



DATE: September 15, 2021

TO: Community Services Commission

FROM: Acting Community Services Manager

SUBJECT: Recommendation to Council to Adopt a Resolution Apologizing to Black, Indigenous, and People of Color (BIPOC) on Behalf of the City of Hayward for Its Implicit and Explicit Role in Perpetuating Historical Institutional Racism in the City of Hayward and to Review the Attached Workplan to Address the City's Historical Wrongdoings

RECOMMENDATION

That the Community Services Commission:

- 1) Reviews and approves the draft resolution apologizing to BIPOC on behalf of the City of Hayward for its implicit and explicit role in perpetuating historical institutional racism in the City of Hayward; and
- 2) Recommends that the Council adopt the resolution and review the attached workplan to address the City's historical wrongdoings.

SUMMARY

At the June 17, 2020 Community Services Commission (CSC) meeting, staff presented on the City's Racial Equity Action Plan and the Government Alliance for Racial Equity (GARE) cohort details. At this meeting, the CSC provided feedback on the plan and a subset of the CSC requested to write a letter of support for the Racial Equity Action Plan and call for further action by the City of Hayward in its commitment to anti-racism. A subcommittee was formed to draft a letter of support for the Racial Equity Action Plan and call for further action by the City of Hayward.

The letter of support was reviewed and approved by the full CSC at the July 15, 2020 meeting of the CSC. This letter and its attachments were shared with the full Council at the July 21, 2020 Hayward City Council meeting. Within this letter of support was a recommendation from the CSC for the current Council to issue an apology to the Black Community on behalf of the City for its complicity in institutional racism in the City of Hayward.

A CSC subcommittee was formed to draft this apology in the form of a resolution. As part of the resolution, the CSC subcommittee identified 11 tangible action steps that the City should undertake to address the City's historical wrongdoings and complicity in institutional racism. Staff has created a workplan outlining these action steps, along with work that is currently being done to support these recommendations.

BACKGROUND

At the June 17, 2020 Community Services Commission (CSC) meeting, staff presented on the City's Racial Equity Action Plan and the Government Alliance for Racial Equity (GARE) cohort details.¹ At this meeting, the CSC provided feedback on the plan and a subset of the CSC requested to write a letter of support for the Racial Equity Action Plan and call for further action by the City of Hayward in its commitment to anti-racism. A subcommittee was formed to draft a letter of support for the full CSC to review.

The letter of support was reviewed and approved by the full CSC at the July 15, 2020 meeting of the CSC.² The letter of support contains three attachments: 1) CSC commitments and intentions regarding the CSC's work as a commission; 2) the Policy and enumerated Powers and Duties of the CSC per the Hayward Municipal Code; and 3) short, near, and long-term recommendations to the Council for consideration. Listed as a short-term recommendation was for the current Council to issue an apology to the Black Community on behalf of the City for its complicity in institutional racism in the City of Hayward. This letter and its attachments were shared with the full Council at the July 21, 2020 Hayward City Council meeting.

In response to the CSC letter and the accompanying recommendation for Council to issue an apology on behalf of the City of Hayward to the Black Community for its complicity in institutional racism in the City of Hayward, a CSC subcommittee was formed to draft this apology in the form of a resolution. As part of the resolution, the CSC subcommittee identified 11 tangible action steps that the City should undertake to address the City's historical wrongdoings and complicity in institutional racism.

A draft resolution with recommended action steps was shared at the June 16, 2021 CSC meeting. At this meeting, City Manager McAdoo recommended that the resolution and action steps be separated into two separate, but joint items. Staff and the CSC subcommittee incorporated this recommendation, as reflected in the attached resolution and workplan.

¹ June 17, 2020 Meeting of the Hayward Community Services Commission:
<https://hayward.legistar.com/LegislationDetail.aspx?ID=4568983&GUID=58090595-B455-499D-85E6-59356E4AEEB5&Options=&Search=>

² July 15, 2020 Meeting of the Hayward Community Services Commission:
<https://hayward.legistar.com/LegislationDetail.aspx?ID=4590492&GUID=B0148C0F-740C-4D0A-BC0B-14EECDE77EFD&Options=&Search=>

Staff have created a workplan outlining these action steps, along with work that is currently being done to support these recommendations.

DISCUSSION

Commitment to Equity and Acknowledgement of Past Inequities and Injustices

The City is committed to providing equitable services that improve the lives of all residents and take into consideration past inequities and injustices. The City recognizes that achieving that vision takes continuous listening, learning, and improvement. The City has a history of building a culture of equity to ensure that the City is meeting the needs of all residents, including:

- **1992:** Adopting the original 1992 Anti-Discrimination Action Plan (ADAP)
- **2017:** Establishing a limited term Community Task Force to update the ADAP and address increasing community concerns about nationwide discrimination
- **2017:** Council Adoption of the Sanctuary City Resolution
- **2017:** Council Adoption of the Commitment for an Equitable, Inclusive, and Compassionate Community
- **2019:** City joins the Government Alliance on Race and Equity
- **2020:** Staff presents the Racial Equity Action Plan to Council
- **2021:** Council adoption of a resolution establishing a city business closure day in observance of Juneteenth

The City is committed to providing equitable services that improve the lives of all residents and take into consideration past inequities and injustices. While the City has a strong history of building and promoting equity, the City has also historically participated in perpetuating institutional racism in the City, both implicitly and explicitly. In acknowledging this, the City takes accountability for past discrimination and harms done to BIPOC community members and reaffirms its commitment to being an inclusive, equitable, and compassionate community for all.

Resolution Apologizing to BIPOC communities for Complicity in Institutional Racism in the City of Hayward

The CSC has recommended that the current Council issue an apology on behalf of the City of Hayward to the Black Community for its implicit and explicit role in perpetuating historical institutional racism in the City. A CSC subcommittee was formed to draft this apology in the form of a resolution. The resolution is provided in Attachment II. Should the CSC approve this draft resolution, it will be taken to the Council with the recommended action to adopt the resolution.

Workplan

As part of the resolution, the CSC subcommittee recommends 11 tangible actions that the Council take to address the City's wrongdoings and complicity in institutional racism. Staff have created a draft workplan outlining each action item with work that is currently being done to support these recommendations. A summary of the 11 action steps and how this work is currently being supported is outlined below. The workplan in full can be found in Attachment III. If any of these items might require additional resources to research and implement, staff will recommend that the Council discuss the prioritization of these items in the context of the City's adopted Strategic Roadmap, either during the upcoming mid-term or annual review.

1) Utilizing a racial equity lens in developing and applying policies and procedures, such as those articulated in City of Hayward's 2021-23 Strategic Roadmap.

This is formally being done through Strategic Roadmap Organizational Health Project 3. Each Department in the City has selected a project from the Strategic Roadmap for racial equity analysis. Additionally, other projects, policies, and procedures are being developed and implemented using a racial equity lens.

2) Continuing and expanding the Government Alliance on Race and Equity (GARE) team and Racial Equity Action Plan.

The City has been a member of GARE since 2019. Since joining, 28 employees from across the City's departments have participated in GARE's ten-month training on communicating about race, tracking data, and using a racial equity toolkit to evaluate and design City programs. These team members are now training other City staff and conducting workshops for the City's Boards and Commissions.

3) Working with BIPOC community members to create new systems of public safety that places the highest priority upon protecting human life.

In the Summer of 2020, Council directed staff to implement a public safety community engagement project to gather information and experiences throughout the Hayward community to inform future policy discussions. The first phase of this project focused on hearing community concerns. The second phase focused on researching and testing possible policy alternatives. On May 18, 2021, the Council adopted a resolution authorizing funding for the workshop project recommendations. The implementation of these recommendations is ongoing.

4) Working with local, state, and regional partners to support and implement anti-racist policies and actions.

The Hayward Legislative Program outlines the legislative priorities and stances of the City of Hayward with the intent to inform residents, representatives, and policymakers of the

City's stances on the myriad of public policies that intersect with City priorities, programs, and services. Staff is currently updating the City's Legislative Program with recommended legislative priorities. In fall 2021, staff will recommend that the City add an active position of support for legislation, policies, and programs that are explicitly designed to address racial disparities by advancing racial equity and anti-racism.

- 5) For homeownership and loss mitigation assistance, target populations with limited access to homeownership opportunities (where people who are BIPOC are overrepresented) and who have experienced disparate impacts related to homeownership retention during times of crisis and implement outreach efforts that furthers affirmative fair housing by identifying and targeting populations that have been typically underserved.**

On July 13, 2021, Hayward City Council awarded \$4.25M in American Rescue Plan Act (ARPA) funding to housing programs and services to support target populations with limited access to homeownership opportunities. The federal stimulus housing programs were identified based on multiple factors including Hayward housing needs, anticipated foreclosures, existing protections, impacts of the history of systemic racism, and disparate impacts of COVID-19.

Additionally, as part of the Affordable Housing Ordinance, developers are required to target marketing efforts to populations traditionally underserved.

- 6) Prioritizing business ownership assistance for people who are BIPOC whenever such funding is available.**

All Economic Development Division programs utilize an equity lens that emphasizes focusing on serving minority-owned businesses. The City's Small Business Assistance Grant program provides grants to support the purchase of equipment, inventory, marketing material, e-commerce platforms, and interior/exterior improvements of commercial space. Staff will continue to direct funding to traditionally BIPOC-owned business sectors such as personal services, childcare, restaurants and retail. Funding for this program will be increased using ARPA funds for FY 22. The expanded program will feature enhanced engagement of Black-owned businesses to drive participation in the program.

- 7) Prioritizing funding and contracts for organizations, artists, musicians, businesses and contractors who are BIPOC.**

The Community Services Division and CSC use a racial equity lens in determining funding distributed through the Community Agency Funding process, including requesting demographic information of populations served, agency staff, and agency leadership.

8) Ensuring that literacy and other educational services as well as the Youth Commission and other leadership development opportunities facilitate positive identity for BIPOC youth.

The City's Family Education Program serves Hayward's at-risk population and partners with community stakeholders to close the education and literacy gap in Hayward. The Family Education Program focuses on community building to holistically address and strategically align the collective impact in the community. Key initiatives include: hiring staff that is representative of the Hayward community; working strategically with Hayward Unified School District (HUSD) to utilize race and ethnicity when allocating resources; working to meet the needs of historically marginalized students through reducing barriers to literacy, such as creating a Tech Lending Library, removing late fees, providing e-resources for every HUSD student, launching the Hayward Bookmobile; and launching the Book to Action program.

9) Working with the survivors and descendants of Russell City to determine appropriate restitution.

While staff are not explicitly working with survivors and descendants of Russell City to determine appropriate restitution, staff are working with survivors and descendants of Russell City in other ways, as well as exploring a wealth-building program. Staff are currently working with survivors and descendants of Russell City to design and create culturally competent ways to honor the history and legacy of Russell City. This group has also been consulted on the development of this resolution and workplan, as discussed in the Public Contact section below. Additionally, staff are exploring development of a First-Time Homebuyer Down Payment Assistance/Wealth-Building program.

Restitution and/or reparations programs are being considered by a small, but growing, number of municipalities across the country. These programs intend to acknowledge the harm done by local governments to Black residents through historical practices such as redlining and others that prevented Black residents from home ownership opportunities and assert an intent to make amends for that harm. If the Council supports a restitution and/or reparations program for survivors and descendants of Russell City, staff would recommend developing the program through an extensive community engagement process.

10) Supporting the work of community partners to design and create culturally competent ways to recognize the contributions of BIPOC Hayward residents and incorporate those recognitions into mural, signage, roadway improvements, and grants as such projects/opportunities are developed. Such recognitions may include a Welcome to Russell City Gateway, a Russell City Walk of Fame, Juneteenth events, Teach Ins, and/or other public art installations honoring the history and legacy of Russell City.

City staff are currently working on three public art pieces at Heritage Plaza in recognition of the Muwekma Ohlone Tribe, interned/imprisoned Japanese Americans, and survivors and descendants of the area known as Russell City. The art pieces are set to be installed at Heritage Plaza in FY21-22. Staff will continue to explore ways to work with BIPOC community members to create public art that celebrates the diversity of the Hayward community.

Additionally, the City has historically supported the Russell City Blues Festival and this year awarded \$20,000 to this event as part the Juneteenth Freedom Celebration.

11) Promoting accountability for these commitments through systematic updates and reporting.

Projects identified in the strategic roadmap will be reported on during the mid-year budget process. Policy innovation projects will be reported on bi-annually. Staff will share these reports back with the CSC. ARPA projects will also be reported on bi-annually.

Public Contact

On July 15, 2021, the subcommittee met with a group of survivors/descendants of the area known as Russell City to present and seek feedback on the resolution and workplan. This group was originally formed to provide feedback on the Heritage Plaza art project in recognition of survivors/descendants of the area known as Russell City. This group made the recommendations to the resolution that have been incorporated into the attached, notably to change “Russell City” to “the area known as Russell City,” as the area known as Russell City was never formally incorporated.

NEXT STEPS

Upon approval by the CSC, this item will be presented to the Council with recommendation to:

- 1) Adopt the attached resolution; and
- 2) Review the accompanying workplan, and consider any recommended substantive changes or additions to the workplan for discussion during the Strategic Roadmap annual or midterm review.

Prepared and Recommended By: Jessica Lobedan, Acting Community Services Manager

Approved by:

Jennifer Ott, Assistant City Manager