



# Racial Equity Commission

Public Meeting  
January 24, 2024  
10:00 AM

California Energy Commission  
Warren Alquist Building  
Rosenfeld Hearing Room  
1516 9<sup>th</sup> Street  
Sacramento, CA

# Call to Order & Establishment of Quorum

Dr. Larissa Estes, Executive Director, Racial Equity Commission

# Purpose of the Meeting

Dr. Larissa Estes, Executive Director, Racial Equity Commission

# Review of the Agenda

Dr. Larissa Estes, Executive Director, Racial Equity Commission

# Agenda

January 24, 2024

## Public Meeting Agenda

Welcome

Introduction of Distinguished Guests

Opening Remarks

Chair and Vice-Chair Election - ACTION

Approval of Bylaws - ACTION

Bagley Keene Act - OVERVIEW

Executive Director's Report

Racial Equity Efforts in Government - DISCUSSION

Public Comment

Adjournment

# Public Comment Process

Agustin Arreola, External Affairs Manager, Governor's Office of Planning and Research

# Public Comment

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January 24, 2024

## In Person

- Complete and submit public comment card
- Separate public comment cards for each item
- Listen for your name and line up by the podium
- Staff will call your name to the podium
- Please adhere to the time limit determined by the Chair (2 minutes)

## Virtual

- Use the “Raise Hand” feature on Zoom to indicate that you would like to speak for public comment
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# Introduction of Distinguished Guests

Dr. Larissa Estes, Executive Director, Racial Equity Commission



# Public Comment

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# Opening Remarks

Ann Patterson, Cabinet Secretary, Office of Governor Gavin Newsom

Sam Assefa, Director, Governor's Office of Planning and Research

# Public Comment

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**ACTION**

# Chair & Vice Chair Election

Dr. Larissa Estes, Executive Director, Racial Equity Commission

# Election Process

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January 24, 2024

- Email sent to Commissioners in December 2023 to explore their interest in serving as Chair and Vice Chair.
- Two Commissioners responded with interest for each elected role:
  - Chair - Commissioner Dr. Luke Wood
  - Vice Chair - Commissioner Simboa Wright
- Each role requires a nomination from the Commission. If there is only one candidate nominated, for each office, the candidate will be elected by acclamation.

# Call for Nominations

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January 24, 2024

- Nominations for Chair
- Nominations for Vice-Chair

# Public Comment

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January 24, 2024

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**ACTION**

# Chair & Vice Chair Election

Dr. Larissa Estes, Executive Director, Racial Equity Commission



**ACTION**

# Approval of Bylaws

Chair, Racial Equity Commission

# DRAFT Bylaws

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January 24, 2024

- *Preamble*
- ARTICLE I. Name
- ARTICLE II. Purpose
- ARTICLE III. Membership
  - Sec. 1 – Active Members
  - Sec. 2 – Quorum and Adjournment
  - Sec. 3 – Resignations and Removals
  - Sec. 4 – Voting
- ARTICLE IV. Meetings
  - Sec. 1 - Time of Meetings
  - Sec. 2 - Attendance
  - Sec. 3 – Stakeholder Meetings

# DRAFT Bylaws

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January 24, 2024

- ARTICLE V. Officers
  - Sec. 1 – Chair
  - Sec. 2 – Vice Chair
- ARTICLE VI. Selection of Chair and Vice Chair
- ARTICLE VII. Budget
  - Sec. 1 – Annual Budget
  - Sec. 2 – Fundraising and Development
- ARTICLE VIII. Ad Hoc Committees
- ARTICLE IX. Amendment of Bylaws
- ARTICLE X. Dissolution of Commission

# Public Comment

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**ACTION**


# Approval of Bylaws

Chair, Racial Equity Commission

# OVERVIEW

## Bagley Keene Act

Matt Read, Staff Counsel, Strategic Growth Council  
Governor's Office of Planning and Research



# Basics of the Bagley- Keene Open Meetings Act

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH; RACIAL EQUITY  
COMMISSION

# Overview

- ▶ Act Introduction
- ▶ State Bodies Subject to the Act
- ▶ Covered Conduct
  - ▶ Meetings
  - ▶ Required Notice and Procedures
- ▶ Accessibility
  - ▶ Documents
  - ▶ Public Access
- ▶ 2024 Changes to Teleconference Requirements
- ▶ Penalties and Remedies for Violation



# Introduction to the Act

California's Constitution (Art. 1, Sec. 3) and statutes (Gov. Code, §§ 11120-11133) guarantee public participation at all meetings of a state body

- ▶ Public agencies are here to serve California's citizens.
- ▶ Governmental actions must be open and accessible.
- ▶ Public must be informed and involved in agency decision-making.

# State Bodies Covered

- ▶ A state board, commission, or similar multimember body created by statute or executive order (§ 11121(a))
- ▶ An advisory board, commission, committee, subcommittee, or similar multimember advisory unit if created by formal action of the body or a member of the body.

# Covered Conduct

- ▶ The administration and conduct of the meetings of a state body
- ▶ Conduct of members of a state body

# Defining a Meeting

“[A]ny congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item” within the body's subject matter jurisdiction. [Gov. Code § 11122.5]

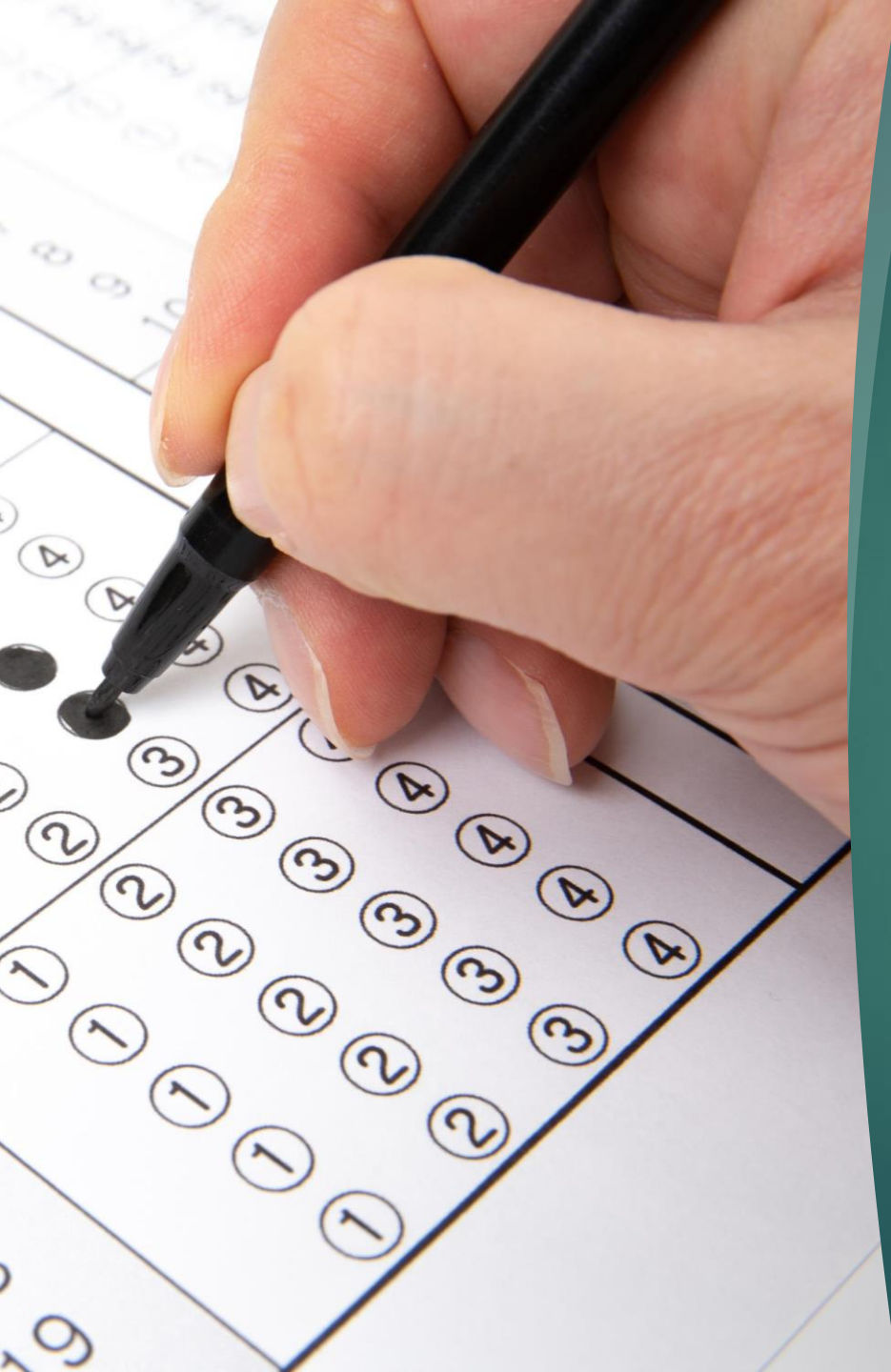
## Elements

- ▶ Majority of the body
- ▶ Same time and place
- ▶ Discuss or deliberate on any item
- ▶ Within the state body's subject matter jurisdiction

The Act prohibits congregations of a majority of the state body's members to hear, discuss, or deliberate on any item unless it is at a publicly noticed meeting.

# Serial Meetings

- ▶ **The Act expressly prohibits “serial meetings” to discuss an item within the body’s subject matter**
  - A serial meeting is a series of communications, each of which involves less than a majority of the state body, but which taken as a whole involve a majority of the state body’s members
- ▶
  - Member representatives of the state body are also prohibited from using a series of communications with other members to discuss an item within the state body’s subject matter



# Example

The Grant Awards Board has 7 members and an upcoming agenda item awarding grant funds to ten out of twenty projects that submitted timely grant applications.

- » Member A calls Member B to talk about how great one of the grant applications was that didn't get recommended for funding, and that it should be considered more carefully.
- » Member B calls Member C on the same topic.
- » Member C calls member D on the same topic.

# Defining a Meeting

Social gatherings

Conferences that are open to the public and involve matters of general concern

Open and publicized meetings organized by an individual or organization to discuss topics of state concern

Open and noticed meetings of another state body or local agency

Open and noticed meetings of a standing committee, provided that non-committee board members attend only as observers (“church mouse” rule)

# Meetings – Required Notice and Procedures

- ▶ Provide notice of meeting – including agenda - upon public request
- ▶ Provide notice of meeting – including agenda - on Internet at least 10 days prior to meeting
- ▶ Agenda briefly describes business to be transacted or discussed in open or closed session.
- ▶ Make agendas and “other writings” distributed to a majority of Board Members available to the public upon request.
- ▶ Provide public an opportunity to address the body “on each agenda item before or during the state body’s discussion or consideration of the item.” (Gov. Code § 11125.7)



# More Requirements

- ▶ Location must be ADA compliant.
- ▶ Public must not be required to fulfill any condition to gain access to meeting, such as providing a name on an attendance sheet or “similar document.”
- ▶ Public must be able to record meeting unless device is persistently disruptive.

# Opportunities for Teleconference

- ▶ During the pandemic, there were significant and frequent changes to Bagley-Keene requirements to allow for teleconference meetings
- ▶ As of January 1, 2024, restrictions on teleconference meetings that had been suspended are in effect again, requiring –
  - ▶ Majority of state body members in the same physical meeting location or potentially
  - ▶ Remotely participating body members to make certain disclosures and notices
  - ▶ Disclosure and public access to body member participation locations
- ▶ Should teleconference meetings be desired, OPR/SGC legal happy to work with administrative leadership to facilitate.

## PENALTIES AND REMEDIES FOR VIOLATIONS OF THE ACT

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Decisions made may be considered null and void.

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Court costs and legal fees awarded to citizen who files successful legal challenge.

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Criminal misdemeanor penalties for severe violations

# Questions?

- ▶ Contact

- ▶ Matt Read, SGC Staff Counsel, [matt.read@sgc.ca.gov](mailto:matt.read@sgc.ca.gov)

- ▶ Jennifer Holman, OPR Chief Counsel, [Jennifer.holman@opr.ca.gov](mailto:Jennifer.holman@opr.ca.gov)

# Public Comment

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January 24, 2024

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# Executive Director's Report

Dr. Larissa Estes, Executive Director, Racial Equity Commission

# Proposed Timeline

Activity	Month	2024												2025			
		01	02	03	04	05	06	07	08	09	10	11	12	01	02	03	04
Commission & Stakeholder Engagement Mtgs		1/24		3/21		TBD		7/17		9/18		12/19					
Framework Development <sup>1</sup>																	
Survey and Interviews																	
Communications Plan <sup>2</sup>																	
Priorities Research																	
Best Practices Identification for Framework																	
Development of Draft/Refinement of Framework																	
Public Comment Period																	
Framework Finalization and Graphic Design																	
Final Framework Submission to Legislature and Governor (March 28, 2025)																	
Framework Dissemination and Promotion																	

1. Includes technical assistance, implementation, and evaluation plan/recommendations
2. Supports engagement and framework launch

# Public Comment

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DISCUSSION

# Racial Equity Efforts in Government

Dr. Larissa Estes, Executive Director, Racial Equity Commission

# Background & Methodology

January 24, 2024

- Purpose: Identify efforts happening across state government to inform the development of the Racial Equity Framework.
- Goal: Understand the breadth and depth of the efforts of state agencies and departments to ensure the framework is complimentary and supportive of existing efforts.

# Background & Methodology

January 24, 2024

- California Research Bureau – identified legislation, executive orders, and administrative policies over the last 10 years.
  - Research also included legislation related to Proposition 209 and affirmative action.
  - Budget proposals were not included.
- Possibility Lab at UC Berkeley – conducted a landscape analysis of the results from the California Research Bureau.
  - Reviewed websites of state agencies and departments participating in the Capitol Collaborative on Race and Equity (CCORE) to identify public facing reflection of racial equity initiatives.
- The results reflect an initial step for the Commission’s journey to learn more about the breadth and depth of existing racial equity work.

# Variations of Search Terms

January 24, 2024

racial equity and inequity  
health equity  
budget equity  
pay equity  
workforce diversity  
discrimination  
racism  
disparity  
redlining  
zip code  
diversity  
equity  
inclusion  
belonging  
climate justice  
racial segregation

civil rights  
underserved communities  
underrepresented  
minority  
enslaved  
systemic inequity  
bias  
oppression  
prejudice  
Black, African American  
Hispanic, Latino  
Asian  
Pacific Islander  
Native American  
Native Hawaiian  
Alaska Native

Prop. 209 and affirmative  
action

# Preliminary Results

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January 24, 2024

- State Agency/Department Citation in bills or executive orders
  - State Department of Human Resources (n=4)
  - California Department of Public Health (n=2)
  - Civil Rights Department (n=2)
- Racial Equity Administrative Policies
  - California Community Colleges
  - Department of Transportation
  - California Water Resources Control Board
- Policy Areas -
  - Environment
  - Education
  - Equitable access to services or engagement with the public

# Preliminary Results

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January 24, 2024

## Review of State Websites (CCORE as sample)

- 1) Acknowledging racial disparities related to department or agency mission and scope
- 2) Identifying a framework to guide racial equity efforts (e.g., GARE model)
- 3) Developing capacity to facilitate and support racial equity efforts (e.g., establishing dedicated office or personnel)
- 4) Racial Equity Action Plans
- 5) Engaging with and co-developing racial equity efforts with community members
- 6) Identifying indicators and metrics to measure and evaluate racial equity efforts
- 7) Consideration of diversity and equity
- 8) Consideration of internal and external factors

# State Entities with Equity Personnel

January 24, 2024

## Personnel list is not exhaustive

Title	State Entity
Equity	Department of Aging
Justice, Equity, Diversity, and Inclusion	Department of Fish and Wildlife California State Lands Commission
Racial / Race Equity	Governor’s Office of Planning and Research California Arts Council Department of Social Services Office of Environmental Health Hazard Assessment California Strategic Growth Council California Environmental Protection Agency (CalEPA)
Environmental Equity	Department of Toxic Substance Control
Environmental Justice	California Air Resources Board
Chief Equity Officer	California Government Operations Agency (GovOps) California Health and Human Services Agency (CalHHS)
Deputy Secretary for Equity and Environmental Justice	California Natural Resources Agency (CNRA)
Diversity, Equity, and Inclusion	California Department of Human Resources (CalHR) California Office of Emergency Services (CalOES)
Strategic Planning/Initiatives and Equity	California Labor & Workforce Development Agency California Business, Consumer Services and Housing Agency (BCSH)

# Proposed Next Steps

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January 24, 2024

- Explore partnership opportunities with capacity building and evaluation organizations to implement survey and conduct key informant interviews
- Consider adding additional criteria to the landscape analysis
- Agency/department survey
  - Acknowledge and celebrate successes
  - Understanding challenges
  - Lessons learned
  - Technical assistance needs and opportunities
- Agency/Department Key Informant Interviews
- Outreach and engagement of local jurisdictions implementing racial equity strategies



## Acknowledgements

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January 24, 2024

- California Resources Bureau
- Possibility Lab at UC Berkeley
- State of Equity / Capitol Collaborative on Race and Equity (CCORE)
- Health in All Policies Taskforce Staff

# Public Comment

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January 24, 2024

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# Public Comment

For items not on today's agenda.

# Public Comment

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January 24, 2024

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Meeting Adjournment

Thank you for attending!

NEXT MEETING

Public Meeting &  
Community Forum

March 21, 2024  
Delano, California



Website: [racialequity.opr.ca.gov](https://racialequity.opr.ca.gov)

Email: [RacialEquityCommission@opr.ca.gov](mailto:RacialEquityCommission@opr.ca.gov)