



STATE OF WASHINGTON
COMMISSION ON HISPANIC AFFAIRS
COMISIÓN DE ASUNTOS HISPANOS

CHA Community Meeting, Yakima

November 7th, 2014

6:00 – 8:30pm

Meeting called to order at 6:09pm

Roll Call:

Commissioners Present: Manuel Reta, Daniel Villao, Nora Coronado, Eliseo Juarez, Gloria Ochoa, David Morales, Raquel Ferrell-Crowley, Frank Lemos, Anita Ahumada.

Commissioners Absent: Andres Mantilla (excused)

Staff present: Uriel Iniguez, Jessica Babcock

Introductions:

Commissioners introduce themselves and their areas of focus. Commissioner David Morales thanks everyone for coming and introduces special guests in the audience: Carole Folsom-Hill, Gabriel Munoz, Sr. Rodriguez, and Elizabeth Lara. Commission Chair Gloria Ochoa makes an announcement in Spanish for any interpretation services that may be needed to see Patty Carrion Moras. Commission Chair Gloria Ochoa reviews the agenda and asks commissioners if there are any changes to be made.

Commissioner EJ Juarez motions to accept the agenda. Commissioner Anita Ahumada seconds the motion to accept the agenda. All approved.

CHA Official Business

Commission Chair Gloria Ochoa asks the Commission if they received previous meeting minutes and review them. All changes submitted to Executive Assistant.

Commissioner Reta motions to approve the minutes from the previous meeting. Commissioner Raquel Ferrell-Crowley seconds the motion. All approved.

Commission Chair Gloria Ochoa goes over the rest of the agenda. The first topic will discuss health disparities and culturally relevant healthcare as well as addressing a project by the DSHS regarding the disproportionality in the system. The second part of the agenda will discuss a recent case in Yakima regarding the City Council elections and the finding by the court that the election process was in violation of the Voting Rights Act as well as the ACLU's plan to rectify the situation.

The people of the State of Washington have tasked the Commission on Hispanic Affairs with advising the Governor, the Legislature, and state and local agencies on issues that affect the Hispanic community of the State.

210 11th Avenue SW, Suite 301A PO Box 40924 Olympia, WA 98504-0924
Olympia: (360) 725-5661 www.cha.wa.gov hispanic@cha.wa.gov

Meeting goals and objectives

Chair Gloria Ochoa goes over the meeting goals and objectives. She describes a bit of the Commission's history and mandate. Across the state the Commission does work around our designated priorities and will published on our website soon. These priorities were established based on the Governor's *Results Washington* Initiative which is divided into five main categories: World Class Education, Prosperous Economy, Sustainable and Clean Environment, Healthy and Safe Communities, and Effective, Efficient and Accountable Government. For example, within the Environment category would include issues about Pesticide use and how they impact farmworkers in the Latino community. The Commissioners educate themselves on these issues. The Commission tries to get representation both geographically as well as within a specific area of expertise that corresponds with these different categories. If you have a particular concern or issue you can contact the Commission directly you will be guided to the Commissioner in that particular area of expertise who can guide you through the process. This information is available on the CHA website at www.cha.wa.gov. Tonight we're hoping to provide information as to some issues in the area we've been following. The first panel will be addressing some concerns that had been raised by the outreach hosted at Memorial Hospital specifically on obesity and diabetes as it affects our community and how the education was being done. We're following up on how they've been doing and the progress that's been made. Our Commission's goal is to build a partnership ensuring that when issues are raised that we are able to address those needs and work together in collaboration with any organization or institution to rectify those concerns. Following this will be a presentation from the Department of Health and Social Services regarding disproportionality. What we're expecting is after these presentations there will be questions by the Commission and then it will be opened up to public for any questions. The format is that all questions will be directed at the Commission and we will facilitate that discussion with the panelists. Each person will have three minutes to ask any questions or make your statement. There's a sign-up sheet at the back with Uriel. Gloria introduces Uriel and Jessica. EJ will be timekeeping.

Panelists #1 - Health Disparities Culturally Relevant Healthcare

Commissioner David Morales introduces the first panel: *Bertha Lopez, Cassie Anderson, Angel Tover/Jose Leon, and Mary O'Brian.*

Berta Lopez; Memorial Hospital

Today's presentation will be talking about health disparities and culturally relevant healthcare. Lily and I will be facilitating that discussion and welcome questions afterwards. To put it into perspective as to what health disparities are I have a definition that Memorial Hospital has adopted that resonates with how we view health disparities as an institution. Lily reads *Healthy People 2020*: "a particular type of health difference that is closely linked with social, economic, and/or environmental disadvantage. Health disparities adversely affect groups of people who have systematically experienced greater obstacles to health, based on their racial or ethnic group; religion; socioeconomic status; gender; age; mental health; cognitive, sensory, or physical disability; sexual orientation or gender identity; geographic location; or other characteristics historically linked to discrimination or exclusion." Hopefully this helps with what we're talking about. Memorial, in 2013, did a Community Health Needs Assessment (CHNA) based off the *Healthy People 2020* health objectives, in particular the second objective: Achieve health equity, eliminate health disparities and improve health of all groups. The other objectives are all related to health equity. A little bit of background, I'm sure a lot of the people here are familiar with the demographics in Yakima but in case you're not familiar I've added a few more slides. There's a high Hispanic population – 46% according to the 2011 Census. There's also a large Native American population that is nearly three times larger than the state average. Those are critical factors when we look at when serving our population. Memorial is cognizant of the demographics of our population and is hoping to serve them equitably. Another disparity that we see here is, as an example, uninsured rates in Yakima. As you see

uninsured rates you can see there is a huge disparity between the state of WA and Yakima. It's been studied obviously this information is before the healthcare expansion. I'm not sure what the rates are now but I'm sure you could make a guess that they are parallel to what they are now. And if you dig a little bit deeper you can see who those uninsured individuals are. There's a large uninsured rate with Native Americans population and has moved up in the past from 2010 - 2011. With Hispanic community there's been a slight decrease from 2010 to 2011 but still a pretty significant number of people that are uninsured. Another health disparity we have in Yakima County is Primary Care patient-to-provider ratio. There are a large number of patients to the number of providers. If you look at compared to the nation, there is twice the number of people to provider ratio. The access issue in Yakima is a huge disparity for physician detention as well. Disease prevalence – Yakima has higher rates with all but one disease: asthma. It's very critical as a city to ask ourselves: What are we doing as a city to prevent diabetes and these other diseases? The majority of the people suffering from some of these chronic illnesses are underserved or minority groups where you see a higher prevalence in Hispanics and African American groups as well as Native Americans. When looking at some of the risks factors of these conditions you can see that compared to the state Yakima has higher inadequate food consumption, higher physical inactivity, food insecurity, higher cigarette use, etc. Hopefully I've painted a picture about the overall disparities in the county. Now we'll look at what Memorial is focusing on. We identified three priorities based on the needs of the community (previous slides shown): 1) access to care, 2) disparities in health outcomes – obesity, infant mortality, heart disease and diabetes, and 3) adverse childhood experiences. Focus primarily on #2 for this discussion although we know that #2 is affected by #3 and access to care is very critical to some of these health outcomes that we're seeing. Also, when looking at the community health need it's not just looking at the quantitative data out there but also looking at the qualitative data and listening to your community and getting feedback from your community. Memorial has done a few things of that realm, we have several mechanisms to make sure that the voice of the customer is involved in the decision making process. Last year we did a patient/employee survey that focused on workforce diversity, cultural competency training, also it looked at language services that we provide ensuring that those who provide language services are proficient in that language. It also addressed patient satisfaction. Regardless of your gender, age, ethnicity, or socioeconomic status we want the community to receive the same quality health care. This provided a great picture of how our community views us. Bertha introduces here colleague Lily Gonzalez to talk about the Patient Advisory Council.

Lily Gonzalez; Memorial Hospital

At Memorial Hospital we adopted the Patient-Centered Care Model. In order to do this we recruited members of the community. As Bertha said, 46% of our community is Latino from different parts of Mexico and Central and South America. On our Family Advisory Council we have members from different ethnicities. We have community members as well as Memorial Hospital staff. The goal of this council is to learn to hear from these members and how to create the various strategies to satisfy the need of the patients, also to understand their healthcare expectations. They help us to create better models of care that can be more accurate to help meet their needs. We are still recruiting people especially bilingual members right now for that council. At Memorial Hospital we really care about the patient and want to learn from the patient to keep improving the health of the community.

Berta Lopez; Memorial Hospital

A little bit about what we do to help address some of these health issues we just shared with you, some of the outreach that we do which is very critical. Outreach for us is a way for us to reach uninsured individuals or those who are insured but don't use the healthcare system. We identify those individuals who haven't been diagnosed or those who have but haven't sought treatment for several reasons; uninsured, undocumented, fears around their disease, or they are not ready to address their condition. We've been having a Health Fair for 6 years that's been particularly helpful for the community.

Approximately 5,500 people attend each year. We partner with community farm worker groups and *Fiesta Foods*, a local grocery store. When we started this, it was actually Lily's brainchild; we wanted to make sure that we weren't just telling people that they have diabetes, but connecting them with an agency where they can go to receive care and coordinating services. We also do CPR Blitz and we partner with regional. This is the fourth year we've offered this basic life skills support for our community members and providers out in the community. It has been very successful. It's in both Spanish and English and our Spanish class has been the most successful programs we have. Binational Health Month we partner with the Mexican Consulate. This event is based around breast cancer awareness for Latina women who are not necessarily more prone to breast cancer but die more from the disease so there's definitely a disparity in health care there. We also have a World Diabetes event that diagnoses people who are pre-diabetic to screen for other chronic diseases. This year's event is tomorrow at our Health Education Center on Knob Hill. We also partner with the Nation for Treaty days and that's more geared toward women's health and infant mortality. Some of the evidence-based programs that we offer, one is targeting children and obesity. The other is a diabetes prevention program. We have a diabetes wellness program which is focused on people with diabetes and chronic disease prevention. All these classes are offered in English and Spanish and free to the community. As I was contemplating how to express what we do in the community, I thought of a testimony to help describe it better. This is the story of Juan who was diagnosed as pre-diabetic. He went to one of our classes and this is his story.

[Video]

The outcomes we've seen in our Childhood Obesity Program. This is a research study where we had 132 families participate in this study and had a great success. We saw reduction in DMI, improved attitude, eating more fruits and vegetables, reduction in screen time, decrease intake of sugar drinks, increase in physical activity. We offered this class in both English and Spanish but we saw a great improvement in Latino families to eat more fruits and vegetables. There are not as many Latino families participate in this study. Some of the cultural relevant health care that we've seen needs to be tailored for the migrant workers so we need to make sure we offer these classes at times when they can attend. The curriculum is different, in Spanish, and address the Latino diet. Literacy level is lower so it takes a bit longer for the classes in Spanish. Diabetes prevention Lily will explain...

Lily Gonzalez; Memorial Hospital

As Bertha says, here in Yakima, if you look around one out of 3 has diabetes. One of 2 of those doesn't know that they have diabetes. We have a lot of participants from Yakima who come out of this program. This is a national program and it is national recognized and proves that there is evidence based. It is one year long. We weigh the person every week. Goal is for the person to lose 5-7% of their body weight. The result of program is a total loss of 1625 lbs., an average of 34 lbs. per person. We have seen a lot of people coming in with pre-diabetes and by week 4 or 6 they have loss this amount of weight and are no longer pre-diabetic.

Chair Gloria Ochoa

It sounds like you're really doing a wonderful job and I would really encourage everyone here if you'd like more information...I know that diabetes is a disease that really impacts our community in a very big way specifically with the associated health care costs of diabetes. Thank you very much for your presentation. At this time we'll move on to our next presentation.

Jose Leon – DSHS/CA

I am a Supervisor in Sunnyside. Before that I was working in Toppenish for child welfare services. During this time we have been working on the issue of disproportionality especially in the Hispanic and African American populations.

Angel Tover – DSHS/CA

Like Jose, I'm with Children's Services. I've been with the department for 15 years last week. Most of my experience has been with investigations and supervision and more recently with community outreach specifically trying to incorporate more of disproportionality and trying to change some of those numbers within Children's Services. Jose will give some information about where the disproportionality is and where we can make an impact against those injustices in Children's Services.

Mary O'Brian – DSHS/CA

I am a service manager with Yakima Valley Farm Worker Clinic in Behavioral Health Dept. I have been working with Children and Family Services in their Disproportionality Statewide Advisory Committee since 2008. The Committee comprises of 12 members state wide. We meet on a regular basis on what the department has initiated about this issue. Currently, the program manager Kathy Taylor, who couldn't be here tonight, oversees the advisory committee that reviews initiatives the department is working on.

Chair Gloria Ochoa

For those of you who aren't familiar with this issue that we're discussing, it's a statewide initiative that's being broken down into regions. I'm involved in the Spokane taskforce there. Across the state what has been found that children have been removed from their home and placed into the foster care system. Children of color, Hispanics and African Americans, are being removed at a much higher rate than their white counterpart. For example, there are very small homes with lots of family members and not all the children have their own room but just a bed. Culturally this isn't always a problem but by standards it is seen as a neglect and when seen by CPS children can be removed from their homes. So these are some factors that are being looked into like cultural competency to ensure that children of color aren't being removed from their home at higher rates.

Jose Leon – DSHS/CA

Memorial hospital's PowerPoint had a slide of the Yakima County population. The different racial ethnicity numbers are similar for Hispanics and Caucasians. For example in Sunnyside, 28% of the children in foster care are Caucasian and we know that the general population in Yakima County is 47% Caucasian. Therefore there are fewer children in foster care representing Caucasian ethnicity than any other ethnicity in foster care. 70% of children in foster care in Sunnyside are Hispanic. That is what the state is trying to get closer to the general population numbers. We have some interventions that we're using to address this. We know from research that some of the reasons we're seeing these differences in representation of population in foster care is due to bias in the social worker and system itself there's a lot of biases. When kids are being assessed at home, there are some standards that are applied to certain families that culturally maybe they are not the best to judge the families. We are using the rule that maybe shouldn't apply to a particular family but that's what the legislature has asked us to use. Another reason that kids are overrepresented in foster care is because families are not being accessed to ask for help. As we know there are villages and neighborhoods we have families who help each other. Families are not being accessed to help care for the kids and therefore we place the kids in foster care. Another reason we have seen as a reason why Hispanics are overrepresented in foster care is because sometimes fathers are

not being notified that their children are being put into foster care. They are not being advised and involved in these cases. Another issue is sometimes people are trying to do the best for the children but are using their own rules and regulations that don't apply. Some of the people in power are not willing to admit that culture plays a big part in how we make decisions. Mary had been working for the state and she has some ideas as to what the state has been doing to address these disproportionality issues.

Mary O'Brian – DSHS/CA

As a committee member, we have been looking at a lot of data in order to advise the department on how to respond to these issues. Like Jose said it's primarily been about educating the social workers. Every social worker that comes through the department has mandatory training on this issue and again on ongoing education. We are looking at racial social analysis training as well. As their doing their work there are ways of assessing and evaluating the children's needs from a cultural perspective to look at cultural methods to provide support and treatment for any of the families' needs. We are looking at quality improvement advisor committees in each of the regions to continue to analyze the work that each group is doing. We, as an advisory committee, will continue to look at the statewide efforts and continue to advise and support the departments in this. It is ongoing plan that the committee and as well as the department is committed to doing so that we can improve. There has been improvement in a number of areas over a number of years. They numbers for Latinos have been reduced. It is more prevalent in Native American populations but we are seeing an increase in appropriate foster home and providers. We are providers of service to the department so that we can help families and children return home.

Angel Tover – DSHS/CA

Jose and I have been working for the department long enough to know we are far from a perfect system. As the system has evolved there are these disparities that you're seeing. For example, a family of color and a Caucasian family both call in through the phone line system you can probably guess which one is going to be screened in or for an investigation and they probably aren't going to get equal care. With the mindset and this data at our disposal we need to encourage our staff to think beyond their own internal value systems and apply a non-judgmental approach and look that this when we're creating our policies and intake curriculum, our investigations, and ongoing safety assessments. It needs to be more of a mindset that's not going to jeopardize the safety of any one child and doesn't hinder the family. We need to look at what resources exist within the community and within their own culture to try reduce some of those stressors and eliminate the child being placed out of home or if the child needs to be placed out of the home reduce the amount of the time they are out. Another factor is the availability of licensed foster homes of people of color. There aren't enough foster homes to accommodate the children in our community. We don't have enough foster homes with licensed people of color to receive the children within their own community. That is a challenge for our system and is something we continue to strive for. We have workers who are out in the community trying to recruit in the communities of culture. Let's find a *comadre* or a grandma or someone who's willing to take them in and not ship them out of the county. CA is not able to do this kind of work by ourselves. We do this with other community members or organizations and this is where we reach out and ask for help. Each region has a designated council that comes together and has these types of discussions. This is where community meetings and outreach are important. We can send you an invitation to the next meeting to hear from you how we can make a difference. Our information is on the back table.

Jose Leon – DSHS/CA

We need more providers who are bilingual. If you know anyone in the community who is bilingual and has the skills and expertise to mentor or can be parents and provide care or counsel. Angel and I we are

the disproportionality need in the South (North – Lacy and Sharena) and we are trying to recruit foster homes and professionals who will be willing to help our minority children and parents in our community.

Chair Gloria Ochoa

This issue is a very serious problem. Statistically, kids of all factor, it's in the high 60 percentile of Kids that go into the foster care system either end up not graduating high school, go into the criminal justice system, or both so it's important to care for those kids. *Thanks the panel and opens for questions.*

Questions & Answers from the Commission for the Panel

Chair Gloria Ochoa

One of the issues the Commission has been contacted repeatedly for have been cases in which children have been placed in the foster care system and the parent or parents have been deported. The child is a US citizen and lives here and their parents are no longer able to come back into the country. These kids are being put up for adoption instead of being reunited with their families. How is this type of case being handled by the department specifically in Yakima?

Jose Leon – DSHS/CA

In that type of case, the department is obligated to work with the Mexican Consulate and reach out to other agencies but they do try to contact those parents and reunite them with their parents. CA should be working towards reaching out to their family regardless of where they are to reunite them or reach an agreement with them to put them with other family members. Adoption is always a last resort option.

Angel Tover – DSHS/CA

The department is always trying to reunite children. There are instances where we need to work with the judicial system and other partners. Casey Family has helped us enormously. He's been a participant of two different cases and escorted the kids to Puebla to reunite with their parents. They are working with an imperfect system with biases. They try to do their best but there are always external systems that prevent us.

Commissioner Daniel Villao

How is the department balancing safety needs of children and the disparity with application of standards? And what resources are necessary in order to ensure that children who need to be protecting are being protecting?

Angel Tover – DSHS/CA

There are strict politics in place with CA and local agencies; federal, state and county. In unison, neither one of us is going to allow any disproportionality rates or any other outside influences to harm the safety of that child. We work as a team and make a decision for the safety and needs of that specific child. None of the rates, as alarming as they are, are going to be jeopardizing the safety of the child. There's too much at stake here. We are not going to allow any child to be in danger because of our policies. This is why there is continued monitoring of our policies in the legislature.

Jose Leon – DSHS/CA

They are trying to return children to their parents as quickly and safely as possible. We develop a safety plan with the families to get the kids home fast. Many times the kids are returns home with the help of the whole community. We are trying to reduce the biases and institutional racism is by our prejudice reduction trainings. We have 3% of social workers in region one that has gone through that training. In addition, supervisors have monthly stats in which disproportionality and biases and case consultations are reviewed monthly. My commitment in my office we are seeking to reduce this disproportionality in Sunnyside.

Commissioner David Morales

In situations where you are asked to help unite a child with a family in Mexico, what are the steps?

Jose Leon – DSHS/CA

First of all, we talk to our Attorney General as they need a court order allowing them to leave country. We need to contact the Consulate, as well as the Department of Families in Mexico. Once we hear from them we able to help assess the environment for the child. The biggest problem is getting a passport for the children. In the future their citizenship will be safeguarded and then once funding is received from the state, Casey Family helps pay for the tickets sometimes, but then the family gets to see the child. We have a process but sometimes it takes two or three months.

Chair Gloria Ochoa

If the parent is in México and can't appear in court, for obvious reasons, who could make that petition on the child's behalf to initiate the process you just described?

Jose Leon – DSHS/CA

Usually the children have lawyers; parents have the right to have an attorney. Additionally, we the social workers, we help the parents contact their attorneys. Some key social workers have clearance to make phone calls with the parents for their voice to be heard. But again, it's as good as the social worker and system allows.

Commissioner David Morales

Is there a process in México where they can go to get these services?

Jose Leon – DSHS/CA

Yes, there is. It's similar to DSHS here and called *Departamento de la Familia* or something.

Public Comments

Rocky Acosta - Attorney in Yakima

Is there a process for a custody dispute where one parent has been deported to México and the other is still a resident in the United States? Is there any way for them to have joint custody? It doesn't seem like there's a good process for that I can find.

Jose Leon – DSHS/CA

We depend on the Commission. If that's what the Commission wants us to do then yes. Usually the parents have good attorneys and they ask for the things that they would like us to help them with. But ultimately the Commissioner is the one who decides if they can go back and forth. Casey Family in a few cases has helped us to have a child visit the parent in Mexico and bring them back. Sometimes it happens but it's not something that happens often or that's desired.

Angel Tover – DSHS/CA

When Children Services removes a child from the offending parent they do an enormous amount of assessment to determine whether that child is capable of returning to the parent. There are meetings where you incorporate the attorneys and provide them with all the information. If the US parent isn't able to care for the child but the other parent is then they take that into consideration. Does that provide more clarity to your questions?

Chair Gloria Ochoa

I think the question was more, if I understand correctly, if someone is involved in a custody dispute that would be the judicial system. DSHS only gets involved in the removal of children from the home. DSHS would not have the authority to make a determination in that regard.

Break

Chair Gloria Ochoa reconvenes the meeting for the second panel. She hands mic to Commissioner EJ Morales to introduce the next speaker.

Panel #2 - Voting Rights in Yakima

Commissioner EJ Juarez

Thank you everyone for coming, this is a great turn out for such an important issues. The Commission has been full of pride that there are so many people interested in voting rights in Yakima. It's something that's been in the newspapers, on television, and on people's minds lately. Recently, the City of Yakima was found to be in violation of the Federal Voting Rights Act (VRA). The ACLU has proposed a solution to that which is why we have invited LaRond Baker from the ACLU to come speak about this issue.

LaRond Baker; ACLU of Washington

LaRond Baker is a staff attorney at the American Civil Liberties Union of Washington. She is one of the attorneys on the lawsuit *Montes vs. City of Yakima* which is a challenge to the system by which the city elects their city councilmembers. There are 6 other attorneys on the case including Joaquin Avila and it's been quick a large effort but from the community as well so thanks to those who have helped do regional work in a number of different ways. Background of lawsuit (*Montes vs. City of Yakima*) – filed in August of 2012 and they chose Yakima because although it's 41% Latino, no Latino or Latino candidate of choice has ever been elected to city council under its at-large election system. This means that the Latino population has not had the opportunity to have someone they choose represent their interests in city matters on the council. Having meaningful access to the vote is fundamental right. Today was the day the court took over the briefing into consideration. The court did not enter a ruling today as they had said but they will soon. First, it will be helpful to give background about VRA before going deeper into the case.

Montes vs. City of Yakima was brought under Section 2 of VRA. Section 2 prohibits voting practices and procedures that discriminate based on race, color, or language membership in a language minority. It was enacted to ensure that all communities and people have meaningful access to the vote and that some were not kept from obtaining representation because of rules or practices or procedures that disproportionality impacted protected minority groups. Most notably, Section 2 does not require a showing of intentional discrimination for a plaintiff to successfully challenge the voting practice or procedure. There are several different types of Section 2 claims; one is a vote suppression claim and range from photo ID requirements, restrictions on early vote times and other voter registration practices. Another claim is the vote dilution claim and that's what's been issued here in Yakima. These claims arise from voting practices or procedures that weaken the vote power of minority communities thereby making it impossible for them to elect representatives to their governing bodies. *Montes vs. City of Yakima* was a vote dilution claim and it challenged the at-large voting system by which the city councilmembers are elected.

In order to fully understand the lawsuit we have to talk about how Yakima City Councilmembers have been elected since 1970s. There are 7 city councilmembers in Yakima. 3 of them are voted at-large which mean they can live anywhere in the city and everyone in the city gets to vote on who gets that seat. Other 4 seats are district based and anyone who wants to represent district has to live within the geographical boundaries in order to represent that district. In the primary only people who live in that district can vote on that seat but during general election everyone in the City can vote on those districts even if you don't live there. Effectively what this means is even though Yakima seems to have this hybrid at-large, district-based election system it is actually all functionally at-large election system meaning everyone in the city votes for every city council seat in the election. By itself an at-large election system are not necessarily problematic and not in violation of the VRA. It does become problematic if you have a growing minority population that votes very different from the majority population an at-large system can make it difficult if not impossible for the minority group to elect a candidate of their choice because the dominant group, the white group here, ends up diluted or overwhelming the vote of Latino population. Do the White-Latino populations vote differently? And if they do, is the Latino population able to elect someone they wish to represent their interests in the governing body?

In order to prove a Section 2 claim (*Montes vs. City of Yakima*); there are two sets of factors you have to prove. One is the *Gingles* factor which is a statistical set of factors you have to prove: 1) minority group is large enough and lives closely enough together so that a relatively compact district in which the group constitutes a majority can be drawn, 2) the minority group has a history of political cohesiveness or voting as a group, 3) the white majority has a history of voting as a group sufficient to usually defeat the minority group's preferred candidate. The other set of factors look at the totality of the circumstances – whether or not a Latino was ever elected to city council. There are several factors that the court looks at, specifically whether their practices have hindered Latino to become elected to office, and the demographics of the populations and history of discrimination against the Latino population.

This summer both parties filed a summary judgment which is a tool whether either party can say that based on the evidence that all agreed upon; they win as a matter of law. In ACLU they presented statistical evidence of elections at the city level and State Supreme court level that showed the white and Latino pop vote very differently here in Yakima. A recent example of this is the November 2013 Election, Yakima City School District elect where Villanueva lost her seat on the School Board to an opponent who had dropped out of the race. She ran a complete campaign but still lost 2/3 of the vote. Another example was the Supreme Court campaign where Justice Steven Gonzalez, immensely competent and received bipartisan endorsement, although he won his seat, he actually lost in Yakima to an unqualified opponent who did no campaigning. Both of these elections, as in almost all of elections that were analyzed including the election for Sonia Rodriguez True who was the only Latina to ever sit on the Yakima City Council, Latino voters overwhelming support candidates who lost because the majority population did

not. We presented this evidence and said that two, functionally majority districts, could be created on the east side of Yakima. To prove that totality of circumstances that an at-large election system diluted the Latino vote we presented evidence regarding past practices had interfered with Latinos ability to fully participate in the electoral process. This including evidence that the Dept. of Justice sued Yakima County in 2004 for failing to provide Spanish election materials and many other evidential support. When the court issued it's ruling in August and found that the plaintiff had proven that the at-large election system had diluted the Latino vote, the court found that under the current election system it was statistically impossible for Latinos community to elect their candidate of choice. The court asked each party to present their remedial plan for a new election system for city councilmembers that did not dilute the Latino vote. On October 3rd the parties submitted separate plans. The ACLU presented a plan with 7 single member districts which are geographic and candidates can only run for the district they live in and only people who live in that district can vote on candidates. In this plan the ACLU was able to create two functionally Latino districts, 1) Latino majority voting district - meaning of all the people who can vote in that district the majority of them are Latino, and 2) Latino registration district - of the people who are registered to vote, the majority of them are Latino. The City of Yakima presented a plan that would create 5 single member districts but keep two seats at-large. The way in which those seats would be elected is completely new and has never been elected in WA ever. The city proposed to get rid of primaries for those seats and put everyone on the same ballot and give the top two vote getters the seat. The court has the final say on which election system will be implemented. Today is the day that court said they would take the plans and issue a ruling soon thereafter but no ruling was made today. We don't know when but expect it to come shortly. The court has been very responsive. The matter is still ongoing and active litigation and she will respect the court process and may be some questions that I can answer.

Chair Gloria Ochoa

Open up for public comment after the commission asks questions. The Commission has had an opportunity to review the proposed plans from both the City and ACLU; can you give us an overview as to why the 7 district is the best solution?

LaRond Baker – ACLU

We proposed 7 single member districts because they have been, throughout the history of Section 2 claims, one of the best solutions to remedy a vote dilution. It allows for people to elect someone in their area and who knows what's going on in the governing area. It also makes for more accountability because of that. We also proposed two functionally Latino districts because the voting age populations are growing as well as the population overall. We wanted to create a system that would allow for the most assurance of representation for a population that has been on out of that.

Commissioner David Morales

This question is in part to the community, I'm not natively from here but since I've lived here I met a lot of people who felt the city council and government offices are not in their interests and will not ever listen to anyone like them. Latinos voting rates have been pretty atrocious, historically in Yakima. I think the last election we just had was another indicator of that. How do you see that changing with new system proposed and have historically voting rights case made a difference for these cases?

LaRond Baker – ACLU

When you look at vote dilution cases, historically and across the country, usually what you see low voter turnout and participation from the minority group that the voter turnout and participation is being diluted by an election system because it's pretty much impossible for your candidate of choice to get election so

you just decided not to participate. What has been seen historically is that voter registration and participation tend to increase when the Section 2 violations is remedied, when there's more ability to participate in the elector process, as it's been seen nationally.

Commissioner EJ Juarez

During investigation and preparation for the trial and getting to know the people in this community, have you heard what we have about complaints of access and responsiveness to Latinos from the City Council members? Is this something you've also heard and does this factor into the case?

LaRond Baker – ACLU

Yes, one of the elements of a Section 2 claim is responsiveness of the governing body. We definitely heard there were a lot of concerns and we presented evidence of testimony from community about the city's responsiveness. What the court relied upon did not include that but if we had gone to trial then definitely we would have included it.

Public Comments (Questions & Answers)

Ruvine Jimenez – League of Education Voters (Tri-Cities, Walla Walla)

She's a newly hired Community Organizer for the LEV. She mentions a woman, from the Yakima and lower valley, who would like to be excused for not being able to make it. The Commission on Hispanic Affairs was in Pasco in April on 2012 and had a very rich dialogue of community members at Columbia Basin College. She would like to invite the Commission of Hispanic Affairs back to Pasco. She would like to see how the LEV could help with sponsorship and organization of that to receive a report on what has improved in our community. For example in Benton and Franklin County, what weaknesses have been strengthened using research-based practices? How or what has the Pasco, Kennewick or Richmond City Council done to invite the Latino residents to share their ideas to improve their communities? The Small Business Association had 3 major programs to help small businesses: Lending, Technical Assistance and Contracting; how are those programs improving the Tri-Cities economy and what percentage of those is Latino based? The USDA has an office in Pasco and provides financing for beginning farmers through loans; how many Latino farmers have applied and been approved and how does this compare to non-Latino farmers? She would really like to know if we could also invite the School Districts in Benton and Franklin County to report on the collaborative efforts and successes that have been used to strengthen our weaknesses in regards to closing our achievement gap. At that time Commissioner Ana Marie, in April of 2012, asked police departments; what are the recidivism rates and what could they talk about in regards to cultural competency that is happening within those organization? Can we not ask what cultural competency look like? How many people receive cultural competency training, the frequency of that training? And have they invited other agencies to participate so as to share the wealth of their task space?

Lynn Baxter – League of Women Voters (President of Yakima Chapter)

Lynn is speaking on behalf of LWV in Yakima as well as Washington State as a whole. Her statement is in support of the proposed WA Voting Rights Act. The LWV is one of nations most trusted and respected voter advocacy groups. They focus on making democracy work for all of its citizens. They evaluate election systems based on how well they encourage citizen participation, promote accountability, and also something they have coined 'representativeness'. The WA-VRA passes on all three counts with flying colors. They hear many voters feel far removed from their government and see no purpose in being actively involved. They do not believe that elected officials are in any way accountable to them. In some

places broken election systems magnify the distant between voters and decision makers and discourage citizen participation. A state VRA will help reverse this in areas where it is needed by bringing government closer to the governed. We are all too familiar with this problem here in Yakima. The current district system has so severely impacted the minority citizens that the federal court has just found it in violation with the Federal VRA but that took almost two years and 2 million dollars in legal fees. A state VRA will allow for faster, simpler process and less expensive resolution in such cases. Based on their long involvement and advocacy in the area, the LWV strongly supports the need for a WA-VRA and will be actively advocating for it in the next years.

Chair Gloria Ochoa

We are actively recruiting for a commissioner in the Tri city, Walla Walla Area, so if you know anyone who might be interested please have them go to the commission's website and submit an application. We appreciate your support on this.

Eve Valdivia – Community Member

Thanks you all for coming to Yakima. I did have a question for Ms. Baker. It's in regards to the failure to present evidence. Did you consider other evidence, for example how evidence is provided to our community? One of the issues we have locally is the media. It has been hard to get information out except for certain types of people. Some of our council members in Yakima are working in media and they tend to use that as a way of getting information out but some of our Latino candidates don't have that. Was this something that was considered?

LaRond Baker – ACLU

Unfortunately, this will be one of the things I can't talk too much about. But what I can say is we have 25 people willing to come forward and testify about their experiences with living in Yakima and dealing with the city council government. We presented all of this information which was varied as many were describing their needs of their community attempting to engage their government. There were a number of contemporary issues that were percolating through. Based on the strength of our case and the evidence of polarized voting there was no need to present that information publically but it was definitely brought up and something we considered as a number of the people in this room agree to be witnesses.

Lyda Pierce – United Methodist Church

Lyda is a clergy with the church and moved to Yakima three years ago. She was shocked by the fact that no Hispanic/Latino person has ever been elected to (city) council. Working with people/Hispanic in church they feel discouraged and don't want to participate. I just want to thank the Commission and the ACLU for doing this kind of work and trying to change the way we do city involvement so we can hear from everyone. This community often lives in very separated groups and this could help people cross boundaries and work together.

Ed Pacheco – Community Member

Ed asks a question for Ms. Baker after reviewing the plans on the maps she gave. Which is the Latino focused districts? Is it 1 and 2? And versus the City's plan is it the blue or brown areas?

Response to Ed Pacheco's questions

LaRond Baker - ACLU

The blue is what will become the Latino population. The brown is what they say will become the Latino majority in the future, 2020.

Ed Pacheco – Community Member

If the judge rules in favor of the City's proposal, what do you foresee being the actual impact in the Latino vote?

LaRond Baker – ACLU

The reason the ACLU gave their proposal is because it gives the most representation to the Latino population that's growing. They think that the adoption of something less than that would limit the access and opportunity for that.

Ed Pacheco – Community Member

And once the decision is made, if it is for the city's proposal, what will be the response of ACLU?

LaRond Baker – ACLU

That's a legal strategy question that I can't answer right now. There are a lot of unknowns to the case and we won't know until the court makes the decision.

Lisa Heaton – Department of Labor and Industries

Lisa is the Community Relations and Policy Manager. She wanted to take this opportunity to make sure all commissioners got their packets with the most information on their publications. Lisa gives some information to the community about what L&I does. They have many different programs and the 5 major areas are available at the back table. There's a short video that talks about workplace rights in Spanish and what you need to do if you're injured on the job. They also have a strong safety and health outreach program with an outreach unit that conducts education throughout the state in various Latino communities. They also make sure workers are paid the wages they are owed and information about it is also in the packets. One of the things we have been asked, too, from the community is to update you on their crime victim's advocacy, flyer in the back as well. Any victim of a crime anywhere in the state, as a payer of last resort, can call our agency and get help. It doesn't have to be related to work and you don't have to have health insurance.

Chair Gloria Ochoa

One of the other functions of the commission is to assist the community in systemic issues. Lisa has been wonderful to work with. An example of this was when we were getting reports that people who were undocumented were having a difficult time getting a driver's license because the line workers at various office locations were using their own discretion to not accept documents that were being submitted. So the Commission was able to organize with the Director of the Dept. of Licensing to address those concerns and set up a system where people could contact the Commission if there's a systemic issue. Gloria mentions that people can present those to the Commission and we can connect you to the right person or resource and get matters rectified and addressed.

Raymond Navarro – Yakima School Board

Raymond thanks Commission for holding their meeting at Davis High School as they are very proud of their new high school. Today he's representing a group of Latino leaders in Yakima Valley. They are connected through social media and have come together to support what the ACLU is doing. On their behalf he says they fully support the ACLU's plan and know it will increase the civic engagement of Latinos but more importantly it will help make the community a better place overall. All those districts will create more representation and all those voices will then be heard. Raymond wants to encourage the Commission's support of the ACLU's plan and help them implement it as soon as possible.

Lily Gonzalez – Memorial Hospital

Part of Lily's hours are shared with community media communication department. What they did was they went to the community and developed a survey to see what media ways they were using to communicate. She was surprised to know one of the best ways to get news out in media is the bulletin of the church, word of mouth, and radio stations (certain hours and specific stations). That's how she found out about this meeting via the radio. She was invited but found out two days ago. She suggests using the correct media to invite the community. Another concern she has is reading the bullets. She believes there needs to be more focus in organizing groups to help educate the community on the ways in which information is presented via these meetings. There are literacy issues and other barriers that make it hard for people to voting and fill out ballots.

Adam Hoverman – Community Member

Buenas noches, estimados señores y señoras de la comisión. Es un gran placer para tenerse ustedes aquí en Yakima. Español no es mi idioma nativo. Soy gringo. Pero estoy aquí avisarnos más que...he visto un pueblito doliendo mucho. Soy doctor. My question is actually a technical one but it comes out of place of pathology and from the health disparities that are reflective of the social disparities, the predominance of a single cultural paradigm. My question is a technical one for Ms. Baker; the other evening the council had a meeting to discuss the plaza which is proposed to rejuvenate a city living room a place where all voices and community members could be in community with each other. I thought what would happen if the voice of the microphone only spoke Spanish? Or Filipino, Tagalog, Vietnamese, Thai? From technical county or state law, what is the appropriate response for city council? Or should the interpreter always be available, should that voice always be engaged in that way from the council? I have no guidance on this so maybe the Commission or Ms. Baker can answer that.

*Response to Mr. Hoverman's questions**LaRond Baker – ACLU*

I know that there are laws, and I won't be able to cite them or speak to them right now, that govern when city government have to provide notice of things in a language in an area where a large percentage of that population speaks. I don't believe that there is a requirement, by law, that translators must be present. There are certain jurisdictions that want to ensure that as many people as possible are able to functionally participate in governance so they provide translation services consistently. I believe the Yakima City Council does provide translation services if there is a request specifically at a certain office ahead of time. I don't know any details of how that functions but that could be directed it towards the commission or people in the audience.

Commissioner Gloria Ochoa

To echo what Ms. Baker said, there are circumstances particularly in the criminal justice system, when liberties are at stake interpreters are mandated by statute. But there are other cases like in civil court, a divorce case for example, where you're not required to have an interpreter present unless you hire one at your own expense. So it's a case by case matter. But we agree that it's very important to be able to understand what's going on and language access is something the Commission definitely has as a priority.

Commissioner David Morales

Somewhat unfortunately, as Gloria mentioned, the court systems' translation services are really only limited to those who witnesses and/or defendants in trials. So if you're trying to serve on a jury there's no system, outside of New Mexico, that will provide translation. In fact, if you don't speak proper English they will dismiss you from the jury. That's a massive problem because juries are one of the ways in which citizens can really voice the injustices they see in their community and engage with people they would not normally engage with.

Commissioner Frank Lemos

Commissioner Lemos is not an attorney but has done some state level work with Department of Justice and Title VI with regards to race and gender protection. He shared that once a public institution receives federal funds they are mandated by the Title VI Civil Rights law and when there's group disparity with regards to language barrier the governing body is required to fix the disparity. Unfortunately, there is no judgment or reward to the complainant so you don't see a lot of these filings. What Title VI does do is that any public body, Yakima is one of them, as it's in the millions if not billions, has to fill out a report card to apply for grants or funding and in that report they are mandated to list any Title VI complaints. This is a more systematic process but the work he's doing takes two or four or six years but with effect change especially with the national problems with budgets and taxes. If there was someone who was willing to organize here I could definitely assist in the process he's using as it relates to contracting.

Commissioner EJ Juarez

So happy you brought this up to us. This has been something we've heard before. In 2008, 2009, 2010 the council was presented with issues of people making that request of needing translating services but the actually process to do that was so difficult that they couldn't navigate it on their own and they needed translation services just to do that. There have been complaints where people have not been able to pay their bills at the county office. This is definitely something that's happening at a systemic level, it is not individual service workers within the county or city. Elected officials need to have language access as a priority because every voice should be valued but it is definitely not a new problem for them.

Chair Gloria Ochoa

So speak to your public councilmembers during their public comment section. The more they hear about that effort of the community on this issue at city council hearings the more they are accountable to listen. It does make a difference to grease the wheels.

Carole Folsom-Hill – Director at La Casa Hogar

Carole wants to re-emphasize what Lily [Gonzalez] was saying particularly with regard to voter education. It is a very serious issue in terms of how do we provide specific/usable information to the Latinos in Yakima County? They had close to 700 people, if not more; go through our Citizenship Construction Program and become US Citizens in the last four to five years. What they saw was that people who were working with voter education wanted to get more and more registrations which are good. But it doesn't matter if you registered if you don't know how to fill out the ballot. They decided to do a workshop with those citizenship program participants, 13 people came and learned about how to fill out the ballot and discussed what the issues were. She believes they need financial investment to be able to more systematically reach out to people and help with this issue. 13/60 phone calls is not adequate, also, in terms of the media being able to get the word out to everyone.

Commissioner Daniel Villao

Since you work *mano a mano* with folks, do you feel that web based, translated, webinar type tools are sufficient or does the investment need to come from non-profits so that they can execute it at the ground level? Or is it a mix of tools that are needed? What types of resources?

Carole Folsom-Hill – La Casa Hogar

Carole's experience is solely based on relationship. It's about getting information from trusted resources which is really important. There is a group of people who will respond to information electronically but there are many people in Yakima County who do not have access or the confidence to be able to understand what the materials are really saying. Especially when we have to obey the law around how things are worded and stated it's no longer in simple language.

Commissioner Daniel Villao

Do you believe that if social media or electronic tools were provided to social enterprises and non-profits, organizations you're comfortable with; to deliver that material, do you feel they might be able to scale the opportunity?

Carole Folsom-Hill – La Casa Hogar

I believe that text message is a very important medium. Everybody or almost everybody has a cell phone. For our organization to be able to survey 700 people is very time consuming. I think it would be very helpful, in terms of organizing and to be able to reach those people about class registration or whatever.

Susan Palm – Community Member

Susan is a member of the Yakima County Democrats as well as with many other organizations. She thanks the Commission for holding this event as it's important to have these discussions. She thanks the ACLU and gives her support for their plan. She's worked these campaigns the last election season and notes that people/voters are going to need education. There's a lack of funding for voters in this area is a concern. She believes we can do better but only with the help of resources to do so. We can change the districts but now we need to be able to reach the people and make sure they turn their ballots in. It's going to take someone investing. Various organizations were trying to get the news out to help people fill out their ballots but it was difficult to get their message out there. She mentioned not having media capabilities especially without the resources and campaign funding. Her plea [to the Commission] is that the community members and outside organizations come together so they can build those resources and

reach the voters. She mentions it needing to take all forms of interaction; media, radio, networkers and building relationships to reach everyone.

Thanks & Acknowledgements

Commissioner Chair Gloria Ochoa

Gloria thanks the public for their comments as well as the speakers for their presentations. She addresses the women who asked for follow-up meeting in Tri-City area... One of the things the Commission tries to do, as we have restructured our meetings over the last few years, as a goal is to have meetings that have a purpose with outcomes that we follow-up on and monitor. It is important to help us recruit someone from the Tri-City area which has a number of issues there similar to Yakima. That area is definitely on our radar as a Commission and will be following up on that. One of the things we would like to highlight from this meeting is the importance of partnership. One of the things we are noticing as a Commission is that more and more Latinos are going on to higher education and are professionals in our communities and even those who want to be elected into office, is the importance of supporting each other especially our candidates and help them develop their campaigns. All this takes community and to pull our resources together and partner with one another. We can develop candidates to be successful and also be effective once they are in office. One of the things we can do to follow-up here in Yakima is our Commissioners, Juarez and Morales, who will continue to monitor and attend those council meetings. We did submit a letter to City of Yakima, although there were no plans proposed at the time we do support the ACLU's plan. She mentions Spokane's district-based voting system that used to be at-large voting system and how it relates to the situation in Yakima. She said it wasn't based on race or ethnicity but on areas of neighborhoods finding that most of city council members were being elected from certain neighborhoods with the most resources and not based on race. For me personally the argument that's being here [Yakima] that it's not ethnic based is hollow and we will be following up on that and making sure that the Commission is involved in how this plays out.

Commissioner EJ Juarez

We, the Commission, have engaged with the City and offered to be in dialogue with them about this process but unfortunately that invitation has not been reciprocated so that's why one interested party and not both here tonight.

Chair Gloria Ochoa

The Commission's role is to build bridges between communities and with agencies and organizations. Usually when we have forums like this we invite both parties. We did invite the City representatives to come and while there is a lot that's tied up in litigation there's a lot of information that's already public knowledge and could have been discussed tonight. Unfortunately, that invitation was not accepted but we will be following up with that independently as well. Thank you so much for coming out and voice your concerns specifically on voter education and will see if we can find some partners or other organizations to collaborate around that issue. The LWV is a natural partner here in the community to be able to engage with other partners like them to work with everyone and be more inclusive and join together. We'd also like to announce that we do have a radio program; information is on our website, here in Yakima on a weekly basis so if you have any topics or issues you can bring them to Jessica who's contact information is also on the website. We're also on Facebook as well.

Meeting was adjourned at 8:41 PM