



Commission Chair Franklin Donahoe  
Representing Snohomish County

Commissioner Sara Franklin  
Representing South King County

Commissioner De'Sean Quinn  
Representing South King County

Commissioner Sheila Reed Trahan  
Representing Tri-Cities

Commissioner Dr. James Smith  
Representing King County

Commissioner Dorian Waller  
Representing Pierce County

Commissioner Andrea Caupain  
Representing King County

Commissioner Will Howard  
Representing Pierce County

Executive Director Edward O. Prince

## Commission on African American Affairs Public Meeting Minutes Friday, July 24, 2020 via Zoom 3:00 p.m. to 5:00 p.m.

Members present: Chair Hausa, Vice-Chair Franklin-Phillips, Bruce, Kendricks, Quinn, Sardinas, Smith, Waller, Executive Director Edward Prince, Executive Assistant Charlotte Kerney

Absent: Commissioner Caupain. Quorum established

**3:00 PM** - Meeting called to order

**3:05 PM** – Presentation: Suzanne Belcher Associate Attorney General

The function of the Attorney General's office is to provide general advice, formal and informal opinions, review and approve contracts and other agreements, provide assistance regarding the adoption of regulations, provide representation of state agencies and advice in personnel matters.

As the assigned counsel for the commission, Suzanne provides general agency advice including any specific legal question such as interpretation of the statutory authority, review assistance in adoption of commission rules, representation in some types of litigation. All work is done at the request of the commission through the executive director.

The office also offers specialized legal advice available to all state agencies, such as employment law, and tort lawsuits. The Solicitor General's office coordinates all appellate level litigation for all state agencies and specialized expertise in bankruptcy matters. As our assigned AAG would coordinate with any of the specialized counsel at the Attorney General's office.

Providing Advice: The AAG's role is to give legal advice, not policy advice. However, a policy consideration may be given in order to determine the amount or the impact of risk. Common areas of advice solicited are:

- Public disclosure requests/act
- Open public meetings act
- Administrative procedure act, specific when adopting rules

Another common question concerns the attorney client privilege for boards or commissions. There is an attorney/client relationship for all agencies and the commission owns attorney/client privilege. All of the commission, as a group, can determine to waive privilege. The advice is owned by the commission as a

whole; a majority vote of the commission would be needed to determine how privilege should be handled.

There are times when a special AAG is assigned in certain circumstances. These are handled on a case-by-case basis when conflict exists or expertise in a specialized area is needed. Occurrences are very few in number, but it does happen. The agency does not go out and hire its own council, but goes through the AG's office.

Lobbying and the Commission: There is a delicate dance to avoid lobbying – The AAG often answers questions about what role commissioners can play concerning their advocacy roles, what the statutory limitations of the commission are and what commissioners can and cannot do.

What does the word 'advice' mean? It is broad and should be read within the context of CAAA's definition for a specific definition, but the idea is the commission help provide feedback and general guidance/thoughts on courses of action. Generally, there is not any kind of enforcement; the commission is here as a resource to provide input and guidance to the legislature and the governor within the commission's subject area.

Many state agencies call on the commission for advice that is more of internal state government communication however there is no statutory requirement that agencies solicit CAAA.

**Budget and Strategic Planning:** The Director will meet with budget staff soon. Our budget decision package is being structured. Commissioner Quinn feels CAAA should emphasize the commission's role – to help in partnership with the governor. We have been through this before; when in the past all commissions were cut and it was a poor decision. Suggests working on speaking notes regarding the commission's importance and emphasize the community will

Chair Hausa feels although it is not a requirement for state agencies to reach out to the commission, it should be required. Agencies should have to demonstrate to CAAA how they serve the commission. Commissioner Sardinas – they do call when good rapport has been created with policy makers and agencies. We should ask the question of 'how we can assist' instead of a requirement.

A valued opinion to weigh in. An example is One of our commission has been asked to serve on the Task Force. That is a huge role in promoting our agenda. Some talking points are needed so we can discuss future actions. We should agree on an approach as current events are driving the discussions because people are being held to task on the delivery of services. CAAA should be a little more strategic in its approach so we can demonstrate effectiveness but also be revolutionary.

**Legislative Priorities:** This is the first of three discussions regarding our priorities for the next legislative session. New priorities have surfaced because of COVID-19. The reason the Commission exists is to help and regularly collaborates with other commissions to address issues of mutual concern.

Commissioner Quinn: There is a lack of fiber [for internet service] in urban communities and this is critical since virtual learning is becoming the go-to. The reality is access and a fix is needed now; it should be priority. Broadband access should be an ask to the governor's office. Part of the reason why CAAA exists is because different experiences are not being considered when policy is being developed.

Commissioner Kendricks notes the digital drought will cause a widening gap with those children who are already behind.

Commissioner Smith: Multiple children within the home will need access. How do you eliminate barriers within a virtual education concept?

Commissioner Bruce: Suggests expanding presence on social media platforms. What is the possibility of echoing and reiterating comments found on other platforms? Director Prince will seek clarity via the AAG's office to determine any social media limitations.

Work is underway on a curriculum on African American history in public schools. Commissioner Sardinas notes the Washington Education Association being unsupportive in the past. Commissioner Smith notes a workgroup discussing the issue.

Commissioner Waller: Our state has not done its job regarding maternal health of African American women and the differences between health care systems.

Commissioner Quinn: Have we thought about articulating to King County our support for its decision going to a zero detention approach to reducing the prison pipeline? It isn't legislative but it is a timely matter.

Commissioner Smith: We should also applaud the work being accomplished with incarcerated fathers and likewise highlight the learning deficit experienced by children of incarcerated parents.

Commissioner Waller: The unemployment benefit slog hits our communities especially hard. Wants a priority set for the primary needs of food, income and housing. These are critical to our community because COVID-19 is not going away anytime soon.

Group discussion expressed concerns about the impending declines in revenue and its effect on jobs and homelessness in the African American community.

CAAA Website: Commissioners have suggested a refresh/overhaul to the CAAA website to improve optics. WaTech quoted \$5k and estimates about 30 hours of work at a rate of \$170 per hour. Once this discussion begins, the commissioners will receive

#### **Updates from the Commissioners:**

Commissioner Sardinas: Addressing food insecurity. Reached out to Department of Commerce and Agriculture for resources in light of COVID-19. Partnered with organizations and community-based organizations to provide food to communities in King County and the Tri-Cities.

Commissioner Kendricks: In the community, received grants from the Innovia Foundation (ALL In Washington) and food and debit cards were distributed to the community in Spokane. Organized various food drive-ins with many of the churches in the Spokane area. Recently appointed to the Governor's Task Force for Independent Investigations and Deadly Force representing CAAA. The task force will formulate strategies for the upcoming legislative session. The task force meets every two weeks and will submit its suggestions to the legislature in November 2020.

Commissioner Quinn: Continues to serve on the Criminal Justice Commission. The continues to work on police accountability. Local heads of law enforcement will be looking for individuals to serve on the oversight process for law enforcement.

Commissioner Franklin-Phillips: Still represent on the Governor's Interagency Committee on Health Disparities. Race, ethnicity and gender in Washington state. Involved on the implementation of I-940P use of force legislation passed in 2018 and a part of a community coalition asking what a complete independent investigation is and what it should look like in regards to officer involved shootings and accountability.

Commissioner Smith: On the Education Opportunity Gap Oversight and Accountability Committee (EOGOAC) finalizing the COVID-19 guidance for communities of color. Previous guidance was too general. WA Kids presentation involves K-3 and the functionality for that program. Very critical about the first attempt as it was felt the presenters did not speak to communities of color as well as it could have.

Next CAAA meeting is suggested for September 2020. More details to follow. Director Prince hopes for an in-person meeting.

**5:00 PM** - Adjournment