

July 21, 2024

Subject: Racial Equity Commission March 21, 2024, Meeting Minutes
Reporting Period: March 2024-July 2024
Staff Lead: Alex C. Walker, Executive Fellow, California Strategic Growth Council
Reviewed By: Joyce Chiao, Consultant, Abundance Strategies

Recommended Action

Approval of the March 21, 2024, Racial Equity Commission Meeting Minutes.

Racial Equity Commission March 21, 2024 - Meeting Minutes

Agenda Item #1: Welcome

A. CALL TO ORDER: Chair Wood called the meeting to order at 9:02 AM. Expressed his honor to be here for the second meeting of the California Racial Equity Commission. March 21 is acknowledged by the United Nations as International Day to eliminate Racial Discrimination. International Day for the Elimination of Racial Discrimination is observed annually on the day the police in Sharpeville, South Africa, opened fire and killed 69 people at a peaceful demonstration against apartheid "pass laws" in 1960. Today, the California Racial Equity Commission convenes to learn from communities, carry wisdom further, and develop racial equity for the state. Chair Wood shared the CA VS Hate resource line.

B. LAND ACKNOWLEDGEMENT

C. ESTABLISHMENT OF QUORUM: Quorum Met; 11/11 Commissioners Present

Commissioners Present:

1. Commissioner Dr. Luke Wood, Chair
2. Commissioner Simboa Wright, Vice Chair
3. Commissioner Candis Bowles
4. Commissioner Virginia Hedrick
5. Commissioner John Kim
6. Commissioner Gabriel Maldonado
7. Commissioner Traco Matthews
8. Commissioner Jolie Onodera
9. Commissioner Dr. Manuel Pastor
10. Commissioner Yolanda R. Richardson
11. Commissioner Angelica Salas

D. PUBLIC COMMENT PROCESS

E. REVIEW OF THE AGENDA

F. REMARKS FROM DISTINGUISHED GUESTS

Chair Wood welcomed any Tribal Leaders in the room to address the Commission, and recognized distinguished guests present.

Distinguished Guests:

Alicia Jacobo, District Coordinator, The Office of Senator Melissa Hurtado

Claribel Gutierrez, Field Representative, The Office of State Assemblymember Jasmeet Bains

Chairman Octavio Escobedo III, Tejon Indian Tribe

Chairman Robert Gomez, Tübatulabal Tribe

Chairman William Garfield, Tule River Indian Tribe

Norma Rojas-Mora, Associate Vice Chancellor, Public Affairs and Development, Kern Community College District & Bakersfield College

Commission Discussion

No commission discussion on this agenda item.

Public Comment

Eric Payne of The Central Valley Urban Institute.

Agenda Item #2: OVERVIEW: Proposition 209 and Affirmative Action

Commissioner Dr. Luke Wood, Chair

Dr. Larissa Estes, Executive Director, Racial Equity Commission

Erwin Chemerinsky, Dean, UC Berkeley Law

Lisa Holder, President, Equal Justice Society

Commission Discussion

Erwin Chemerinsky, Dean, UC Berkeley Law

Wood: Thanked Chemerinsky for their overview. Invited Commissioners to ask questions.

Matthews: What recommendations do you have for local municipalities in this space?

Chemerinsky: Yes, whatever you do, find a way to present it as not giving a benefit to someone, solely based on race. It is very unlikely that a benefit based solely on race can meet Prop 209 or that the Supreme Court would uphold it. Benefits on socioeconomic status, income, geography, reparations for descendants of enslaved persons, are a few examples of non-race-based benefits.

Salas: Can you assess and “grade” a program’s effectiveness in advancing racial equity?

Chemerinsky: Yes, discriminatory impact is enough to prove discrimination under Title XII.

Hedrick: The political status of American Indians and Alaskan Natives, and Indian Child Welfare Act, how Supreme Court reviewed the question?

Chemerinsky: Haaland v. Brackeen did not resolve the issue of political status or racial classification. At this time, treated as a political status, if the Supreme Court views Tribal affiliation as a racial classification, scholarships and other actions for Tribal members would likely fall. The Supreme Court explicitly did not decide that question.

Richardson: Are there any limitations on the collection of race data, such as mandatory or optional?

Chemerinsky: Prop 209 says you cannot give preference, you may collect information, either requiring it or making it optional.

Pastor: Great to be in the room with Chemerinsky. Clarify that we can “grade” policies on their effectiveness? Are there ways to bring this into equation, if it can be proved that discrimination occurred, such as redlining?

Chemerinsky: Can programs be assessed based on racial impact? The answer is yes, you can always look at impacts. The key is that if there is a proven illegal act, there is a remedy for the illegal act. Redlining example would be housing based, not food aid or general reparations. Remedy must be tied to violation.

Kim: In terms of the justification you listed, wondering how to understand limitations. What is the burden to show past discrimination? **Ripple-RIPA [Racial and Identity Profile Act]** Board published report on police stops illustrating disparities.

Chemerinsky: Difference between U.S. Constitution and Prop 209. Under the Equal Protection Clause of the U.S. Constitution, government must demonstrate a compelling purpose. Prop 209 is categorical. There isn’t in the law a clear answer to your question. Advice would be, the more the remedy is targeted to solving the specific action, and target response, would likely be upheld, but on a different group or different police department likely not.

Maldonado: What is the best way to use racial and ethnic demographic data?

Chemerinsky: The problem in the law is if the race data is used to give a preference. Zip codes are race neutral. Using demographic data and formulating a race neutral policy.

Salas: Question on retroactivity. Can you look at before the law was change, what the impact was? Clarified the impact on individuals when the laws existed.

Chemerinsky: Yes, you can craft a remedy that goes to that specific law.

Commission Discussion

Lisa Holder, President of the Equal Justice Society

Wood: Clarified order of approach, on data, good faith approach and when there is discrepancy.

Holder: Permissible to collect data and anecdotal evidence as part of the approach.

Matthews: Noted inequities with the “cake” model for local groups, as there are financial and time investments to collect anecdotal data, and limited resources.

Holder: At the state-level, important for them to collect data that can be leveraged at the local level. Clearinghouse of information that local municipalities and advocates can access. Partnering with entities with established resources, such as pro-bono firm or university.

Maldonado: Is there a risk analysis as we prescribe recommendations.

Holder: There is so much you can do in health, housing, and finance spaces, without stepping on Prop 209 landmines.

Maldonado: The three landmines are: Public education, public contracting, and public employment, correct?

Holder: Yes, but this does not mean avoid these spaces, but be diligent in your approach, given Prop 209 restrictions.

Salas: With periodic audits, we don't find out program didn't work until end. Can you have periodic audits to measure race, socioeconomic status to track progress and impact? Do you have a methodology you recommend?

Holder: Recommended rolling out programs iterative in phases. Audit between phases, extremely systematic. A lot of quantitative experts who can help you create tools to measure fidelity and integrity of programs. Eddy Ferguson comes to mind, as a social scientist and expert to utilize. Our methodology included tools to allow qualitative issues of pain and suffering, such as listening sessions.

Pastor: Encouraged Commission to engage people and get anecdotal and qualitative data, utilizing grad students and researchers as data collectors.

Kim: Expressed appreciation for how Holder laid out the wide space on legal limitations and political narratives that make organizations backtrack on efforts. Asked, do you agree we have latitude to work on race conscious and race-based policies outside of Prop 209's three spheres, and remedies based on such?

Holder: Proceed with caution. It can be done, just has to be disciplined. Encouraged Commission to use rigorous methodology tied to social science they move forward.

Public Comment

Brianna Hodge of Prevention Institute, Maria Barakat of Greenlining Institute, Brandon Greene of Western Center on Law & Poverty, and Ronald Coleman Baeza of California Pan-Ethnic Health Network.

Agenda Item #3: ACTION: Consent Calendar

Approval of January 24, 2024, Meeting Minutes

Approval of Proposed Bylaw Amendment

Commissioner Dr. Luke Wood, Chair

Dr. Larissa Estes, Executive Director, Racial Equity Commission

Commission Discussion

Onodera: Noted to amend the minutes to correct the sub-header date from 2022 to 2024.

Kim: On standing committees, asked whether the committees themselves will have opportunity to revise or improve charters for these committees?

Dr. Estes: Recommends bringing the committees together to workshop clarity on their charge, and then consider if an amendment is necessary.

Kim: Expressed interest in adjusting language beyond analysis to include recommendations.

Dr. Estes: Will note Commissioner Kim's comment and bring it to the committees.

Pastor: On data committee, issue of impacts not just analysis, will serve the committee developing its charge.

Wood: Noted, thank you.

Public Comment

No public comment.

Motion by Commissioner Matthews and seconded by Commissioner Onodera.

Motion passes (11-0-0*). *Marks abstention or absence from vote.

Agenda Item #4: ACTION: Standing and Ad Hoc Committee Appointments

Commissioner Dr. Luke Wood, Chair

Dr. Larissa Estes, Executive Director, California Racial Equity Commission

Commission Discussion

No commission discussion.

Public Comment

Maria Barakat of Greenlining Institute.

Motioned by Commissioner Onodera and seconded by Commissioner Matthews.

Motion passes (11-0-0*). *Marks abstention or absence from vote.

Agenda Item #5: CHAIR ACTION: 15 Minute Recess

Commissioner Dr. Luke Wood, Chair

Dr. Larissa Estes, Executive Director, Racial Equity Commission

Chair Wood called a 15-minute recess at 10:46 AM.

Chair Wood called the meeting to order at 11:09 AM.

Agenda Item #6: DISCUSSION: Aim Statement Development

Dr. Larissa Estes, Executive Director, Racial Equity Commission

Joyce Chiao, Consultant, Abundance Strategies

Commission Discussion

Chiao: Who is Commission engaging? Who Should the final product be for?

Matthews: CBOs, communities, what is missing is the private sector. All questions we asked so far have been answered from perspective of addressing racial inequities without saying the word black. The framework should examine how to incentivize the private sector.

Richardson: Starting where we can control can lead to ideas to leverage in spaces where we cannot. Proposed April 1 as a date.

Matthews: Retracted previous comment and focus on these two board spaces.

Salas: CBOs could include private actors, to achieve outcome you were speaking of Commissioner Matthews.

Wood: Focus on state agencies and departments, but framework that is versatile to other bodies outside of government.

Pastor: Broad public framing to avoid weaponization of term “racial equity” and have communications aimed at everyday Californians and not just state agencies.

Richardson: Capturing both those who depend on services and those who provide services.

Salas: Are we assuming we are also talking about elected officials?

Estes: Mindful of approach, can examine further.

Maldonado: Also refer to quasi-governmental agencies such as

Matthews: Focus on state agencies, and elected officials can respond to what is established.

Kim: State level of government being the priority. Elected officials should be part of this, the framing and language should speak broadly to the general public and not to the bureaucracy.

Onodera: Echoed board language for all of California.

Wright: Connecting with local agencies would be helpful.

Chiao: How do you want people to engage with this? What does it look like?

Matthews: There is not a universal guidance or mandate for the state. Would encourage a tool to help guide state departments as they develop their approach to DEI and racial equity. What sort of proxies are possible to navigate challenges? Concern about the cost-benefit analysis, and hope there is access to free data for the public.

Maldonado: Review old tool, such as National HIV Plan in the Obama Administration, and review this and similar tools for their strategies, toolkit, implementation plan, etc....

Kim: Dealing with history with racial inequity designed into the system. Encouraged Commission to be action-orientated, acknowledging the steps already taken, and focusing on the next steps.

Hedrick: Ditto to Commissioner Kim. This work is for the community, the call to action is to the state government.

Pastor: Tools used by the state do not include race and have tested what it would look like if it did include race. Tools with imperfections we can build on and look to as best practices and argue for scaling and replication.

Salas: Expressed importance that this framework establishes a marker for excellence in racial equity.

Chiao: What topic areas should the Commission engage in?

Wright: Community is the focus.

Matthews: Figure out a better way to diversify who is making decisions across the board. How to legally value lived experience, adjusting qualifications and credentialing to bring more diversity to the state.

Richardson: Community can inform Commission on pressure points as the Commission develops their work.

Hedrick: Echoed need for tangible outcome.

Bowles: Not be hesitant or afraid of race as we do our work.

Kim: Endorses Commissioner Bowles remarks. What we learned earlier shows we can.

Maldonado: Cannot talk about racial equity without talking about talking about intersectionality.

Onodera: Encouraged adding immigration status as a focus.

Public Comment

Ryan Roberson of Community Interventions and Ucedrah Osby of Community Interventions.

Agenda Item #7: DISCUSSION: Asset Analysis Update and Discussion

Dr. Larissa Estes, Executive Director, Racial Equity Commission

Dr. Amy Lerman, Professor of Public Policy & Political Science and Executive Director, Possibility Lab at U.C. Berkeley

Julia Caplan, Executive Director State of Equity, Public Health Institute

Commission Discussion

No commission discussion.

Public Comment

Megan Morgan of California Arts Council.

Agenda Item #8: CHAIR ACTION: 45 Minute Recess

Commissioner Dr. Luke Wood, Chair

Dr. Larissa Estes, Executive Director, Racial Equity Commission

Chair Wood called a recess at 12:21 PM.

Chair Wood called the meeting to order at 1:05 PM.

Agenda Item #9: Community Forum Welcome

Commissioner Dr. Luke Wood, Chair

Dr. Larissa Estes, Executive Director, Racial Equity Commission

Commission Discussion

Wright: Thanked those in the community for joining us. Special shoutout to SEIU521. Labor is part of the community and part of the solution. We not only fight for the benefits of workers, but we also fight for the community.

Matthews: Thanked members of the community for joining us. Welcomed Dolores Huerta and Camila Chavez.

Public Comment

Mullissa Willette of SEIU 521, Sarah Ford of SEIU 521, Lywanda Aguiler of SEIU 521, Ucedrah Osby of Community Interventions, Khashaunti Williams of Community Interventions, Ryan Roberson of Community Interventions, and Alicia Aleman of SEIU 521.

Agenda Item #10: DISCUSSION: Racial Equity Strategies in Communities and Across the State – Conversation and Panel Discussion

Commissioner Traco Matthews, Chief Health Equity Officer, Kern Health Systems

Dolores Huerta, Founder, Dolores Huerta Foundation

Camila Chavez, Co-Founder and Executive Director, Dolores Huerta Foundation

Claudia Catota, Chief Diversity Officer & Special Assistant to the President, California State University, Bakersfield

Reyna Olaguez, President/CEO, Building Healthy Communities Kern

Russell Roybal, Chair, Commission on the State of Hate

Panel Discussion

Matthews: What has changed since you have been conducting equity work for over 70 years?

Chavez speaking on behalf of Dolores Huerta: Challenges persist, overcome so much, such as unemployment benefits for unemployed farm workers.

Matthews: What is the next frontier, where should we have our focus?

Chavez speaking on behalf of Dolores Huerta: Labor movement on the rise, look at Amazon, fast food, recent events have created awareness and attention. DHF working to get police out of schools, such as Oakland, Los Angeles, and elsewhere. Thankful that Attorney General Bonta have supported this effort. Law enforcement is a space to focus on, as well as health care access. Black women three times more likely to die than white women in the US, we have the worst air quality, cancer rates, and other environmental toxins.

Matthews: What do you think is the “why” that influenced dedication, commitment, and courage?

Chavez speaking on behalf of Dolores Huerta: Dolores teaches patience and the power of the people. Farm workers movement inspiring the Chicano movement, building on success. Continue to organize more people.

Matthews: What advice do you have for the commission and other equity champions?

Chavez speaking on behalf of Dolores Huerta: Thinking about the changes in organizing from then and now, there are more CBOs and grassroots movements. So many have bloomed in the Central Valley. State agencies partnering with grassroots is different. Back in the day with UFW, they were arrested regularly, different kind of accountability today, Still have issues with law enforcement and “isms” but have state partners who are more progressive and helpful in supporting issues key to communities. Still work to do in local politics. Prior to redistricting, 6 Central valley Counties had one voting rights district, after redistricting in 2021, increased to 2-3 VRA districts. So much more work to be done to educate voters and get them to the polls. Organizing is a powerful tool, paired with coalition building. Hold elected officials accountable and continue to work toward racial equity together.

Matthews: When you are using data to make decisions that impact communities what do you do to ensure it is being used to meet goals and intent of the work?

Royoal: Not just going to the level of a crime but other forms of hate and microaggressions that cause harms. The foundation of our work is community input, rigorous data, and research, for evidence-based and informed recommendations. There is power that can be leveraged by understanding data. Hate crimes are vastly under-reported, language access, fear of law enforcement. CA vs Hate is a non-law enforcement way to report hate incidents, can report anonymously.

Matthews: How have you seen community empowerment evolve right here in Kern County throughout your career, and how can that intersection inform the Commission’s work and data collection?

Chavez: The number one thing that has been a game changer is philanthropic dollars coming into the community. Level of coalition building, inter-generational organizing, coaching grassroots advocates to hold elected officials accountable.

Matthews: What is the secret to bringing community organizations together?

Olaguez: Value of “forged marriages”, working with groups such as California Endowment, where funds coming in have partners you are required to work together. Community brings people together; food brings people together. Exploring how we can connect without building silos. Ensure money reaches those most in need.

Matthews: How has CSUB DEI efforts shaped your work and drives work of the university?

Catota: We are seeing increase of Latinx members in university settings, there is a duty to have a conversation on who are these students, what are their struggles, and how can we be a better serving Latinx serving organization to support students and make them feel seen. Laying groundwork for next steps and work to come.

Matthews: What is your personal “why” on why you continue this work?

Catota: Not about me but those who come next.

Olaguez: My why is my community. I was undocumented until 14 years old. Grew up thinking if something was wrong, someone will speak up, if we see something wrong and do not speak up, we are failing our communities. Work together to advance message for most vulnerable communities and be that advocate.

Chavez: My why is my son, and other young people, who will grow up to participate in this space. For Dolores, it is also youth, providing recreation, space, and representation in public spaces such as libraries and city council. Libraries in Kern County are greatly underfunded, voters rejected a tax benefiting libraries but passed ones for police. Representation is important.

Royoal: Advancing equity drives me.

Matthews: How can the Racial Equity Commission move the needle?

Royoal: Be visible, CA should be a place for everyone, we should welcome everyone. CA is where it is at, and I want our state to be better. Being visible, go to Kern County, rural parts, where people are struggling, not San Francisco, not Los Angeles. Create opportunities for places in the state that are neglected.

Huerta: Today is the first step, meetings such as this, and keep an eye on agencies.

Chaves: Prioritize people over profit.

Olaguez: Communities are missing data, double down on filling gaps, examine how we are serving young people and meeting their needs. Ensuring agencies are using tools such as CalEnviroscreen.

Catota: Having a narrative why this is important, defining why and goal.

Public Comment

Grace Huerta of Exceptional Family Center, Odis Bell of Community Interventions, Veronica Vasquez of City of Delano, Tekoah Kadara of Allensworth Community Development Corporation, Kashaunti Williams of Community Interventions, Gema Perez of Greenfield Walking Group, and Brandy Taylor of Community Interventions.

Agenda Item #11: CHAIR ACTION: 15 Minute Recess

Commissioner Dr. Luke Wood, Chair

Dr. Larissa Estes, Executive Director, Racial Equity Commission

Chair Wood called a recess at 2:45 PM.

Chair Wood called the meeting to order at 2:53 PM.

Agenda Item #12: DISCUSSION: Community Forum Welcome

Joyce Chiao, Consultant, Abundance Strategies

Commission Discussion

No commission discussion.

Public Comment

Valery Pieta of Dolores Huerta Foundation, Archie Roundtree Jr. of Justice in Aging, and Genoveva Islas of Cultiva La Salud.

Agenda Item #13: Public Comment

Brandy Taylor of Community Interventions, Eliana Honeycutt of Dolores Huerta Foundation, Nataly Santamaria of Vision y Compromiso, Claribel Gutierrez of The Office of State Assemblymember Jasmeet Bains, Yuriria López of Líderes Campesinas, Niko Shahbazian of Catalyst California, Annie Thomas of The California Alliance of Child and Family Services, and Eugene Canson of PolicyLink.

Agenda Item #14: Meeting Adjournment

Meeting adjourned at 3:32 PM.