ORDINANCE NO. 21-007

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
CREATING A TASK FORCE ON DIVERSITY, EQUITY, AND INCLUSION

Findings

A. Council Member McAdams convened meetings of a working group on December 29, 2020 and January 5, 2021 to discuss the topic of Government Accountability.

B. The report of the working group was transmitted to Council on January 20, 2021 together with the recommendations that (1) henceforth the permanent name of the group leading this effort should be denominated as the “Task Force on Diversity, Equity, and Inclusion”, (2) the group should endeavor to make recommendations to improve the City of Pacific Grove’s (City) social impact to better serve needs of both residents and visitors alike, and (3) the group should make recommendations as to City policies and programs.

C. At its regular meeting of January 20, 2021, Council considered both the working group report and a separate agenda item on the topic of equity. The working group recommended review of City policies, programs and services through an equity lens. Such a lens calls for listening to our Black, Indigenous, People of Color and other community members and their experiences.

D. Council directed staff and the City Attorney’s office to prepare an ordinance to create a “Task Force on Diversity, Equity, and Inclusion” as a temporary body that, if warranted, could ultimately become a permanent group to help inform staff and Council on issues pertaining to diversity, equity, inclusion, and racial justice.

E. Notice of the public hearing was published or posted in the Monterey Weekly on April 1, 2021.

F. This ordinance shall not be codified upon enactment but shall later amend the Municipal Code to create a new Chapter 3.46, entitled “Task Force on Diversity, Equity, and Inclusion” if and only if the Council shall later adopt the resolution designating the Task Force a permanent body pursuant to Pacific Grove Municipal Code (PGMC) as referenced in Section 4 of this Ordinance.

G. In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq., and found this activity to not be a Project defined by the California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment; and

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:
SECTION 1. Findings. The foregoing Findings are adopted findings of the City Council as though
set forth fully within the body of this ordinance.

SECTION 2. Task Force Creation. A Task Force on Diversity, Equity, and Inclusion for the city
of Pacific Grove shall be created and adhere to the following criteria:

010 Creation – Membership.

(a) A Task Force on Diversity, Equity, and Inclusion for the city of Pacific Grove is
created. Members of the Task Force shall have an interest in the topics of diversity,
equity, inclusion, and racial justice as these affect the city of Pacific Grove. The Task
Force shall consist of five voting members appointed by the mayor and approved by the
council.

(b) Four members shall be registered voters residing in the city of Pacific Grove and
engaged in the topics of diversity, equity, inclusion, or racial justice as demonstrated by
their background or resume.

(c) One member shall have professional training or expertise in the topic of diversity,
equity, inclusion, racial or social justice. This person need not reside in the city of Pacific
Grove.

(d) If, for any reason, after reasonable effort, sufficient members are not found available
to serve, the mayor may appoint others who do not meet these qualifications, subject to
approval of the council.

020 Task force purpose.

(a) The citizens of Pacific Grove desire to improve the City’s social environment to
better meet the needs of residents and visitors alike.

(b) City policies, programs and practices should be examined through a community lens
to promote diversity, equity, inclusion, racial justice, and healing.

(c) Promote participation of underrepresented communities including but not limited to
people of color, LGBTQ+, people with disabilities, immigrants, etc. and monitor
change that occurs to diversity, equity, inclusion, and racial justice within the City.

(d) Provide feedback, guidance, strategies and recommendations to increase community
engagement by underrepresented groups.

030 Terms designated.

All Task Force members shall serve a two-year term. Three of the members shall be
appointed for terms ending on January 31st in odd-numbered years, and two members for
terms ending on January 31st in even-numbered years.
040 Removal of members.

A member may be removed from the Task Force prior to the expiration of their term by a majority vote of the council, at council’s discretion. Any member who absents themselves from two consecutive regular meetings, without cause or approval by the Task Force, shall be automatically removed.

050 Selection of officers.

Voting members of the Task Force shall select one of their members to be chairperson for a one-year term, each such officer to be selected and the term to commence at the first meeting in February.

060 Meetings – Brown Act compliance.

All meetings of the Task Force shall be open to the public. The Task Force shall hold regular meetings no more frequently than once a month and shall establish its own rules for the frequency, time, and place of meetings, and to govern its procedures. The Ralph M. Brown Act shall apply to all proceedings of the Task Force.

An affirmative vote of a majority of the total members of the Task Force shall be required for any action by the Task Force.

070 Powers and duties.

The Task Force shall have the following powers and duties:

(a) To act in an advisory capacity to the Council and City Manager on the topics of diversity, equity, inclusion, and racial justice as related to the city of Pacific Grove.

(b) Recommend to the Council adoption of such laws, rules, regulations, programs and practices on the topics of diversity, equity, inclusion, racial justice and healing that relate to the city of Pacific Grove.

(c) Perform other duties as the council may request.

SECTION 3. Sunset Date.

(a) This ordinance shall sunset and have no further force or effect on July 1, 2022 unless the Council, on or before June 30, 2022 chooses to adopt a resolution designating the Task Force to be a permanent body pursuant to PGMC Chapter 3.46 of Title 3, Boards and Commissions.

(b) The effect of the resolution referenced in paragraph (a), above, shall be to amend PGMC Title 3 and add a new Chapter 3.46, entitled “Task Force on Diversity, Equity, and Inclusion.” All
provisions set forth in Section 2 of this ordinance shall be codified as sections within PGMC Chapter 3.46.

SECTION 4. Implementation. The City Manager is directed to implement this Ordinance. The City Manager shall determine staff necessary to support actions of the Task Force to commence and to sustain its work.

SECTION 5. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 6. Effective Date. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS 7th day of April, 2021, by the following vote:

AYES: Mayor Peake, Councilmember Amelio, Coletti, McAdams, and Poduri

NOES: None.

ABSENT: Councilmembers Smith and Tomlinson

APPROVED:

4/9/2021

DATED: 4/9/2021

ATTEST: SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney