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Kristin L. Clouser, Secretary

TO: Summer Government Accountability Committee (SGAC)
FROM: Xusana Davis, Executive Director of Racial Equity
DATE: November 03, 2023
RE: Testimony of the Office of Racial Equity on the Committee’s Charge

The Office of Racial Equity (ORE) submits this testimony for two main purposes: First, to raise concerns about the process and charge outlined for the Summer Government Accountability Committee (the “Committee”), and second, to offer preliminary suggestions for how to maximize the impact and utility of the remainder of the Committee’s time to inform its January 2024 report.

Process Equity

One thing that distinguishes the Office of Racial Equity from its peer offices across state government is that during legislative sessions, ORE does not monitor one or two relevant committees of jurisdiction. Because inequities are present in all aspects of life in the U.S., there is often a clear racial equity impact in a wide range of bills being deliberated by the legislature. For this reason, ORE tracks legislation across topic areas including education, economic development, transportation, housing, criminal justice, workforce development, natural resources, government operations, and many more.

Despite ORE’s effort to have this broad reach, it was only on October 27th that the Director learned the Summer Government Accountability Committee had begun meeting, and by November 2nd, the Director learned the Summer Government Accountability Committee had already reached its statutorily-set dissolution date. Having participated in the former Government Accountability Committee’s work in 2021, it was surprising and disappointing that ORE had not been aware of the activities creating Act 53 of 2023 and the Summer Government Accountability Committee. Recognizing ORE’s history and interest in the Committee’s work, the Director worries that if ORE was unaware of this important work, then the greater public across the state is likely also unaware of the opportunity this process presents for participatory governance.

A review of Act 53 of 2023 shows that the Summer Government Accountability Committee was given four months and four (compensated) meetings to develop recommendations on the following:

(1) ways to ensure that the Legislative Branch is accountable to the people of Vermont by creating new processes and metrics by which to measure accountability;

- (2) ways to ensure equity in pay across commissions, boards, and joint legislative committees based on the nature of the service and required skill level;*
- (3) ways to ensure equitable participation on boards and commissions and in any public engagement process mandated by the State or General Assembly by providing appropriate compensation and material support; and*
- (4) codifying mechanisms for controlling and restraining the increasing number of commissions, boards, and joint legislative committees.*

Charges 2 through 4 above are of particular interest to the Office of Racial equity because of the importance of developing lasting government reform that is directly informed by and responsive to the needs of the populations that will be most impacted by it. The Director is concerned that the Committee's statutory timeline does not create the conditions to support broad public engagement on the topics listed above, which is particularly bewildering because several of the topics explicitly deal with the question of community engagement and participation. Because the Summer Government Accountability Committee is a small group, it becomes difficult for Committee members to have conversations about the Committee's work without inadvertently violating the quorum provisions of the State's open meeting law. Given this obstacle, the Director sees a potential opportunity for the Committee to engage with the public as meaningfully as it can before its January report deadline, but the limitations on how many Committee members can engage in dialogue presents a logistical challenge. Further, even if the Committee can continue its work while remaining in compliance with open meeting laws, any further work performed by Committee members beyond its four compensated meetings would still be uncompensated work, pursuant to the enabling statute. Again, considering the nature of Charges 2 and 3 above, this is another example of a process inequity that has been built into the Summer Government Accountability Committee's process and is emblematic of the very challenges Act 53 presumably seeks to address.

Preliminary Suggestions

- Engage the Office of Racial Equity: The Office of Racial Equity enthusiastically offers its assistance to the Committee as it continues its work, and looks forward to more opportunities to provide research and input to inform the Committee's report and recommendations.
- Engage the community: Notwithstanding the suggestion above, ORE does not speak for all people in Vermont, and strongly recommends the Committee begin immediate planning for a community engagement process that allows enough time to solicit public feedback and incorporate it into the Committee's final report.
 - o Specifically, engage with existing boards and commissions: In particular, the Director is aware of at least two State-created working groups having ongoing discussions about the per diem rate: The Environmental Justice Advisory Council and the Land Access Opportunity Board. ORE recommends hearing from these and other existing working groups to understand the challenges and opportunities of the current per diem structure.
- Review useful tools and resources: The Committee has already heard numerous suggestions from the National Conference of State Legislatures and from other entities. To formulate well-

rounded recommendations, the Committee would benefit from consulting additional resources that are community-centered. ORE is available to provide additional research and resources, but below are two excellent resources that would provide high value to the Committee's work:

- Hawn Nelson, A., Jenkins, D., Zanti, S., Katz, M., Berkowitz, E., et al. (2020). A Toolkit for Centering Racial Equity Throughout Data Integration. Actionable Intelligence for Social Policy, University of Pennsylvania. https://aisp.upenn.edu/wp-content/uploads/2022/07/AISP-Toolkit_5.27.20.pdf
- González, R. (2020). The Spectrum of Community Engagement to Ownership. https://d3n8a8pro7vhmx.cloudfront.net/facilitatingpower/pages/53/attachments/original/1596746165/CE2O_SPECTRUM_2020.pdf?1596746165

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