A. EMPLOYEES

1. Five-Year Analysis of Full-Time Employees (FTE's)
2. Five-Year Analysis of Total Number of Positions.
3. Five-Year Analysis of the total number of contract positions.
4. Four-Year Breakdown of employees on leave and average time spent on leave.
5. Breakdown of departmental employees by race and gender, and a breakdown of your top 10 wage earners by race and gender.
6. Breakdown of employees with language competency other than English.
7. Outline any hiring challenges encountered during the year.
 - a) Detail all vacancies in the department that have remained open for longer than six months.
8. Submit an organizational chart for the department, including accompanying salary information.
9. Five-year analysis of department overtime
 - a) Amount and Justifications for any overtime.

B. CONTRACTS

1. Overview of contracts entered into within the last four fiscal years
2. Breakdown of contractors by race and gender, with residential and business addresses.
3. Highlight MWBE contracts, including the vendor's location.
4. Identify and address any significant barriers to contractor diversity.
5. Evaluate the feasibility of bringing currently outsourced work in-house

C. PERFORMANCE

1. Please provide an overview of your current fiscal year performance measures including:
 - a) Any changes in targets from the past fiscal year's performance measures.
 - b) An overview of each measure with a narrative explaining its history and trends
2. For this upcoming fiscal year, please provide a narrative explaining any proposed new measurements or changes to the target levels of any existing performance measurements.

D. SPENDING

1. Please attach actual YTD spending.
2. Please explain any savings realized by the department YTD.
3. Please describe any areas where your department could find savings.
4. For prior three fiscal years, please describe how much in unused funds your department had.

E. REVOLVING FUNDS

1. Any and all information on revolving funds -
 - a) Name of revolving fund
 - b) The board, department, or officer authorized to expend from the fund
 - c) The annual cap (if any) on this fund.
 - d) The programs and purposes for which the revolving fund may be expended
 - e) The limit on the total amount which may be expended from such fund
 - f) Any restrictions on the expended funds
 - (1) For the previous fiscal year
 - (a) The revenue and expense details in checkbook form with beginning and ending balances.
 - (2) For the current fiscal year
 - (a) The anticipated revenue and expenses for the current fiscal year
 - (b) The actual-to-date revenue and expense detail in checkbook form with beginning and end-to-date balances.

(3) For the next fiscal year

- (a) Any proposed changes to the structure of the fund from previous years.
- (b) Any anticipated changes to the source of receipts for the fund from previous years.
- (c) Anticipated receipts and expenditures for the next fiscal year.

- II. Assessment of departmental capacity to fulfill the requirements of this ordinance
- III. Assessment of adherence to policies and procedures implemented to fulfill the requirements of this ordinance
- IV. Assessments of progress and deficits relating to the achievement of annual equity goals laid out in the previous year
- V. Establishment of new equity goals and objectives
- VI. Plans to fulfill deficits & meet said goals.
- VII. Demographic data relating to:
 - A. Procurements
 - B. Staffing
 - C. Compensation
 - D. Capital expenditures
 - E. Leadership & advancement
 - F. Grant disbursements
 - G. Contracts

Starting in fiscal year 2027, the departments required to fulfill these duties will be the Top 5 departments by expenditure in the operating budget, with an expansion to the Top 10 by fiscal year 2028 and every department by fiscal year 2029.

These reports shall be included in budget materials to be shared with the Council and made available to the public for the purpose of identifying gaps and assessing the root causes of those gaps.

Section 2-12.6.5.3 Metrics and Reporting

Beginning in the first quarter of fiscal year 2027, the City's Equity & Inclusion Cabinet and the Office of Budget Management shall develop, establish, and track metrics to measure the overall development and implementation of this ordinance. The City's Equity & Inclusion Cabinet will report on established metrics on a semiannual basis. Such reports shall be submitted to the Clerk and the Clerk shall docket the report and include the docket on the agenda of the next occurring meeting of the City Council.

Beginning in fiscal year 2027 and for each subsequent fiscal year, the City's Equity & Inclusion Cabinet shall design and publish an annual report for elected leadership, employees, and the public on the status & trends in equity in the City, measures of accountability for work plans, and results related to implementation of this ordinance. The report shall be submitted to the Clerk and the Clerk shall docket the report and include the docket on the agenda of the next-occurring meeting of the City Council.

The Mayor's Office of Equity & Inclusion shall be empowered to establish and modify requirements and protocols for data collection relating to this ordinance in consultation with the Department of Innovation and Technology.

Section 2-12.6.6 Council Equity Task Force:

Upon passage and the swearing-in of the Boston City Council, a task force shall be convened consisting of the City Council President, the Chair of the City Council Committee on Government Operations, one representative from each of the remaining individual City Councilor offices, the C-COE Director (appointed by the Central Staff Director), representatives from the Mayor's Office of Equity and Inclusion. The Council Equity Task Force shall be facilitated by the C-COE Director and co-vice-chaired by the City Council President and the Chair of the City Council Committee on Government Operations.

The Council President shall call a meeting to confirm and deliberate on the guidelines developed by the task force. These guidelines shall be reported to the Council in the form of a communication and will not require a formal vote. The task force shall have the discretion to engage a third party to support the development of these guidelines if deemed necessary.

The purpose of the task force is to adopt appropriate standards and procedures to achieve the goals outlined in Section 2-12.6.5.1, with an emphasis on ensuring clarity, equity, and efficiency in implementation. These standards shall include, but not be limited to:

- I. **Formats and Expectations:** Define specific formats and expectations for Ordinance, Home Rule Petition, and Budget Amendment Packet equity analyses
- II. **Engagement with Marginalized Communities:** Establish methods, mechanisms, and strategies to actively engage with marginalized communities experiencing racial and other disparities, promoting inclusivity and representation and increasing the influence of such communities in decision-making.
- III. **Guidelines for Committee Hearings:** Set clear guidelines for conducting committee hearings, both in Chamber and remote, to ensure fairness, inclusivity, and the consideration of diverse perspectives.

These standards shall aim to create a structured framework for promoting equity within the Boston City Council's operations and decision-making processes and shall be adopted within 30 business days of the passage of this ordinance or within 30 business days of the opening of the legislative Council cycle, during which time the Council shall continue to operate under the rules adopted by the previous Council Equity Task Force.

Section 2-12.7 Equity in Implementation

Section 2-12.7.1 Development of Equity Toolkits:

By fiscal year 2027, the Mayor's Office of Equity & Inclusion and the Department of Innovation and Technology shall work in consultation with the Top 5 departments by expenditure in the operating budget (expanding to the Top 10 by fiscal year 2028, and all departments, boards, commissions, cabinets, and offices by fiscal year 2029) within the City of Boston to develop and design individual Equity Toolkits to, at a minimum:

- I. Identify clear strategic initiatives, objectives, and measurable outcomes;
- II. Develop metrics to measure progress in redressing disparate health, educational, economic, and societal outcomes in the City based on age, race, class, ethnicity, disability status, sexual orientation, gender identity, immigration status, language spoken, or perception thereof;
 - A. Pay equity analysis to identify and address pay disparities based on the above listed categories
 - B. Workforce demographic analysis to identify and address disparities in employment and promotional practices and procedures based on the above listed categories
 - C. Professional development analysis to monitor and enhance access to training and advancement opportunities to ensure equitable access to opportunities for career advancement
 - D. Accessibility audits to assess the accessibility of City facilities and services for individuals with disabilities identifying areas for improvement
 - E. Complaints and grievance analysis to identify and address patterns and disparities based on the above listed categories
- III. Each Equity Toolkit shall include steps to assess and mitigate unintended negative impacts of policies or programs. Departments must conduct pre-implementation equity impact assessments to identify potential disparities and gather early community feedback to inform adjustments. If adverse effects are identified, an "Equity Adjustment Plan" must outline corrective actions, timelines, and accountability measures. Regular monitoring through quarterly reviews and post-implementation evaluations will ensure ongoing oversight, with reports submitted to the Council for transparency.
- IV. Track and measure how programmatic and policy decisions benefit or burden individuals and communities based on age, race, class, ethnicity, disability status, sexual orientation, gender identity, language spoken, or perception thereof; and
- V. Evaluate the efficacy of the City's strategic initiatives and programs aimed at reducing disparate outcomes resulting from an individual's or community's race, class, ethnicity, disability status, sexual orientation, gender identity, language spoken, or perception thereof

Equity Toolkits and initial reports shall be submitted by the relevant departments to the Clerk, who shall docket the report and include it on the agenda of the next City Council meeting.

The Mayor's Office of Equity & Inclusion, the Department of Innovation and Technology, and relevant departments shall revisit these Toolkits no sooner than 120 days before and no later than 60 days before the end of the Council term. A report detailing updates, improvements, and

changes shall be submitted to the Clerk, who shall docket the report and include it on the agenda of the next City Council meeting.

Section 2-12.7.2 Policy and Program Equity Review:

By the start of fiscal year 2026, the Mayor's Office of Equity & Inclusion and the Department of Innovation Technologies shall work in consultation with the individual Departments, Boards, Commissions, Cabinets, and Offices to establish appropriate standards by which to review policy and programmatic impacts upon equity. Policies and programs shall be reviewed by the individual Departments, Boards, Commissions, Cabinets, and Offices annually thereafter to establish efficacy and impact.

Starting in fiscal year 2027, the departments required to fulfill these duties will include the Top 5 departments by expenditure in the operating budget. This requirement will expand to the Top 10 departments by fiscal year 2028. By fiscal year 2029, these standards shall apply to every department, board, commission, cabinet, and office within the City of Boston.

Section 2-12.7.3 Council Equity Training:

The Staff Director and Council President shall schedule at least one annual training on Equity, Implicit Bias, and Operationalization of Equity Practices. Training shall be mandatory for all Council members, Council staff, & City Council Central Staff, and strongly encouraged for interns & volunteers. If a staff member misses a training, the Staff Director and Council President will determine an acceptable action plan to ensure that all staff understand the information presented in the training.

Section 2-12.7.4 Executive Offices Equity Training:

The Mayor's Office of Equity & Inclusion shall schedule an annual training on Equity, Implicit Bias, and Operationalization of Equity Practices. Training will be mandatory for all Department, Board, Commission, Cabinet, & Office Chiefs and Deputies, and shall be made available to all City employees. If a staff member misses a training, the Mayor's Office of Equity & Inclusion will determine an acceptable action plan to ensure that all staff understand the information presented in the training.

Section Two.

If any provision of this shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Section Three.

The provisions of this ordinance shall be effective upon passage.

Filed in City Council: February 7, 2025