

July Meeting Minutes

**AB 3121 TASK FORCE TO STUDY AND DEVELOP REPARATIONS
PROPOSALS FOR AFRICAN AMERICANS**

MEETING MINUTES

July 9, 2021, 9:00 A.M.

<https://oag.ca.gov/ab3121>

The second meeting of the Task Force was conducted via Blue Jeans video and telephone conference at <https://primetime.bluejeans.com/a2m/live-event/jwtfpbha>

Members Present: Senator Steven Bradford, Dr. Amos Brown, Dr. Cheryl Grills, Lisa Holder, Assemblymember Reginald Jones-Sawyer, Jovan Scott Lewis, Kamilah V. Moore, Councilmember Monica Montgomery Steppe, Don Tamaki.

1. The meeting was called to order by Chair Moore at 9:00am

Sarah Belton, Supervising Deputy Attorney General of the DOJ, conducted a roll call to establish a quorum.

PRESENT: Bradford, Brown, Grills, Holder, Lewis, Moore, Steppe, Tamaki

NOT PRESENT: Jones-Sawyer

There are nine members of the Task Force. A quorum for the meeting is five. There were eight members present. A quorum was established.

2. Introduction of Task Force Parliamentarian and Overview of Meeting procedures.

Chair Moore introduced Parliamentarian Doreathea Johnson. Parliamentarian Johnson provided an overview of Roberts Rules of Order and the manner by which the Task Force will conduct its business. Parliamentarian Johnson further advised that she would be available at meetings to assist Chair Moore and the Task Force on parliamentary procedures when needed.

3. Approval of June 1, 2021 Meeting Minutes.

MOTION: Vice Chair Brown moved to approve the June 1, 2021 meeting minutes. Member Tamaki seconded the motion. There was no discussion.

MOTION: Vice Chair Brown moved to call the question. Member Holder seconded the motion.

AYE: Moore, Brown, Bradford, Grills, Holder, Lewis, Steppe, Tamaki

NAE: 0

NOT PRESENT: Jones-Sawyer

The vote was 8 to 0 in favor of the motion to call the question. The motion to call the question passed.

Members proceeded to vote on the previous motion which was to approve the minutes of June 1, 2021. Chair Moore called for a roll call vote.

AYE: Moore, Brown, Grills, Holder, Lewis, Steppe, Tamaki

NAE: 0

ABSTAIN: Bradford

NOT PRESENT : Jones-Sawyer

The vote was 7 to 0 with one abstention. The motion passed and the June 1, 2021 meeting minutes were adopted.

4. Open Discussion of Community Engagement

The Task Force discussed how to define the community it hoped to engage.

Member Grills presented a Community Engagement Process Proposal. Member Grills offered to work with DOJ staff to further develop and implement this plan. Member Grill's Community Engagement Proposal can be located on the Reparations Task Force website at <https://oag.ca.gov/ab3121>

Senator Bradford asked that the Mervyn M. Dymally Institute be considered under this plan as a central organizing entity. Vice Chair Brown expressed concern that others have not had an opportunity to submit their ideas for community engagement plans. Parliamentarian Johnson advised members that they could adopt an initial plan to build upon and allow for the opportunity for others to submit plans or amendments to the Task Force by a certain date.

MOTION: Vice Chair Brown made a motion that the Task Force publicly announce that it is soliciting plans on which to vote by the next meeting. There was no second on the motion. The motion failed.

The Task Force discussed using Member Grills's plan as a starting point that could be amended in an open-ended process. Members noted concerns about keeping to the timeline established by AB 3121.

MOTION: Member Bradford moved to adopt Member Grill's proposal as a blueprint with the understanding that it could be amended with community input. Member Steppe seconded the motion.

Member Holder asked to make a presentation before adopting Member Grills's plan. Member Grills stated support for this request.

Member Jones-Sawyer joined the meeting.

MOTION: Member Bradford asked to table his motion until after Member Holder could present her community engagement plan. Member Jones-Sawyer seconded the motion.

AYE: Moore, Bradford, Grills, Holder, Jones-Sawyer, Lewis, Steppe, Tamaki

NAE: Brown

The vote was 8 to 1 in favor of tabling the motion until after Holder’s plan was presented. The motion passed and the original motion was tabled.

Member Holder discussed why a community engagement and communications strategy was critical and outlined her plan for accomplishing those objectives. Member Holder concluded with the recommendation that the DOJ work with the Task Force to engage a communications and events expert. Member Holder’s Community Engagement and Communications Strategy can be located on the Reparations Task Force website at <https://oag.ca.gov/ab3121>

Following the completion of Member Holder’s presentation, Member Bradford moved to take the original motion from the table.

MOTION: Member Bradford made a motion to move his original motion from the table and amend it to incorporate Members Holder’s communication strategy, using both Member Grills and Member Holder’s plans as general guideposts for the community engagement process. Chair Moore asked if there was any objection. No one objected. Member Jones-Sawyer seconded the motion.

The Task Force again discussed definitions of community and agreed that the Task Force should be precise about whom it is talking when it references “community” especially in the context of the statute.

The Task Force returned to the vote on Member Bradford’s original motion as amended.

AYE: Moore, Bradford, Grills, Holder, Jones-Sawyer, Lewis, Steppe, Tamaki

NAE: 0

NOT PRESENT: Brown

The vote was 8 to 0. The motion was adopted.

5. Discussion and Adoption of Task Force Procedures for Receiving and Evaluating Information

Chair Moore stated that each of the seven different types of information submitted to the Task Force must be voted upon. She further stated that the DOJ provided options in writing for Task Force members to consider in making decisions about each type information submitted to the Task Force. Chair Moore walked the Task Force through each option.

Members first discussed how to handle **Oral Testimony**. Two DOJ options were presented: (1) incorporate oral testimony into the written report; (2) post written versions of oral testimony on the AB 3121 website.

MOTION: Member Grills moved to combine options one and two: that the DOJ post Oral Testimony on the AB 3121 website immediately after public meetings and incorporate such testimony into the written report as appropriate— either in the report body or appendix. The motion was seconded by member Tamaki

AYE: Moore, Grills, Holder, Jones-Sawyer, Lewis, Steppe, Tamaki

NAE: 0

NOT PRESENT: Brown, Bradford

The vote was 7 to 0 with two members not voting. The motion was adopted.

Members discussed how to receive **Written Comments (proposals and testimony submitted via the reparations email address)**. Four DOJ suggestions were presented: (1) Summary digest would be sent to Task Forces members for review before each meeting, DOJ staff makes preliminary determinations of substance; (2) all comments, proposals, and testimony would be sent to Task Force members for review before each meeting, staff makes no preliminary determination; (3) Append to written report; (4) Post on AB3121 website.

Member Holder asked whether—under option one—DOJ would hold the original email for member review once the digest is sent out? Xiyun Yang, Deputy Attorney General at DOJ, confirmed that staff would be able to provide the original written comment if requested by members. Further discussion occurred about whether comments could be hyperlinked ensued—with the resolution that a pdf of comments could be sent to all task force members in their original form with a summary digest.

Members discussed how to the Task Force could process comments efficiently but still ensure both transparency and that it would not miss any salient substantive issues.

Chair Moore suggested combining options one and four.

MOTION: Member Grills moved to combine options one and four (summary digest with staff preliminary determination and posting comments to the website). Member Scott Lewis seconded the motion.

AYE: Bradford, Grills, Holder, Jones-Sawyer, Lewis, Steppe, Tamaki

NAE: Moore

NOT PRESENT: Brown

The vote was 7 to 1 with one member not voting. The motion was adopted.

The Task Force discussed receiving **Public Comment**. Members considered two DOJ suggestions: (1) task force members receive public comment; (2) task force members receive public comment and staff incorporate a summary into meeting minutes.

After an inquiry from Member Bradford, Ms. Yang clarified that during public meetings, individuals get two minutes to speak and that the public comment segment occurs for one hour.

Member Grills asked whether public comment could be broken into two parts—one segment at the beginning of the meeting and one at the end.

MOTION: Vice Chair Brown moved for all public comment to occur at the beginning of public meetings with a time limit. The motion failed for lack of a second.

The task force discussed whether individual public comment should be longer and whether earlier timing would mean that certain community members would not be able to participate.

Member Grills proposed a motion to have the time for individuals to speak extended to three minutes and for half of an hour public comment to occur at the beginning of meetings and half of an hour at the end. The task force discussed whether this would be more or less restrictive to the public. The motion failed for lack of a second.

MOTION: Vice Chair Brown made a motion for public comments to occur only at the beginning of meetings and to have members of the public speak for up to three minutes. Member Bradford seconded the motion.

AYE: Moore, Brown, Bradford, Holder, Lewis, Steppe, Tamaki

NAE: Grills

ABSTAIN: Jones-Sawyer

The vote was 7 to 1 with one abstention. The motion was adopted.

The Task Force returned to the original question at hand—how to receive public comment.

MOTION: Member Steppe moved that the Task Force adopt option two (members receive public comment and staff incorporate a summary into meeting minutes). Member Grills seconded the motion.

AYE: Moore, Brown, Bradford, Grills, Holder, Jones-Sawyer, Lewis, Steppe, Tamaki

NAE: 0

The vote was 9 to 0. The motion was adopted.

The Task Force considered how to collect information about **Telephone Calls to DOJ**. Two DOJ suggestions were presented: (1) Summary digest sent to Task Force members for review before each meeting, staff makes preliminary determination of substance; (2) All comments sent to Task

Force members for review before each meeting, staff makes no preliminary determination of substance.

The Task Force inquired about the current process. Ms. Yang answered that DOJ staff currently employs option two.

MOTION: Member Holder moved to adopt option two that all comments be sent to the Task Force for member review before each meeting; staff makes no preliminary determination of substance. Member Tamaki seconded the motion.

AYE: Moore, Brown, Bradford, Grills, Holder, Jones-Sawyer, Lewis, Steppe, Tamaki
NAE: 0

The vote was 9 to 0. The motion was adopted.

The Task Force next discussed how to consider **Task Force Member Input**. Two DOJ suggestions were presented: (1) forward all emails in reasonable real time; (2) forward summary emails at intermittent time periods.

The Task Force inquired about current process. Ms. Yang responded that DOJ staff currently employ option one.

MOTION: Member Holder moved option 2, that staff provide Members with summary emails before every task force meeting with at least a three-day lead time. Member Grills seconded the motion.

AYE: Moore, Brown, Bradford, Grills, Holder, Jones-Sawyer, Lewis, Steppe, Tamaki
NAE: 0

The vote was 9 to 0. The motion was adopted.

The Task Force considered how to receive **Reading Materials (before every meeting)**. Two DOJ suggestions were presented: (1) staff sends suggested bibliography; (2) staff sends prepared testimony of witnesses.

MOTION: Member Holder moved to combine option 1 and 2 to have staff send both a bibliography and prepared testimony to members before meetings with significant lead time based on the volume of material. Member Tamaki seconded the motion.

AYE: Moore, Brown, Bradford, Grills, Holder, Jones-Sawyer, Lewis, Steppe, Tamaki
NAE: 0

The vote was 9 to 0. The motion was adopted.

The Task Force considered how to **Synthesis Evidence (after each hearing)**. Three DOJ suggestions were presented (1) Staff drafts potential conclusions as a starting point for a discussion

of conclusions to be adopted at the end of every public hearing. Conclusions adopted by the Task Force are then included in the respective section of the appropriate written report. (2) Staff does not draft potential conclusions for adoption (3) Task Force members submit written conclusions to staff by a date certain after each meeting for staff to synthesize and present at the following meeting. Conclusions adopted by the Task Force are then included in the respective section of the appropriate written report.

The Task Force asked for clarification on option one. Ms. Yang made clear that Members would have an opportunity to review and amend the staff-drafted conclusions. The Task Force expressed concern with option one and the desire to have Members frame the issues presented. The Task Force discussed having DOJ draft findings and Members taking the lead on conclusions.

MOTION: Vice Chair Brown moved that staff draft evidentiary findings and circulate them to Members. Individual members will then draft conclusions that DOJ staff will in turn synthesize. The synthesized conclusions will be presented at subsequent meetings and adopted to be included in the appropriate written report. Member Tamaki seconded the motion.

AYE: Moore, Brown, Bradford, Grills, Holder, Jones-Sawyer, Lewis, Steppe, Tamaki

NAE: 0

The vote was 9 to 0. The motion was adopted.

6. BREAK

7. Discussion and Adoption of Public Hearing Schedule

The meeting reconvened at 1:30 p.m. by Chair Moore. Sarah Belton of DOJ conducted a roll call to establish a quorum.

PRESENT: Moore, Brown, Grills, Holder, Jones-Sawyer, Lewis, Steppe, Tamaki.

NOT PRESENT: Bradford.

There are nine members on the Task Force. A quorum is five members. There were eight members present. A quorum was established.

During the July 1 meeting, the Task Force voted to review and modify the themes and categories presented thus far by DOJ. Chair Moore opened the discussion by stating that she had an alternative proposal to DOJ's to present to the Task Force. Members discussed that, under AB 3121, the Task Force is not limited to holding ten total meetings; rather, only ten meetings may be reimbursed. Members also discussed the possibility of adding additional meetings as may be required by future discussions. Member Jones-Sawyer asked DOJ to confirm that the savings from the first two meetings (conducted virtually) could be applied to future meetings, thus enabling more reimbursable in-person meetings in the future.

Chair Moore then presented an alternative proposed Public Hearing schedule. She stated that each of the meetings would take place over two days and would include expert testimony and public

testimony. Chair Moore added that the meeting would also be preceded by a call for Requests for Proposals to community organizations to submit potential reparations schemes relevant to the meeting topic. The proposed meetings would cover the following topics (Day 1 topics noted with (1), and Day 2 topics noted with (2):

- Transatlantic Slave Trade, the Institution of Slavery (1), and the Impetus and Implications of the Great Migration(s) (2).
- Segregation (1) and Housing (2)
- Infrastructure, Gentrification/Homelessness, Public Health (1) and Entertainment, Sports, Arts, and Culture (2)
- History of Policing and War on Drugs (1), and the Criminal Legal Justice System (2)
- Addressing Various Legal Considerations (1) and Exploring Reparations in the Form of Compensation (2)
- Exploring Reparation in the Form of Restitution (1) and Rehabilitation (2)

Exploring Reparations in the Forms of Satisfaction and Guarantees of Non-repetition (1), and Proposals for Reconciliation (2) Presentation and Approval of Second Report. The Task Force then had a lengthy discussion about whether to adopt the proposed hearing schedule. Several members expressed concerns that they had not had adequate time to review the proposal and the various topics proposed by both DOJ and Chair Moore. Given the importance of these topics for the work of the Task Force, several members expressed a desire to spend more time deliberating what should be included. Several members of the Task Force also expressed that they would like time in advance to review materials such as the topics provided and asked for support from DOJ to help compare and catalogue all the topics that had been suggested or are required for the report. Several members proposed working on topics together in the time remaining in the meeting. Member Steppe also asked why there was so great a gap between the last two meetings in the schedule proposed by DOJ; Ms. Yang replied that this would give DOJ staff time to prepare the report, which would then be ready during the Fall 2022 legislative session. Chair Moore's proposal can be located on the Reparations Task Force Website at <https://oag.ca.gov/ab3121>

At the conclusion of the discussion, the following motion was made:

MOTION: Assemblymember Jones-Sawyer moved that the Task Force adopt the proposed schedule presented by Chair Moore as a tentative schedule for future public hearings with the caveat or understanding that the schedule would be subject to being amended at later date when it was finalized. Member Steppe seconded the motion.

Member Grills moved to amend the motion to have DOJ staff help circulate a spreadsheet and other materials to allow the task force members to more easily compare topics that have been proposed by the DOJ and presented by Chair Moore for future hearings. The motion to the amendment was not seconded therefore no other action was taken on the amendment.

A roll call vote was taken on the original motion.

AYE: Moore, Brown, Grills, Holder, Jones-Sawyer, Lewis, Steppe, Tamaki

NAE: 0

NOT PRESENT: Bradford

The vote was 8 to 0 with one member not voting. The motion was adopted.

Member Tamaki suggested that dates for future meetings should be determined soon, and that the Task Force members should begin thinking about how to offer listening sessions to cover the broadest range of areas in the state. Member Holder suggested hosting listening sessions as part of the proposed two-day public hearings. Several members sought clarification from DOJ staff about what the Bagley-Keene Open Meeting Act permitted and prohibited with respect to subcommittee meetings and listening sessions; Ms. Belton clarified that meetings with three Task Force members would trigger the requirements of Bagley-Keene. Chair Moore asked DOJ staff to provide further clarification on what the differences are between Task Force meetings, subcommittee meetings, and advisory committees under Bagley-Keene.

Chair Moore then announced a short break.

8. Public Comment

Public Comment began at 3:15 PM

There were 16 public comments. Many comments offered support for the Task Force, and many requested that the Task Force engage with various community organizations and/or experts. Several comments suggested that the primary focus of the Task Force's work should be on creating reparations program for descendants of U.S. slaves, rather than all African Americans. Several comments also emphasized the importance of engaging the community, with one commenter suggesting that future meetings be held on Saturdays.

9. Closing Remarks

Chair Moore gave closing remarks ending the meeting at approximately 4:03 p.m.