

File No. 210298

Committee Item No. \_\_\_\_\_

Board Item No. 32

# COMMITTEE/BOARD OF SUPERVISORS

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Prepared by: Lisa Lew

Date: March 19, 2021

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Supporting California State Senate Bill No. 17 (Pan) - California Office of Racial Equity Bill]

2

3 **Resolution supporting California Senate Bill No. 17, authored by Senator Richard Pan,**  
4 **to establish the Office of Racial Equity and the Racial Equity Advisory and**  
5 **Accountability Council.**

6

7 WHEREAS, People of color, particularly Black and Indigenous people, have  
8 experienced centuries of systemic, institutionalized racism, exacerbated by the COVID-19  
9 pandemic, that has had a disproportionate impact on these populations, women, and other  
10 historically underserved communities; and

11 WHEREAS, For California to deliver meaningful, equitable outcomes, equity must be  
12 explicit and centered in any approach to address disparity and not treated as an afterthought  
13 or as a siloed strategy; and

14 WHEREAS, The deep racial inequities that currently exist in our institutions are not  
15 coincidental, but are the product of decades of discriminatory policies and practices; and

16 WHEREAS, Governments and public agencies have played a direct role in creating  
17 and maintaining these inequities, and therefore should have a direct role in eliminating them;  
18 and

19 WHEREAS, The San Francisco Board of Supervisors, with the leadership of  
20 Supervisor Sandra Lee Fewer, established the Office of Racial Equality in July 2019 to  
21 address the City’s growing racial disparities and address the history of structural and  
22 institutional racism in San Francisco by enacting a citywide Racial Equity Framework,  
23 directing Departments of the City and County of San Francisco to implement Racial Equity  
24 Action Plans, analyzing the disparate impacts of official policies, providing technical

25

1 assistance to advance racial equity strategies, and collecting demographics on workforce by  
2 race; and

3 WHEREAS, In recent years, the state of California has acknowledged that racial  
4 disparities exist and has made efforts to confront them, however fundamentally addressing  
5 these disparities requires a consciously designed mechanism to identify and correct  
6 inequities, and active efforts to dismantle racial inequities, particularly those exacerbated by  
7 the COVID-19 pandemic; and

8 WHEREAS, The Office of Racial Equity and the Racial Equity Advisory and  
9 Accountability Council creates a framework to identify existing policies and practices in the  
10 state that contribute to, uphold, or exacerbate racial disparities and develop proposals to  
11 address these disparities; to analyze, develop, evaluate, report on, and recommend strategies  
12 for advancing racial equity across state agencies, departments, and the Office of the  
13 Governor; to develop a Racial Equity Framework for the State and directs agency Secretaries  
14 to develop, adopt and implement Racial Equity Action Plans; and to create a budget equity  
15 assessment tool to determine whether budget requests and annual allocations benefit or  
16 burden communities of color; and

17 WHEREAS, Senate Bill 17 will help our State practice equity and turn our commitment  
18 equity into actionable strategies in our immediate response to the crisis of the pandemic, our  
19 recovery efforts, and as the world reshapes the global economy; now, therefore, be it

20 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
21 endorses Senate Bill 17, the California Office of Racial Equity Bill; and, be it

22 FURTHER RESOLVED, That the Clerk of the Board is hereby directed to transmit this  
23 Resolution to the State Legislature.

24  
25

AMENDED IN SENATE FEBRUARY 25, 2021

**SENATE BILL**

**No. 17**

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**Introduced by Senator Pan**

(Principal coauthors: Assembly Members Arambula and Chiu)

~~(Coauthor: Senator Durazo)~~ *(Coauthors: Senators Cortese, Durazo,  
and Gonzalez)*

(Coauthors: Assembly Members Robert Rivas and Weber)

December 7, 2020

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*An act to add Chapter 4.6 (commencing with Section 8303) to Division 1 of Title 2 of the Government Code, relating to ~~public health~~.  
state government.*

LEGISLATIVE COUNSEL'S DIGEST

SB 17, as amended, Pan. ~~Public health crisis; racism.~~ *Office of Racial Equity.*

Existing law establishes an Office of Health Equity in the State Department of Public Health for purposes of aligning state resources, decisionmaking, and programs to accomplish certain goals related to health equity and protecting vulnerable communities. Existing law requires the office to develop department-wide plans to close the gaps in health status and access to care among the state's diverse racial and ethnic communities, women, persons with disabilities, and the lesbian, gay, bisexual, transgender, queer, and questioning communities, as specified. Existing law requires the office to work with the Health in All Policies Task Force to assist state agencies and departments in developing policies, systems, programs, and environmental change strategies that have population health impacts by, among other things, prioritizing building cross-sectoral partnerships within and across

departments and agencies to change policies and practices to advance health equity.

*Existing law establishes the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States to, among other things, identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies. Existing law requires the task force to submit a written report of its findings and recommendations to the Legislature.*

*This bill would establish in state government an Office of Racial Equity, an independent public entity not affiliated with an agency or department, that shall be governed by a Racial Equity Advisory and Accountability Council. The bill would authorize the council to hire an executive director to organize, administer, and manage the operations of the office. The bill would task the office with coordinating, analyzing, developing, evaluating, and recommending strategies for advancing racial equity across state agencies, departments, and the office of the Governor. The bill would require the office to develop a statewide Racial Equity Framework providing guidelines for inclusive policies and practices that reduce racial inequities, promote racial equity, address individual, institutional, and structural racism, and establish goals and strategies to advance racial equity and address structural racism and racial inequities. The bill would also require the office, in consultation with state agencies and departments, to establish methodologies, a system of measurement, and data needs for assessing how state statutes, regulations, and practices contribute to, uphold, or exacerbate racial disparities, and to prepare an annual report that evaluates and reports on progress in meeting statewide goals and policies established under the Racial Equity Framework.*

*The bill would require the Governor to direct the Secretary of each state agency to adopt and implement the Racial Equity Framework through each agencies' Racial Equity Action Plan, which would be adopted by each state agency and integrated into the agency's strategic plan. The bill would require the office to provide technical assistance to agencies during development of the Racial Equity Action Plan, to review and approve each agency's Racial Equity Action Plan, and to provide technical assistance to agencies implementing strategies for racial equity consistent with the Racial Equity Action Plan. The bill would require the Racial Equity Action Plan to be posted publicly on*

*each agency’s internet website. The bill would require each agency to prepare an annual report on the agency’s progress towards goals set forth in the Racial Equity Action Plan and to submit the report to the office, the Governor, and the Legislature.*

~~This bill would state the intent of the Legislature to enact legislation to require the department, in collaboration with the Health in All Policies Program, the Office of Health Equity, and other relevant departments, agencies, and stakeholders, to address racism as a public health crisis.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 ~~(a) Racism is the systemic subordination of members of targeted~~  
4 ~~racial groups who have historically had relatively little social power~~  
5 ~~in the United States by members of the racial groups who have~~  
6 ~~more social power. Racism in the United States is informed by~~  
7 ~~over 400 years of Black slavery, settler colonialism, and American~~  
8 ~~neoimperialism.~~

9 ~~(b) Racism, as a negative social system, is supported by the~~  
10 ~~actions of individuals, cultural norms and values, institutional~~  
11 ~~structures, practices of society, and laws and regulations imposed~~  
12 ~~by government.~~

13 ~~(c)~~

14 ~~(a) Through the~~*Even as it represents perhaps the most*  
15 *successful projects of modern Democracy, the United States*  
16 *Constitution was itself also an instrument of a racist society that*  
17 *embedded inequality, violence, and trauma into our nation’s*  
18 *founding document. The “Three-Fifths Compromise,” racism was*  
19 ~~embedded as a founding principle in the United States Constitution.~~  
20 *an agreement delegates to the 1787 United States Constitutional*  
21 *Convention that would count three-fifths of each state’s slave*  
22 *population for the purpose of apportioning United States House*  
23 *of Representatives seats, is the clearest expression of the*  
24 *Constitution’s structural racism. It is an ugly stain that continues*  
25 *to haunt our nation and that we must confront and actively*  
26 *dismantle.*

1 ~~(d) Public health is the science of protecting and improving the~~  
2 ~~health of people and their communities by promoting healthy~~  
3 ~~lifestyles, researching disease and injury prevention, and detecting,~~  
4 ~~preventing, and responding to infectious diseases.~~

5 ~~(e) Many government policies, institutional practices, and~~  
6 ~~individual actions continue to be imbued, both consciously and~~  
7 ~~unconsciously, with racist assumptions and practices that have~~  
8 ~~created unhealthy physical and social conditions for Black,~~  
9 ~~Indigenous, and people of color (BIPOC) and thereby prevent~~  
10 ~~BIPOC communities from achieving good public health.~~

11 ~~(f) For instance, the legacy of slavery, Jim Crow, and~~  
12 ~~discriminatory housing policies against Black people have~~  
13 ~~restricted the ability of Black families to build generational wealth,~~  
14 ~~in comparison to White families, leading to income inequality.~~  
15 ~~Income inequality and poverty have been well researched to be~~  
16 ~~negative social determinants of health. Children who grow up in~~  
17 ~~poverty, and especially those who are BIPOC, are more likely to~~  
18 ~~be exposed to risk factors for obesity, elevated blood lead levels,~~  
19 ~~and experience more adverse childhood experiences (ACEs).~~

20 *(b) As the United States reckons with this shameful history,*  
21 *California also must confront its record of creating, upholding,*  
22 *or exacerbating racial inequalities and violence against Black,*  
23 *Indigenous, and people of color (BIPOC) through the state's laws,*  
24 *policies, and actions, including, but not limited to, all of the*  
25 *following:*

26 *(1) Even before officially becoming a state, the Spanish*  
27 *missionaries seized land from Native Californians and forced*  
28 *conversions to Christianity and European traditions. Moreover,*  
29 *the missionaries brought disease that killed many thousands of*  
30 *Native Californians.*

31 *(2) The decades after California became a state in 1850 were*  
32 *marked by violence towards and exploitation of Native Californian*  
33 *communities. In 1850, the state passed an Act for the Government*  
34 *and Protection of Indians, which allowed White Californians to*  
35 *forcibly remove Native Californians from their lands and into*  
36 *indentured servitude. The state's first Governor, Peter Burnett,*  
37 *said in his 1851 address to the Legislature: "That a war of*  
38 *extermination will continue to be waged between the two races*  
39 *until the Indian race becomes extinct must be expected."*  
40 *Accordingly, Governor Burnett and other state leaders called for*

1 *and subsidized militia campaigns against Native Californians, and*  
2 *generally propelled a dispossession and genocide of Native*  
3 *Californians.*

4 (3) *Even though California was ostensibly founded as a free*  
5 *state, there were efforts by California’s leaders before and after*  
6 *its founding to formally ban Black people from moving to or living*  
7 *in the state. Furthermore, even though California’s Constitution*  
8 *banned slavery, in 1852, California passed its own Fugitive Slave*  
9 *Law, which declared that any Black person who came to California*  
10 *as an enslaved person prior to California becoming a state was,*  
11 *nonetheless, to be considered the legal property of the slaveholder.*  
12 *The Fugitive Slave Law, which led to the forced deportation and*  
13 *return to enslavement of Black Californians, was even upheld as*  
14 *constitutional by California’s pro-slavery Supreme Court.*

15 (4) *In 1913, California passed the Alien Land Law, which*  
16 *restricted “aliens ineligible from citizenship,” including Chinese,*  
17 *Japanese, and Korean immigrants, from owning, leasing, or*  
18 *cultivating land, with the intention of discouraging the further*  
19 *immigration from Japan in particular. In subsequent years, the*  
20 *state made the law even more restrictive, including by banning*  
21 *even American-born children of Asian immigrants from owning*  
22 *or leasing land. It was not until 1952 that the laws were struck*  
23 *down by the California Supreme Court as unconstitutional.*

24 (5) *California has a long history of both de jure and de facto*  
25 *discrimination in housing. In the first half of the twentieth century,*  
26 *the state government took a hands-off approach to housing policy*  
27 *and did not intervene to stop local governments or entities*  
28 *throughout the state from adopting restrictive covenants, redlining,*  
29 *or other measures to segregate housing. It was not until 1963 that*  
30 *the state passed the Rumford Fair Housing Act. Even then,*  
31 *however, California voters passed Proposition 14 in 1964 by more*  
32 *than a two-to-one margin to repeal the Rumford Act. Property*  
33 *owners in California were allowed to freely discriminate on the*  
34 *basis of race or ethnicity until the California Supreme Court struck*  
35 *down Proposition 14 in 1966.*

36 (6) *Starting in 1929, California began a program to deport*  
37 *persons of Mexican ancestry from the state on a mass scale. In the*  
38 *end, approximately 400,000 American citizens and legal residents*  
39 *of Mexican ancestry living in California were forced to leave the*  
40 *state and go to Mexico. Throughout the state, there were raids of*



1 *Mexican-American communities, resulting in the covert deportation*  
2 *of thousands of people, many of whom were never able to return.*

3 *(7) In 1942, President Franklin Delano Roosevelt signed*  
4 *Executive Order No. 9066, under which the United States forced*  
5 *more than 120,000 people of Japanese ancestry into 10*  
6 *concentration camps, including 2 in California. At the time,*  
7 *California's leaders, both supported and facilitated the internment*  
8 *of thousands of Californians of Japanese ancestry. The Legislature*  
9 *also passed discriminatory measures against Californians of*  
10 *Japanese ancestry, including a resolution calling on Congress to*  
11 *identify individuals holding dual citizenship in the United States*  
12 *and Japan, forfeit their citizenship, and prevent them from*  
13 *becoming American citizens.*

14 *(8) California's vast highway system was often built to break*  
15 *up BIPOC communities within cities, forcing the destruction of*  
16 *homes and displacing residents. For example, in 1963, the city of*  
17 *Los Angeles' the Santa Monica Freeway was built right through*  
18 *the center of the Sugar Hill neighborhood, destroying dozens of*  
19 *mansions owned by African Americans in what had been a thriving,*  
20 *predominantly Black community. The neighborhood was broken*  
21 *up and Black residents were forced out.*

22 *(9) Under former governor Pete Wilson's tenure, California*  
23 *passed several measures that contributed to, or otherwise*  
24 *furthered, racial inequities, including the passage of Proposition*  
25 *187 in 1994, Proposition 209 in 1996, and Proposition 227 in*  
26 *1998. Proposition 187, which Governor Wilson thoroughly*  
27 *supported, would have excluded undocumented immigrants from*  
28 *all public services before it was struck down as unconstitutional*  
29 *in 1997. With Proposition 209, California became the first state*  
30 *to pass a formal ban on affirmative action. Proposition 227, which*  
31 *Governor Wilson also embraced, essentially required English-only*  
32 *education.*

33 *(10) California's prison and jail incarceration rates have grown*  
34 *exponentially since the 1970s. BIPOC Californians are*  
35 *overrepresented in the state's prison system and jails, due to*  
36 *discriminatory state policies and practices, including in policing,*  
37 *convicting, and sentencing. One such policy that exacerbated the*  
38 *racial inequities in the prison system is the Three Strikes sentencing*  
39 *law, which was enacted in 1994, and was considered one of the*  
40 *harshest sentencing laws in the country. Under the law, thousands*

1 of Californians, and in particular Black Californians, have been  
2 sentenced to life in prison for only minor crimes such as petty theft  
3 due to their prior felony record.

4 (c) Government policies and institutional practices have  
5 marginalized, disenfranchised, stripped resources and power from,  
6 targeted, and otherwise brought violence on BIPOC Californians.  
7 To the present day, government actions have created, failed to  
8 address, or exacerbated racial inequities and disparities in terms  
9 of housing, public health, economic, educational, employment,  
10 carceral, and environmental conditions. These disparities are  
11 manifest in, though not limited to, the following, ongoing, harmful  
12 social practices and disparate outcomes:

13 (1) The persistent legacy of discrimination in housing, through  
14 practices such as redlining, which have prevented BIPOC  
15 communities from building intergenerational wealth or accessing  
16 living standards available to White communities. In September  
17 2020, the Board of Governors of the Federal Reserve found that,  
18 while White families have a median wealth of \$188,200, Black and  
19 Hispanic families have a median wealth of only \$24,100 and  
20 \$36,100, respectively.

21 (2) The development of highways in California which have  
22 repeatedly divided and destroyed communities and housing in  
23 BIPOC communities.

24 (3) The concentration of polluting facilities in BIPOC  
25 communities, which constitute a public health threat to BIPOC  
26 communities by threatening air quality and water quality, and  
27 contributing to chronic respiratory disease, cardiovascular disease,  
28 deteriorated brain health, including children, and increased  
29 hospital visits, missed school days, and premature deaths. BIPOC  
30 Californians are therefore more likely to live near sources of  
31 pollution, breathe polluted air, and be impacted disproportionately  
32 by the effects of air pollution and climate change. In California,  
33 Black and Native American individuals have a significantly higher  
34 prevalence of asthma and are more likely to experience an  
35 avoidable hospitalization due to asthma.

36 (4) The concentration of poverty in BIPOC communities, which  
37 is the single largest social determination of public health and a  
38 significant contributing factor to the development of coincident  
39 socioeconomic burdens such as unemployment, social exclusion,  
40 lack of education, and low income, and thereby linked to chronic

1 *physical, mental, and public health challenges such as stress,*  
2 *anxiety, depression, heart disease, obesity, diabetes, and cancer.*  
3 *Children who grow up in poverty, and especially those who are*  
4 *BIPOC, are more likely to experience food insecurity and*  
5 *malnutrition, face health-harming environmental exposures,*  
6 *including elevated blood lead levels, and increased adverse*  
7 *childhood experiences.*

8 (5) *The lack of access to quality health care in BIPOC*  
9 *communities, which is apparent in alarming disparities such as*  
10 *the experience of Black mothers, who are three to four times more*  
11 *likely to die from pregnancy-related causes than White women.*  
12 *These disparities persist in spite of income differences and result*  
13 *from health care providers dismissing symptoms raised by Black*  
14 *women or perpetuating racist assumptions about pain thresholds*  
15 *experienced by Black people, as well as the lived experiences of*  
16 *racism and discrimination in all other facets of society.*

17 ~~(g) Racism in government policies, institutional practices, and~~  
18 ~~income inequality also results in BIPOC communities being more~~  
19 ~~likely to live near polluters, breathe polluted air, and be impacted~~  
20 ~~disproportionately by the effects of climate change. Breathing in~~  
21 ~~dangerous substances in the air has been linked to asthma, other~~  
22 ~~chronic respiratory illnesses, and some cancers. In California,~~  
23 ~~Black and Native American individuals have a significantly higher~~  
24 ~~prevalence of asthma and are more likely to experience an~~  
25 ~~avoidable hospitalization due to asthma.~~

26 ~~(h) BIPOC communities experience racial disparities in~~  
27 ~~accessing health care and receiving quality care. For example,~~  
28 ~~Black women are three to four times more likely to die from~~  
29 ~~pregnancy-related causes than White women. Research indicates~~  
30 ~~these disparities persist in spite of income differences and can~~  
31 ~~often be attributed to Black women receiving discriminatory care,~~  
32 ~~such as health care providers dismissing symptoms raised by Black~~  
33 ~~women or racist assumptions about pain thresholds experienced~~  
34 ~~by Black people.~~

35 ~~(i)~~  
36 (6) *Black transwomen suffer from employment, housing, and*  
37 *educational discrimination and police brutality that result in the*  
38 *most acute health disparities. Government policies, such as recent*  
39 *federal actions that* *In recent years, the federal government took*  
40 *action to encourage homeless shelters, social services, educational*

1 institutions, and health care providers to discriminate against  
 2 transgender people and overlook the deleterious impacts of racism,  
 3 ~~actively prevent racism.~~ *These and other government policies,*  
 4 *among other oppressive systems targeting Black transwomen have*  
 5 *actively prevented* Black transwomen from accessing services  
 6 critical to achieving optimal health.

7 (j)

8 (7) On an individual physiological level, studies show that  
 9 chronic stress from individual and systemic acts of racism and  
 10 discrimination trigger high blood pressure, heart disease,  
 11 immunodeficiency, and result in accelerated aging. *The lived*  
 12 *experiences of racism and discrimination, both explicitly and*  
 13 *implicitly expressed, and across all facets of society, and not only*  
 14 *those discussed in the aforementioned examples, contribute to*  
 15 *alarmingly disparate health and qualities of life outcomes in*  
 16 *BIPOC communities, including for maternal care.*

17 (k)

18 (d) The COVID-19 pandemic, the ensuing economic crisis, and  
 19 recent protests against institutional violence committed against  
 20 Black communities again highlight the racial injustices and health  
 21 ~~disparities~~ *inequities* that have long threatened BIPOC  
 22 communities.

23 ~~(l) In California, Black and Latino individuals are more likely~~  
 24 ~~to have existing health conditions that make them more susceptible~~  
 25 ~~to contracting COVID-19, experience more severe symptoms, and~~  
 26 ~~suffer from higher mortality rates.~~ (1) BIPOC people tend to work  
 27 in essential jobs that may lead to a higher likelihood of being  
 28 exposed to COVID-19, or in jobs that have an inability to work  
 29 remotely and, therefore, are more severely impacted by the  
 30 economic crisis. *In California, Black and Latino individuals are*  
 31 *also more likely to have existing health conditions that make them*  
 32 *more susceptible to contracting COVID-19, experience more severe*  
 33 *symptoms, and suffer from higher mortality rates.*

34 (2) *The COVID-19 pandemic has been devastating for working*  
 35 *women, with almost 2,100,000 working women leaving the labor*  
 36 *force altogether between February and December 2020, and for*  
 37 *Black women and Latinas, in particular, with more than 1 in 12*  
 38 *Black women and 1 in 11 Latinas 20 years of age and older*  
 39 *unemployed as of December 2020.*

1 (e) Racism itself harms health. Racism results in government  
 2 policies that reduce access to education, housing, health care,  
 3 employment opportunities, and other resources and elements of a  
 4 healthy community, while spurring overinvesting in  
 5 disproportionate and inappropriate policing by law enforcement.  
 6 On an individual, physiological level, studies show that chronic  
 7 stress from individual and systematic acts of racism and  
 8 discrimination trigger high blood pressure, heart disease,  
 9 immunodeficiency, and result in accelerated aging. Racism  
 10 endangers the health of individuals, the community, and public  
 11 health and in doing this threatens the well-being of the whole  
 12 society, and threatens to perpetuate a dangerously widening  
 13 opportunity gap between the State's BIPOC and White communities  
 14 that is detrimental to the overall public good.

15 (f) Racism itself also harms the economy. Research shows that  
 16 closing the racial wealth gap, which is the result of discriminatory  
 17 policies, including in housing and education, is not only the right  
 18 thing to do for BIPOC Americans, but it is the smart thing to do  
 19 for the country. A 2019 report found that eliminating the racial  
 20 wealth gap could raise the United States Gross Domestic Product  
 21 by 4 to 6 percent by 2028.

22 ~~(m) Racism results in the underinvestment of social, health, and~~  
 23 ~~educational services in BIPOC communities and an overinvestment~~  
 24 ~~of disproportionate and inappropriate policing by law enforcement.~~  
 25 ~~Racism threatens to endanger the health of individuals, the~~  
 26 ~~community, and public health.~~

27 ~~(n)~~

28 (g) Accordingly, California, joining a growing list of cities and  
 29 counties across the state and country to acknowledge the  
 30 long-standing impacts of systemic racism, declares racism as a  
 31 public health crisis. In order to advance and improve public health  
 32 for all Californians, the state must approach laws and regulations  
 33 with an antiracist, Health and Equity in All policy-equity-driven  
 34 Policies focus that interrogates whether policies play a role in  
 35 ~~upholding~~ creating, maintaining, or dismantling racist systems,  
 36 and it must secure adequate resources to address the crisis.

37 (h) It is the intent of the Legislature to institute a new policy  
 38 framework for racial equity that would prove an instructive model  
 39 for local governments seeking to establish offices and infrastructure  
 40 designed to remedy racial inequity, and to facilitate further

1 *dialogue, exchange, and collaboration between the state and local*  
2 *governments that have already begun such efforts.*

3 (i) *Section 31 of Article I of the California Constitution shall*  
4 *not be interpreted as prohibiting action that must be taken to*  
5 *establish or maintain eligibility for any federal program, if*  
6 *ineligibility would result in a loss of federal funds to the state.*  
7 *Title VI of the Civil Rights Act of 1964 (Title VI) provides under*  
8 *Section 2000(d) that, “No person in the United States shall, on*  
9 *the ground of race, color, or national origin, be excluded from*  
10 *participation in, be denied the benefits of, or be subjected to*  
11 *discrimination under any program or activity receiving Federal*  
12 *financial assistance.” It is therefore the intent of the Legislature*  
13 *to enact legislation affirming California’s commitment to achieving*  
14 *and maintaining compliance with Title VI, including in matters*  
15 *that may conflict with the California Constitution.*

16 SEC. 2. *Chapter 4.6 (commencing with Section 8303) is added*  
17 *to Division 1 of Title 2 of the Government Code, to read:*

18

19

*CHAPTER 4.6. THE OFFICE OF RACIAL EQUITY*

20

21 8303. *As used in this article, the following terms have the*  
22 *following meanings:*

23 (a) *“Council” means the Racial Equity Advisory and*  
24 *Accountability Council established pursuant to subdivision (b) of*  
25 *Section 8303.1.*

26 (b) *“Institutional racism” means the ways in which policies*  
27 *and practices perpetuated by institutions, including governments*  
28 *and private groups, produce different outcomes for different racial*  
29 *groups in a manner that benefits the dominant group.*

30 (c) *“Office” means the Office of Racial Equity established*  
31 *pursuant to subdivision (a) of Section 8303.1.*

32 (d) *“Racial Equity Action Plan” means a strategic plan for*  
33 *each state agency to address institutional racism as it impacts the*  
34 *agency’s operations, practices, and programs described in Section*  
35 *8308.5.*

36 (e) *“Racial Equity” means the condition achieved when race*  
37 *can no longer be used to predict life outcomes and conditions for*  
38 *all groups are improved. Racial equity includes transforming the*  
39 *behaviors, institutions, and systems that disproportionately harm*  
40 *marginalized communities, including increasing access to power,*

1 *redistributing and providing additional resources, and eliminating*  
2 *barriers to opportunity, in order to empower low-income*  
3 *communities of color to thrive and reach their full potential.*

4 (f) *“Racial Equity Framework” means a single*  
5 *administrationwide document outlining the state’s vision, goals,*  
6 *and overarching strategies to address structural racism and racial*  
7 *inequities, and to advance racial equity in the state, with a focus*  
8 *on the work of the state government described in Section 8303.3.*

9 (g) *“Structural racism” means the macrolevel systems, social*  
10 *forces, institutions, ideologies, and processes that interact with*  
11 *one another to generate and reinforce inequities among racial and*  
12 *ethnic groups.*

13 8303.1. (a) *There is in state government an Office of Racial*  
14 *Equity, an independent public entity not affiliated with an agency*  
15 *or department, that shall be governed by a Racial Equity Advisory*  
16 *and Accountability Council.*

17 (b) *The Racial Equity Advisory and Accountability Council shall*  
18 *consist of \_\_\_\_ members who are residents of California. Of the*  
19 *members of the council, \_\_\_\_ members shall be appointed by the*  
20 *Governor, \_\_\_\_ shall be appointed by the Senate Committee on*  
21 *Rules, and \_\_\_\_ shall be appointed by the Speaker of the Assembly.*

22 (c) *Members of the council shall be appointed for a term of two*  
23 *years. Vacancies shall be filled in the same manner provided for*  
24 *the original appointment.*

25 (d) (1) *A person appointed to the council shall have*  
26 *demonstrated, acknowledged expertise and meet criteria in at least*  
27 *one of the following areas:*

28 (A) *Analyzing, reporting on, or proposing policies in the areas*  
29 *of, but not limited to, racial equity as it relates to at least one of*  
30 *the following areas: education, housing, land use, employment,*  
31 *environment, economic security, public health, health care, wealth,*  
32 *policing, criminal justice, transportation, youth leadership,*  
33 *agriculture, the wealth gap, entrepreneurship, arts and culture,*  
34 *and public safety that may have an impact on racial equity or*  
35 *racial disparities.*

36 (B) *Developing or using budget equity assessment tools.*

37 (C) *Providing technical assistance for government or nonprofit*  
38 *organizations in developing and implementing strategies for racial*  
39 *equity, including but not limited to, employee training and support,*  
40 *development of racial equity programming, and assistance to*

1 departments to change departmental policies and practices to  
2 improve racial equity outcomes.

3 (D) Be a member of, or represent an equity-focused organization  
4 who works with, an impacted community whose lived experience  
5 will support the work of the office, including but not limited to,  
6 members of the disability community and LGBTQ community.

7 (2) Appointing authorities shall consider the expertise of the  
8 other members of the council and make appointments that reflect  
9 the cultural, ethnic, racial, linguistic, sexual orientation, gender,  
10 immigration status, socioeconomic, and geographical diversity of  
11 the state so that the council reflects the communities of California.

12 (3) Council members shall serve without compensation, but they  
13 may be reimbursed for actual expenses incurred in connection  
14 with their duties.

15 (e) The council shall hire an executive director to organize,  
16 administer, and manage the operations of the office. The executive  
17 director shall be exempt from civil service and shall serve at the  
18 pleasure of the council.

19 (f) The council shall meet at least quarterly to fulfill its duties  
20 and to receive updates from the executive director on progress,  
21 accomplishments, and barriers to achieving the duties and  
22 responsibilities outlined in this chapter.

23 (g) The council may require specific updates from the executive  
24 director as deemed necessary.

25 8303.3. (a) The office shall coordinate, analyze, develop,  
26 evaluate, and recommend strategies for advancing racial equity  
27 across state agencies, departments, and the office of the Governor.  
28 The office shall, at a minimum, do all of the following:

29 (1) In consultation with state agencies and departments, develop  
30 a statewide Racial Equity Framework that shall be submitted to  
31 the Governor and the Legislature no later than \_\_\_\_\_. The Racial  
32 Equity Framework shall set forth a vision for racial equity in the  
33 state by providing guidelines for inclusive policies and practices  
34 that reduce racial inequities, promote racial equity, address  
35 individual, institutional, and structural racism, and establish goals  
36 and strategies to advance racial equity and address structural  
37 racism and racial inequities. The Racial Equity Framework shall  
38 also describe the historical legacy and impacts of institutional  
39 racism in California, including its impacts across the social  
40 determinants of health.



1 (A) *The Governor shall direct the secretary of each state agency*  
2 *to adopt and implement the Racial Equity Framework through*  
3 *each agencies' Racial Equity Action Plan, pursuant to Section*  
4 *8303.5.*

5 (B) *The Racial Equity Framework shall be updated at least*  
6 *every three years.*

7 (2) *In consultation with state agencies and departments,*  
8 *establish methodologies, a system of measurement, and data needs*  
9 *for assessing how state statutes, regulations, and practices*  
10 *contribute to, uphold, or exacerbate racial disparities. This shall*  
11 *include, but is not limited to, the following:*

12 (A) *Creating and implementing budget equity assessment tools*  
13 *to determine whether budget requests and annual allocations*  
14 *benefit or burden communities of color. The office shall submit a*  
15 *racial equity impact analysis of the proposed budget to the*  
16 *Governor and the Legislature by \_\_\_\_ annually.*

17 (B) *Establishing a process for ensuring that data collected*  
18 *pursuant to this paragraph are managed effectively and provide*  
19 *meaningful information, including disaggregation by race,*  
20 *ethnicity, gender, disability, income, veteran status, or other key*  
21 *demographic variables.*

22 (3) *Review and identify existing policies, regulations, and*  
23 *practices in state government that contribute to, uphold, or*  
24 *exacerbate racial disparities in areas including, but not limited*  
25 *to, education, housing, land use, employment, environment,*  
26 *economic security, public health, health care, the wealth gap,*  
27 *policing, criminal justice, transportation, and public safety. The*  
28 *findings of the review described in this subdivision shall be*  
29 *published on the website of the office, and reported to the Governor*  
30 *and to the Governor's cabinet.*

31 (4) *Review and approve each agency's Racial Equity Action*  
32 *Plan as described in Section 8303.5. The office shall also provide*  
33 *technical assistance to agencies during development of the Racial*  
34 *Equity Action Plan and to agencies implementing strategies for*  
35 *racial equity consistent with the Racial Equity Action Plan.*

36 (5) *Coordinate research activities of state government directed*  
37 *at advancing racial equity.*

38 (6) *Engage stakeholders and community members to address*  
39 *the root causes of racial inequities and ensure that the Racial*  
40 *Equity Framework, Racial Equity Action Plans, and any other*

1 racial equity proposals repair historical harm done by  
2 government-sanctioned actions.

3 (7) Engage, collaborate, and consult with policy experts in order  
4 to conduct analysis and develop policy recommendations, including  
5 building on and collaborating with existing offices, departments,  
6 agencies, and working groups as appropriate.

7 (8) Promote the ongoing, equitable delivery of government  
8 benefits and opportunities, including, but not limited to:

9 (A) Coordinate and provide technical assistance to local  
10 government entities engaging in racial equity programming.

11 (B) Encourage the formation and implementation of racial  
12 equity initiatives in local government entities, including cities and  
13 counties.

14 (b) (1) The office shall prepare an annual report that evaluates  
15 and reports on progress in meeting statewide goals and policies  
16 established under the Racial Equity Framework. The report shall  
17 be submitted to the Governor, the Legislature, and be posted  
18 publicly on the website of the office.

19 (2) A report to be submitted pursuant to paragraph (1) shall be  
20 submitted in compliance with Section 9795.

21 8303.5. (a) Each state agency shall develop and implement a  
22 Racial Equity Action Plan, in alignment with the Racial Equity  
23 Framework described in Section 8303.3, and integrate the Racial  
24 Equity Action Plan into the agency's strategic plan. By \_\_\_\_\_, each  
25 state agency shall submit its Racial Equity Action Plan to the office  
26 for review and approval. The office shall hold a public meeting to  
27 review the plan prior to approval. Approved plans shall be  
28 submitted to the Governor, and Legislature, and posted publicly  
29 on each agency's internet website. The Racial Equity Action Plans  
30 shall be reviewed and updated, as necessary, every three years  
31 thereafter.

32 (b) The Racial Equity Action Plan shall describe how a state  
33 agency will address racial inequities within the agency and in  
34 programs of the agency and its departments. The Racial Equity  
35 Action Plan shall include all of the following:

36 (1) A description of the historical legacy and impacts of  
37 institutional racism as it pertains to that particular agency and  
38 policy sector.

39 (2) Goals, strategies, and plans to achieve equity within the  
40 agency and for services provided to the public, including but not

1 limited to, employee training and support, development of racial  
2 equity programming, and assistance to departments to change  
3 policies and practices to improve racial equity outcomes.

4 (3) Metrics to measure current conditions and outcomes  
5 resulting from program and policy changes, which may include  
6 ways of measuring equity outcomes in hiring, promotional  
7 opportunities, and contracts.

8 (4) A description of how the agency will integrate the Racial  
9 Equity Action Plan into its agency strategic plan.

10 (c) (1) Each agency shall prepare an annual report on the  
11 agency’s progress towards goals set forth in the Racial Equity  
12 Action Plan. The annual report shall include relevant data on the  
13 status of racial equity in the agency’s workforce and its provision  
14 of services to the public, including both direct services as well as  
15 services provided through grants and contracts.

16 (2) Each agency shall submit its annual report to the office, the  
17 Governor, and the Legislature by \_\_\_\_ for the preceding calendar  
18 year. The Governor shall consider the annual reports in connection  
19 with the budget process.

20 (3) A report to be submitted pursuant to paragraph (1) shall be  
21 submitted in compliance with Section 9795.

22 8303.7. The provisions of this chapter are severable. If any  
23 provision of this chapter or its application is held invalid, that  
24 invalidity shall not affect other provisions or applications that can  
25 be given effect without the invalid provision or application.

26 ~~SEC. 2. It is the intent of the Legislature to enact legislation~~  
27 ~~to require the State Department of Public Health, in collaboration~~  
28 ~~with the Health in All Policies Program, the Office of Health~~  
29 ~~Equity, and other relevant departments, agencies, and stakeholders,~~  
30 ~~to address racism as a public health crisis.~~

**Introduction Form**

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
2. Request for next printed agenda Without Reference to Committee.
3. Request for hearing on a subject matter at Committee.
4. Request for letter beginning : "Supervisor  inquiries"
5. City Attorney Request.
6. Call File No.  from Committee.
7. Budget Analyst request (attached written motion).
8. Substitute Legislation File No.
9. Reactivate File No.
10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: 

For Clerk's Use Only

**From:** [Hsieh, Frances \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** Re: Chan Roll Call item  
**Date:** Wednesday, March 17, 2021 1:34:58 PM  
**Attachments:** [image001.png](#)

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I confirm that this item is routine in nature.

As of today, neither California State Association of Counties nor League of California Cities have taken positions on this bill.

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**From:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Sent:** Wednesday, March 17, 2021 1:31 PM  
**To:** Hsieh, Frances (BOS) <frances.hsieh@sfgov.org>  
**Cc:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Subject:** RE: Chan Roll Call item

Hi Frances,

The item is requested to be placed on the For Adoption Without Committee Reference of the agenda, pursuant to Board Rule 2.1.2, please confirm that these matters are routine, not contentious in nature, and of no special interest.

Lastly, per Board Rule 2.8.2, please confirm that organizations such as the [California State Association of Counties](#) and [League of California Cities](#) have *not* taken a position on these bills. If they have, please provide a copy of their statement for completeness of the file.

Thank you in advance,

***Jocelyn Wong***

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
T: 415.554.7702 | F: 415.554.5163  
[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**(VIRTUAL APPOINTMENTS)** To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services*



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**From:** Hsieh, Frances (BOS) <frances.hsieh@sfgov.org>  
**Sent:** Wednesday, March 17, 2021 11:37 AM  
**To:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Cc:** Chan, Connie (BOS) <connie.chan@sfgov.org>  
**Subject:** Chan Roll Call item

Dear Clerk staff,

Attached, please find the intro form, resolution and support documentation for Supervisor Chan's resolution supporting Senate Bill 17. Please let me know if you have any questions or issues with these forms.

Warm Regards,  
Frances

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Frances Hsieh | 謝令宜  
Office of Supervisor Connie Chan  
San Francisco Board of Supervisors, District 1  
(415) 554-7410