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Highlighting Persistent Problems and Sharing Recommendations from Disadvantaged Community and Tribal Partners

Disadvantaged Communities and Tribes in the Bay Area have experienced institutional discrimination, disinvestment, and exclusion, and the resulting inequities have had severe health and water impacts, as explored over the course of this report. This inequity has also been implicitly and systematically baked into the way many government agencies undertake planning processes and allocate grant funding. Throughout the DACTI Program needs assessment process, different Disadvantaged Communities and Tribes reiterated many of the same issues they have experienced with previous grant programs and planning processes and put forward recommendations for addressing them. This section collates and highlights these persistent issues and emphasizes the crucial best practices that Disadvantaged Communities and Tribes have put forward.

These best practices are not new, but because they have been ignored or underutilized, they are restated here. To change business as usual, the Disadvantaged Communities and Tribes and DACTI Program Team respectfully request responses about how DWR intends to recognize and implement these best practices for equity in future planning processes and grant programs. Where DWR does not plan to or is not able to implement these best practices, the Partners request an explanation of the barriers to implementation in order to increase transparency and begin to develop a blueprint for actions that can be taken at all levels to make grant processes and planning efforts meaningfully equitable.

An overarching best practice that has been expressed by Outreach Partners is the importance of not combining disparate Disadvantaged Communities together, and not combining Tribes together with Disadvantaged Communities. Shared issues and best practices are restated here, though not all groups agree on how these best practices should be implemented. Implementation of these practices needs to be tailored to meet local needs and should follow the lead of Disadvantaged Community or Tribal partners.

Issues Identified by Disadvantaged Communities and Tribes

Not enough funding goes to programs that directly benefit Disadvantaged Communities and Tribes. The limited funding that is available creates competition between different Disadvantaged Communities and Tribes that are all working to address chronically underfunded needs.

Available funding often goes to non-local groups and does not support sustainable, long-term engagement by grassroots organizations. There is limited funding to support full-time positions within grassroots organizations to expand their impact at the local level, and for stipends for Disadvantaged Community members and Tribal members to pay them for their time and expertise.

Consultants and non-governmental organizations (NGOs) staffed by non-Disadvantaged or non-Tribal individuals are often paid to attend meetings, participate in planning processes, and work with Disadvantaged Communities and Tribes, while Disadvantaged Community members and Tribes are typically not funded to participate. This means that many Disadvantaged Community and Tribal members must balance their participation with personal commitments and responsibilities. This decision is made even more difficult without tools to help ease the barrier to participation, providing food and childcare. Disadvantaged Communities and Tribes have also expressed concern that non-local NGOs take their ideas and intellectual property back to public agencies or other funders, rather than funding grassroots groups directly for their expertise.

Funding allocation decisions meant to benefit Disadvantaged Communities and Tribes are often made by non-local funding and grantmaking institutions and therefore might not address the problem(s) as they are best understood by those experiencing them. When Disadvantaged Communities and Tribes are consulted in planning and decision-making processes, it is often to a limited extent and late in the process. This can set up a disconnect between available funding and Disadvantaged Community- and Tribal-identified needs, often resulting in Disadvantaged Communities and Tribes needing to spend significant time and effort applying for multiple sources of funding for a project that provides a holistic solution. This places the burden again on Disadvantaged Communities and Tribes. Planning grant funding and technical assistance were specifically identified by Disadvantaged Community and Tribal partners as huge gaps in funding needed to move from identified needs to shovel-ready projects.

Typical grant payment/reimbursement protocol can be unworkable for Disadvantaged Community and Tribal groups, and the administrative burden can dissuade or prohibit some from participating. Many smaller, under-resourced, frontline Disadvantaged Community and Tribal groups cannot perform large amounts of work up front and then wait for reimbursement. Without an option for advanced payment, these groups who cannot front the cost of the work are not able to participate in state funding programs, particularly those with many restrictions or high administrative burden. Reimbursement periods of four months (or even one month) can be a prohibitive roadblock to the inclusion of community-engaged groups.

Many efforts led by outside entities to engage Disadvantaged Communities and Tribes and develop projects presuppose needs, desired solutions, and preferred ways of engaging, rather than supporting Disadvantaged Communities and Tribes in leading these conversations.

Technical and outside perspectives are often prioritized over the local expertise and lived experience of Disadvantaged Community and Tribal members in defining the problem and developing solutions. Those involved in decision-making and planning, however well-intentioned, rarely come from the Disadvantaged Communities and Tribes who experience the impacts of the proposed solutions and resulting projects. Most often, Disadvantaged Communities and Tribes are brought in to give feedback on well-developed projects long after the initial stages. Projects that are developed from the outside might claim to benefit the Disadvantaged Community or Tribe, but without their meaningful inclusion, the resulting solution can miss the mark on addressing real Disadvantaged Community or Tribal-identified needs.

Outside entities will often be paid to engage and gather ideas from Disadvantaged Communities and Tribes without understanding or addressing historic context and barriers to participation, and without taking the time and resources to build meaningful partnerships and trust. These outside groups often ask for perspectives and make promises about outcomes without meaningful follow-up actions, which has caused survey fatigue and lack of trust in these agencies by Disadvantaged Communities and Tribes.

Disadvantaged Communities and Tribes have experienced long histories of government promises of benefits that either did not materialize or were provided and then taken back.

Photo courtesy of The Watershed Project

Best Practices Identified by Disadvantaged Communities and Tribes

ELEVATING PERSISTENT PROBLEMS AND SHARING RECOMMENDATIONS FROM DISADVANTAGED COMMUNITY AND TRIBAL PARTNERS

- **Funding is a Keystone**
- **Build Relationships and Earn Trust**

The following best practices from Disadvantaged Communities and Tribes recommend how to address these structural inequities related to funding and engagement.

Funding is a Keystone

Increase the amount of funding for Disadvantaged Communities. More funding needs to be directed to Disadvantaged Communities to address the needs that still exist after centuries of racism, underrepresentation, and disinvestment.

Increase the amount of funding for Tribes. More funding needs to be directed to Tribes to address the needs that still exist after centuries of erasure, genocide, assimilation, and colonization.

Address the disconnect between available amounts and types of funding and the needs of Disadvantaged Communities and Tribes. Work directly with Disadvantaged Communities and Tribes in the initial development of grant programs to ensure meaningful access, benefit, and leadership. To truly engage and address equity and environmental injustice, public agencies need to recognize that the burden should not be placed on Disadvantaged Communities and Tribes to work to fit the challenges they face into various funding boxes. Public agencies and jurisdictions must work to better connect funding to needs and do so in partnership with the Disadvantaged Communities and Tribes they are intended to benefit.

Recognize the unique histories, challenges, strengths, and needs of different Disadvantaged Communities and Tribes and structure funding to address inequities as they exist. Different Disadvantaged Communities—for example, African American communities—and Tribes have experienced different effects of structural inequity and oppression, and funding should be tailored to specifically address these effects. Public agencies have a responsibility to listen and respond to these unique circumstances.

Require grant applicants to provide a letter of support from representatives of the Tribe or Disadvantaged Community when claiming a benefit to them. This will ensure meaningful inclusion in the project. This is especially important when a project can receive increased project ranking if it benefits Tribes or Disadvantaged Communities.

Contract directly with and prioritize funding for Disadvantaged Community groups with deep roots and Tribes, rather than outside consultants. When administering community engagement programs, funders and/or grantees should contract directly with and prioritize funding for Disadvantaged Community groups with deep roots and Tribes to develop their own data, rather than paying a consultant or other outside intermediary to gather ideas from Disadvantaged Communities and Tribes. Grassroots organizations should be able to receive the full grant allocation to work with their Disadvantaged Community or Tribe, rather than working through an outside agency or organization. Reach deeply into communities to elevate local grassroots organizations that can engage in the work and increase the economic benefits to the Disadvantaged Community or Tribe itself. If no Disadvantaged Community or Tribal groups or organizations with deep local roots are able to engage in the work, then nonprofits or other groups that are already engaged and have built trust within their communities should be prioritized for funding. These outside entities should work with the Disadvantaged Community or Tribe to leverage funding to support organized, deeply rooted community groups and build subject matter expertise and capacity to lead future work.

Hire staff directly from Disadvantaged Communities and Tribes. This provides in-house local knowledge and brings jobs and resources directly to residents. Where possible, require locally targeted hiring practices. For example, the majority (at least 50%) of the workforce for implementation and other projects should be hired locally from the Disadvantaged Community or Tribe where a project takes place. State and local contracting and payment laws are barriers to hiring locally if they have a requirement to hire the lowest bidder, even if the funds are to benefit under-represented communities. DACTI Program administrators have been able to specifically name outreach partners in a proposal, which allowed for contracting with the named partners without having to do a competitive bid.

Allow expenses that increase Disadvantaged Community and Tribal engagement, such as for food, childcare, and stipends for community member time and expertise. Changes at the legislative/administrative level are needed to allow the very items that enable Disadvantaged Community and Tribal members to participate in this kind of funding program.

Fund Operations and Maintenance (O&M) and ideally require it to be included in implementation project budgets. This will ensure projects are sustained over the long term.

Streamline advanced payment and other contracting/invoicing processes and shorten payment delays. Ensure that Disadvantaged Communities and Tribes can access awarded funding expeditiously and do not have to front the project cost while waiting for reimbursement.

Reduce reporting burdens. Disadvantaged Communities and Tribes should be able to focus on completing the work instead of reporting on it.

Proactively support Disadvantaged Communities and Tribes in accessing funding.
- Lengthen grant application lead time to allow more Tribal and Disadvantaged Community groups to prepare to participate.

- Provide meaningful outreach to Disadvantaged Community and Tribal groups significantly before application deadlines, and hold workshops and webinar tutorials to support Disadvantaged Community and Tribal groups in submitting applications and accessing funding.

- Provide grant writing to Disadvantaged Community and Tribal groups to support the development of proposals for funding to address identified needs.

- Work with Disadvantaged Communities and Tribes to understand and address potential barriers to entry in grant funding applications, including lengthy and complicated account registration processes and application length. Ensure that all requirements are clearly and consistently stated in the funding announcements and guidelines.

- Provide technical assistance to projects that benefit Tribes and Disadvantaged Communities before, during, and after the application process. Technical assistance should include scientists, engineers, responsible regulatory agencies, and other relevant experts.

- Ensure equitable access to funding opportunities, not just equal access. If a funder merely releases guidelines and a Project Solicitation Package, not everyone is in the same position to respond. Well-funded and well-resourced agencies often have experience and dedicated grant writing staff, while some, like Disadvantaged Communities and Tribes that are most impacted by structural inequities, require additional capacity-building and support to apply for and participate in administratively burdensome programs.

- Ensure grant opportunities are very widely distributed, not just through normal channels, such as agency or professional listservs, but also intentionally circulated to grassroots organizations, and posted in community centers and meeting places.

- Ensure outreach and application materials are available in multiple languages.

- Reimburse Disadvantaged Communities and Tribes for the time they spend putting together a successful grant application.

Ensure grant programs are inclusive by critically examining eligibility metrics.

- Do not restrict funding eligibility to agencies or local governments, as this prohibits Disadvantaged Communities and Tribes from leading funding efforts. When jurisdictional obligations or legislation requires that a municipality or agency lead a project with an impact on Disadvantaged Communities or Tribes, the funding opportunity should include a requirement to partner with a deeply rooted, local, grassroots organization from within the community.

- Expand eligibility requirements to acknowledge cumulative burdens Disadvantaged Communities and Tribes face in addition to income, including pollution burden, health inequities, and people experiencing homelessness. There are many cumulative burdens that communities face outside of income. Particularly in densely populated areas such as the Bay Area, depending on how census lines are drawn, very under-resourced communities may or may not qualify as a Disadvantaged Community due to surrounding community income. While the DACTI Program included Underrepresented Communities and Tribes, for a community to be eligible for the Disadvantaged Community set-aside for Integrated Regional Water Management (IRWM) implementation funding, they need to meet the income metric.

These metrics are extremely important because they dictate which areas qualify for funding, and they should be evaluated and re-evaluated to ensure they are capturing those Disadvantaged Communities and Tribes who have historically been excluded and are most overburdened. Updating the requirements for underrepresented and historically burdened communities to qualify as "Disadvantaged Communities" or other terms and metrics applied by the state and the prioritized funding available, and ensuring the inclusion of Tribes, is an important next step for the Legislature and other state agencies. These decisions should follow the lead of Disadvantaged Communities and Tribes.
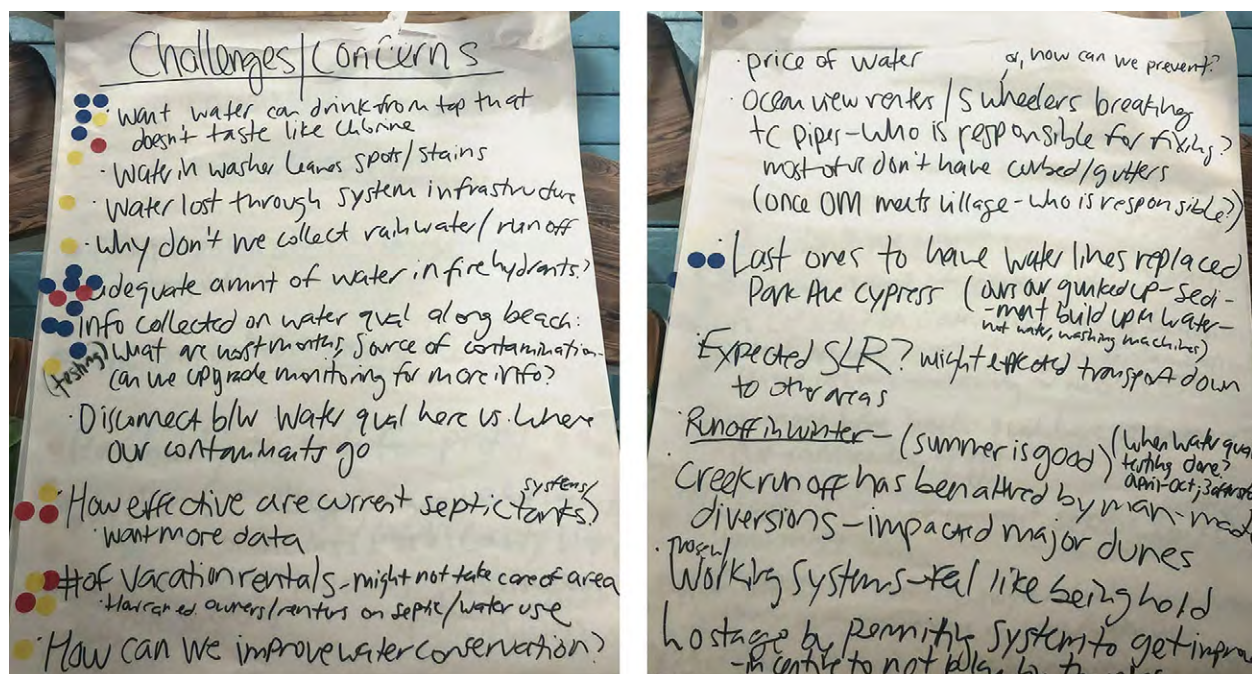
Photos courtesy of Maddie Duda

Build Relationships and Earn Trust

Acknowledge structural inequity, its history, and the effects Disadvantaged Communities and Tribes are still experiencing. It is an important first step to recognize that local Tribes are the First Peoples whose traditional territory all others occupy. This includes recognition by members of other out-of-state Tribes and respect and support for local Tribes in addressing local challenges. It is also important to explicitly acknowledge structural racism and the role government agencies have played in creating and maintaining inequities. The historic context of a Disadvantaged Community or Tribe must be recognized in order to meaningfully understand the present situation and develop informed solutions.

Invest the time to build trust and learn about Disadvantaged Communities and Tribes and their histories through long-term relationships. The most important part of community engagement is long-term relationship- and trust- building. Groups with no or fewer existing relationships with Disadvantaged Community and Tribal members can develop relationships and build trust through attending and participating in local events, including school events and food distribution campaigns, as well as partnering with groups that have ties in the community. Keep showing up: Disadvantaged Community and Tribal engagement takes time and requires a long-term investment in building relationships and trust. It can be challenging to make connections through mail or online. Consider what your organization can bring to the table to assist Disadvantaged Community or Tribal members.

Be transparent and do not overpromise. Be clear and forthright about all goals of a project, including the potential for benefits as well as potential negative impacts to Disadvantaged Community members and Tribes. If a benefit is not certain, be transparent about the degree of certainty.

Acknowledge and respect the self-defined labels and burdens of Disadvantaged Communities and Tribes. Outreach Partners have expressed the importance of Disadvantaged Community and Tribal self-determination and self-description, rather than labels projected by state agencies and other outside entities. Disadvantaged Communities and Tribes should lead conversations on how they would like to be identified. An overarching best practice is to not lump disparate Disadvantaged Communities together, and not lump Tribes together with Disadvantaged Communities with regards to funding or other efforts. Tribes should be identified clearly as Native Americans or Tribes.

Aggregate labels can erase or dilute attention given to an individual's and single community's unique identities and needs. Some Disadvantaged Community partners have expressed that the use of aggregate terms such as BIPOC (Black, Indigenous, People of Color) lump people with different backgrounds, experiences, and histories together from the outside and do not explicitly acknowledge the unique histories and experiences of their community.

There are differences in perspective on labels applied to communities that have experienced structural inequities, and outside entities should follow the lead of different communities and Tribes regarding how they would like to be referred to. Some partners have expressed support for the term Disadvantaged Community as an important acknowledgment of the effects of systemic racism, discrimination, and inequity, and have shared that it accurately describes their condition and the issues they are facing on a day-to-day basis. The designation "Disadvantaged Community" has also been acknowledged as an important tool for earmarking and allocating funding to communities who most need it, and currently, it is the term for the metric many organizations use for eligibility for programs meant to address inequity, including the bond funding this program. At the same time, "Disadvantaged Community" is not the term of choice that all members of communities or Tribes use to describe themselves. Some Community and Tribal partners have shared that the term "disadvantaged" projects a disempowering status on resilient communities, and prefer different terms such as "frontline", "under-resourced", "historically disenfranchised", or "underrepresented community", though there is no consensus between community partners who took part in this process on a single collective term.

There might be many different perspectives, senses of urgency, and concerns in any single Disadvantaged Community or Tribe. It is important to reach deeply into Disadvantaged Communities and Tribes to understand perspectives so that those with the loudest voice are not the only ones heard.

Respect Disadvantaged Community and Tribal expertise as critical to success. The lived experience of Disadvantaged Communities and Tribes is as critically important to decision-making, project development, and the identification of solutions as the knowledge of agency staff and paid consultants. Disadvantaged Communities and Tribes know their needs and priorities better than anyone.

Increase transparency and education for Disadvantaged Communities and Tribes around water-related problems, the entities working on these problems, and what can be done to address them. More information about water infrastructure and management (and other processes) is desired—and needed—by Disadvantaged Communities and Tribes: for education, for capacity building, and to develop projects and solutions to identified issues.

Provide organizational capacity building and technical assistance to support community- and Tribal-led solutions.

Support Disadvantaged and Tribal Communities to hire and train staff from their own community to increase lasting capacity.

Support conversations and planning processes led by Disadvantaged Communities and Tribes, rather than presupposing what their priorities will be. Do not presuppose Disadvantaged Community and Tribal priorities. Support Disadvantaged Communities and Tribes in leading conversations to inform future processes. Begin by defining the problem with Disadvantaged Communities and Tribes and make them a partner in the development of projects to address issues they have first identified.

Agencies should be prepared to listen and hold difficult conversations in understanding Disadvantaged Community and Tribal needs, including stories of historic and perpetuated trauma and frustration and outrage directed at government agencies. Skilled facilitators from diverse backgrounds should be used when appropriate. Communications between community partners, residents and public agencies should be regularly maintained over time.

Understand and address barriers to participation. There are many reasons why Disadvantaged Community and Tribal members might be reluctant to engage or to provide personal information, for instance, distrust of outside entities due to historic injustice and broken promises. In addition, Disadvantaged Community and Tribal members could be concerned that complaints could affect their relationships with agencies that support their work, housing status, immigration status, etc. Some community members are fearful of retribution ("Will this information be used against me by the Housing Authority who wants to kick us out anyway?"; "If I tell the truth and say my water tastes bad, will that get me in trouble?").

- Be mindful of the accessibility of meeting times and places. Meetings in the middle of the day are not accessible to many Disadvantaged Community and Tribal members who have competing priorities. Don't set up meetings and assume that because Disadvantaged Community and Tribal members were not able to show up that they did not have input. Consider competing events and priorities, such as work and popular sports events, and well used modes of travel in the community and schedule accordingly with Disadvantaged Community and Tribal leaders.

- Provide food and childcare, as well as interpretation, at meetings.

- Translate any outreach, engagement, and informational materials into the languages widely spoken in the community to make sure they are readily accessible and understandable to all Disadvantaged Community and Tribal members.

- Make sure advertising for any engagement events is made available in forums where Disadvantaged Community and Tribal members are most likely to see it, relying on community members to inform the strategy. Locations (e.g. libraries, popular stores, Park and Rec Centers, churches, senior centers) and format (text, email, paper poster/flyer) should be tailored to the community. Meet Disadvantaged Community and Tribal members where they are.

Develop engagement tools and surveys with Disadvantaged Communities and Tribes.

- Keep questionnaires as short and simple as possible. Surveys should be written in user-friendly, non-technical language and should be designed so participants only need to give one response at a time.

- Engage Disadvantaged Community partners and Tribal members in developing and revising surveys to make sure these tools are appropriate in length and tone and offer clear descriptions of the survey goals and uses of the data.

- Hold listening sessions in concert with conducting surveys to gather more robust information and dig into community needs and concerns.

- After conducting surveys, follow up with Disadvantaged Community members or Tribes to review and validate the findings before publication or other actions are taken.

- Conduct outreach/surveys in person in places where Disadvantaged Community and Tribal members regularly gather, such as food distribution sites, school meetings, libraries, faith-based organizations like churches, senior centers, and community events as well as powwows, Intertribal Houses, and Tribal gatherings. When leveraging events hosted by another group that already has an audience, coordinate with them and have them announce your efforts. Speak with Tribal Elders to have them introduce you and your survey to the Tribal community to provide trust and encourage responses.

- When possible, hold face-to-face conversations; they are more meaningful and provide richer discussion than online surveys.

- Be flexible in your willingness to go back two or more times to finish collecting additional survey information when needed to understand the full picture.

- Consider a mix of questions to meet desired outcomes. For instance, open-ended questions ensure people identify their concerns, and are not limited to pre-identified issues; however, open-ended questions are more time-consuming to answer and make it more difficult to develop a quantitative report on results.

- Recognize that concerns about water or other environmental issues are not separate from concerns about other factors and make questions relevant to everyday life. Stand-alone water-related questions, if isolated from all the other elements of life like housing, jobs, education, health, food, or culture, are less meaningful for Disadvantaged Community and Tribal members to answer.

- The human health effects of water-related (and other) issues should be addressed as the highest priority. Many partners found that needs-based quantitative questions, especially those which contained a question that included "problem" or "concern" yielded a list of health and safety worries.

- Decrease survey to action ratio: many Disadvantaged Communities and Tribes are experiencing survey fatigue and are not interested in answering surveys without some assurance of action or response.

- Hire trusted survey and outreach workers who live in and are familiar with the area.

- Train staff in role playing—learning how to make people feel safe to open up and participate.

Follow Tribes' lead on Tribal-specific engagement. During meetings and interview processes, Tribes will ask the following questions regarding eligibility for participation in your programs. The following should be considered ahead of time:

Is this Tribe eligible to receive support through your program?

1. What funds can this program provide to augment other funding sources and/or elevate capacity for Tribes to receive support?

2. Does the Tribe need to be federally recognized to participate?

When working with identified Tribal organizations and newly identified Tribes, self-identification is key when coupled with historical and/or contemporary inter-Tribal recognition by other regional Tribes.

Ensure that the Tribal representation and support staff for Tribal engagement are chosen by Tribes themselves.

When working with Tribes to survey, it is extremely important to try to meet with a Tribal Member/Tribal Representative or reach out to them via their websites. This may take several attempts, but it helps provide trust and develop a partnership.

When the Tribal partnership has been developed, do not expect to meet with the Tribal Chair or Council as their time is extremely limited. In the beginning, try to identify an amount of time for this work. This will allow the Tribe to appoint a trusted Tribal member as your point of contact.

Before surveying Tribes, allow Tribal Chairs and Council members to introduce and endorse the survey. This increases trust between the surveyor and the Tribal communities.

Attending and surveying Tribes during planned major Tribal events will produce the highest number of survey responses, which can give more valuable feedback. Having physical copies of the survey present and trained Tribal members/Tribal representatives to administer the survey face-to-face have proven to be highly effective in generating responses.

Reassure Tribal members/Chairpersons that upon completion of the survey there will be formal action arising from the needs of the Tribes. Also reassure Tribal members/Chairpersons that final results will be communicated with Tribes after the survey, or that follow-up will be done at the request of the Tribe. Communicating clearly what this will accomplish and what will be the result along with clear follow-up time frames is key.

Always capitalize the T in Tribes or Tribal organizations.

Engage with Tribes as if they are a government agency and give them adequate time to review all documents, even if you believe it would be irrelevant to the Tribe.

When meeting with Tribes/Tribal organizations, do your research of their Tribal territories to be aware of how you are benefiting from them, and acknowledge how you benefit from their land.

Administrative Lessons Learned from the Agency

ADMINISTRATIVE LESSONS LEARNED FROM THE AGENCY
- Funding is a keystone
- Streamline contracting
- Robustly support and simplify invoicing
- Plan to spend the time to get it right
- Transparency and setting expectations are critical

In addition to elevating best practices from Disadvantaged Community and Tribal Partners, the Bay Area DACTI Program Team would like to share lessons learned regarding the administration of a grant that funds an array of Disadvantaged Community and Tribal partners. This section will explore lessons learned regarding funding allocation and distribution, contracting, invoicing, and the amount of time and dedication it takes to meaningfully engage Disadvantaged Communities and Tribes.

This program worked to streamline administrative processes at the forefront by creating templates, holding kickoff meetings, and building capacity with partners to successfully meet administrative requirements, and then worked throughout the grant term to try and reduce administrative burdens where possible. While this effort was successful in many cases and even used novel approaches to typical government administrative processes, there are many more improvements needed to effectively manage grants that fund Disadvantaged Community and Tribal efforts to increase capacity and ensure equitable outcomes. Some of those novel approaches included the use of sole source contracting to ensure continuity of community and Tribal engagement and the review/assembly of invoice components by the agency project manager that were then sent back for approval by the community or Tribal outreach partner. Local agency and state administrative processes are often extremely burdensome for lower-resourced groups working directly with Disadvantaged Communities and Tribes. The administrative burden of this grant program dissuaded some groups from participating and further efforts should be made in future grant programs to reduce this hardship. Such a reduction in administration will reduce the capacity threshold necessary to participate and will allow more public funding to be used to implement projects and programs led by Disadvantaged Community and Tribal partners.

Public agencies must work to change structures and systems that disadvantage or further marginalize Disadvantaged Communities and Tribes. Many of the changes required are substantial and will require public agencies to consider the unintended consequences of status quo operations and how the continuance of such operations will continue to entrench the systems that have resulted in incredible economic and social disparity. These lessons are the result of honest reflection and meaningful engagement with Tribal and Disadvantaged Community members and leaders. The DACTI Program Team encourages agencies to think critically about their funding and administrative approaches as they review this section. The recommendations and reflections described below can be applied from the highest legislative initiatives to staff-level decisions as a means of integrating equitable approaches to governance. Specifically:

Funding is a Keystone

Funding is one of the most important tools that public agencies throughout California have to assist Disadvantaged Communities and Tribes that have been oppressed, underrepresented, ignored, and underfunded for generations. Funding isn't the only element needed to affect structural change, but without it, Disadvantaged Communities and Tribes are constantly forced to choose between participating in potentially lifesaving projects and programs or making a living. The amount of funding, how funding is programmed, and how it is distributed at the local level need to be rigorously evaluated alongside Disadvantaged Community and Tribal partners if public agencies are to reverse the centuries-long trend of oppression and structural inequity that Disadvantaged Communities and Tribes still experience today.

To emphasize the points made in the Outreach Partners' section above, more funding should be designated to address structural inequities that have been experienced by Disadvantaged communities and Tribes. Proposition 1 was a step towards a fundamental shift in how public funding is targeted in the state of California. By requiring 10% of the funds authorized by Chapter 7 of the Water Quality, Supply, and Infrastructure Improvement Act of 2014 to go directly towards initiatives and projects that benefit Disadvantaged Communities and Tribes, the state directed millions of dollars into communities that need it most. Unfortunately, the most vulnerable communities throughout California have been subjected to generations of explicit and implicit oppression and racism that has manifested in many ways, one of them being how funding is targeted in federal and state legislation. The funding needed far surpasses what has been allocated in this program. While 10% of the funding set aside for Disadvantaged Community and Tribal involvement allowed participation in novel ways in the Bay Area, it is not enough given the challenges Disadvantaged Communities and Tribes are facing. There are significant needs for ongoing funding and continued engagement. The state needs to develop long-term funding programs that provide opportunities for Disadvantaged Communities and Tribes to expand their engagement and participate fully in the public process in ways that also reduce competition between these groups.

A major change needed in the way public funds are dispersed was described in detail in the above section from Disadvantaged Communities and Tribes. Public funds often go to entities that are established, have capacity, and are positioned to move quickly on funding opportunities. This is structured into grantmaking processes that create a competitive environment between deeply rooted, grassroots groups and non governmental organizations and non profits from outside Disadvantaged Communities and Tribes. This mechanism is also used in other competitive procurement processes like requests for proposals (RFPs) and requests for bids. These competitive processes are typically difficult to understand and require extensive time and effort to respond to. In conjunction, many grassroots Disadvantaged Community and Tribal groups don't have the capacity to engage in such processes, essentially limiting their ability to participate, get funding, build capacity, and work within their own communities to address issues from within. Funding mechanisms that favor well-prepared and -resourced entities need to be reevaluated to target local Disadvantaged Community and Tribal groups where benefits from funding extend beyond the scope of the program and into the economy of the local Disadvantaged Community or Tribe. There might be some Disadvantaged Communities that don't have grassroots organizations with the capacity to participate in environmental or equity efforts, and nongovernmental organizations and non profits can be helpful in building capacity, obtaining funding for Disadvantaged Communities and Tribes, and implementing projects.

Streamline Contracting

Disadvantaged Communities and Tribes do not trust government agencies because of the long history of broken promises and direct harm caused by government. Government processes, notably contracting and legal risk analysis, are not set up to foster trust with Disadvantaged Communities and Tribes. Standard government contracting terms such as non-mutual indemnification and data ownership terms require Disadvantaged Communities and Tribes to participate in a contractual relationship with an inherent structural imbalance that perpetuates the existing lack of trust in government. Government agencies who contract with Tribes must understand that Tribes have an inherent right to govern themselves at the foundation of their constitutional status as sovereign nations.

Agencies must accept more risk in indemnification. Working with Disadvantaged Communities and Tribes inherently has more "risk" as defined by public agencies and processes than working with consultants and contractors. Public agencies are going to have to accept increased risk, in order to change the systems and structures that disadvantage Communities and Tribes. This includes taking on more risk in indemnification language and insurance requirements. Insurance is necessary, but agencies must offer support. Agencies have a level of discretion with insurance requirements. They can be waived or reduced in certain circumstances where the risk is minimal. Agencies should thoroughly consider what insurances are necessary, and which ones are not, based on the scope of the work. The DACTI Program engaged Outreach Partners when contracting to discuss insurance and how they planned to execute their work and found opportunities to waive requirements that presented a burden and had minimal risk.

Agencies need to provide robust support for smaller community-based organizations to meet insurance requirements. This could include recommending brokers that have successfully provided insurance for other partners or connecting community-based organizations to each other so that they can share information about insurance brokers that have successfully met contract requirements.

If a Disadvantaged Community or Tribal group cannot afford insurance that a public agency requires, that public agency needs to find a solution to enable their participation, even if such a solution requires a repayment of insurance premiums. Insurance requirements, without offering financial or other support, can prohibit many Disadvantaged Community and Tribal grassroots groups from participating and the benefits gained through contracting directly with Disadvantaged Community groups and Tribes can be lost. This barrier would likely result in contracts with larger non governmental organizations from outside the Disadvantaged Communities and Tribes who are the intended beneficiaries of these funding programs, as discussed above. The state should investigate a publicly funded insurance option for Tribes, nonprofits and community-based organizations that struggle to meet insurance requirements.

Conflict of interest requirements can disrupt trust. Trust is key when working with Disadvantaged Communities or Tribes. Standard conflict of interest clauses and regulations that prohibit subcontractors from being involved with the development of processes and work plans on which they could subsequently bid can create a revolving door of participating partners that make building trust very difficult. If Disadvantaged Community groups or Tribes work with a consultant they trust to develop workplans or strategize programmatically, that consultant is very likely to be barred from bidding on that work due to these conflict of interest restrictions. It should be acknowledged that conflict of interest regulations and policies are well-intentioned and important in protecting public funding, but that there need to be overriding considerations that can be applied to enable public agencies to continue to contract with a consultant to promote continuity in relationships and building trust.

Strategize around Personally Identifiable Information (PII). Set expectations and be transparent about the pitfalls with collecting Personally Identifiable Information (PII) if possible, since it can complicate and delay contracting processes. If the project requires the collection of PII, discuss the scope with Disadvantaged Communities and Tribes and the implications of collecting such information.

It should be noted that PII can be integral to Disadvantaged Community groups and Tribes when engaging their communities. Collecting contact information for continued engagement and follow up is a good example of this. In such cases, it is critical for Disadvantaged Community groups and Tribes to communicate to attendees that the information they are collecting is for their purposes and not necessarily connected to the grant-funded work. Separate sign-in sheets are a good example how partners can capitalize on opportunities to collect such information without it being attributable to the grant funded work and regulated by PII language in contract for such work.

PII is regulated by the state and federal government, and unlike many other parts of contracts that are subject to negotiation, terms regarding PII are generally non-negotiable. This delayed the DACTI Program's contracting process with a lab to do tap water testing in Disadvantaged Communities and Tribes for several months to ensure all agency and legal requirements were met regarding the protection of such information. This delay caused a great deal of frustration and impacted the trust the DACTI Program Team had spent years building.

Disadvantaged Communities and Tribes should have rights to data and intellectual property.
Disadvantaged Communities and Tribes should have the rights to their own data and the data they collect through community engagement efforts. Contract terms that define all work products as property of the contracting agency are extractive and limit the ability of Disadvantaged Communities and Tribes to build off publicly funded work. If publicly funded, whatever is collected is the domain of the public (with the exception of PII). This needs to be explicitly defined in contracts.

Robustly Support and Simplify Invoicing

Invoicing is one of the most critical elements in project success with Disadvantaged Communities and Tribes. Advanced payment is necessary, as mentioned earlier. If advanced payment is not possible, then it is critically important to pay all invoices promptly upon receipt and not in arrears. Many groups cannot pay for work up front and wait many months to be reimbursed. A commitment to timely processing of invoices is essential. Disadvantaged Community-based groups and Tribes often have very limited funding and depend on public agencies to pay invoices promptly. This means payments made in days or weeks, not months. Agencies need to ensure they have the staff to meet this goal when working with Disadvantaged Communities and Tribes.

Agencies should never simply send back invoices for correction without offering robust support and engagement. This takes a lot of time and agencies should be prepared to step in and assist whenever needed. Staff managing the SF Bay Area DACTI Program had 21 contracts under their grant and were not prepared for the volume of invoices and the assistance needed by Outreach Partners to accomplish invoicing tasks. This resulted in delays in payment that could have been avoided with more robust staffing.

Plan to Spend the Time to Get It Right

A shift in programmatic approach or priorities may be needed to meaningfully engage Disadvantaged Communities and Tribes. Government agencies might see Disadvantaged Community or Tribe-identified priorities as outside of their traditional scope of work; however, this perspective sends Disadvantaged Community and Tribal members on an endless search for the "right" agency to address their concerns and perpetuates distrust in government. Agencies need to reach beyond these traditional boundaries and redefine programs and plans to be able to integrate Disadvantaged Community and Tribal needs into planning efforts. Administrators need to take a broader look at the work they do as government or environmental agencies. If agencies are to meaningfully engage Disadvantaged Communities and Tribes, they need to address the priorities as identified and articulated by the community.

This work takes time, effort, and resources to build (and restore) relationships and trust. Do not under-budget or under-resource administrative elements as this can result in a breakdown of trust if expectations are not met. One reason why this grant program took so much time to administer is that agency staff took the time to streamline contracting and invoicing for Disadvantaged Community and Tribal partners, walk through documents, and build capacity throughout the process.

Photo courtesy of Friends of Sausal Creek

Transparency and Setting Expectations is Critical

From the outset of any program, public agencies should set expectations and be transparent about the legal and administrative obligations of public funding with Disadvantaged Communities and Tribes.

Transparency is extremely important to building trust. Providing as much information as possible about processes at the beginning of a project helps Disadvantaged Communities and Tribes to both understand them and feel confident in their implementation.

With public funding, there are many legal and administrative requirements that require attention. This includes timely progress reports, detailed invoices, adherence to contractual terms, and compliance with state and federal laws that are not always easily accessible or understood. Public agencies must be good stewards of public funds and this requires an incredible amount of documentation to ensure audits can be passed. This documentation is often provided by project partners. When Disadvantaged Communities and Tribes are asked to meet these burdensome administrative requirements, it can be perceived as a lack of trust. It's important to be transparent, explicitly acknowledge these requirements and their basis, and be realistic about the time they will take.

Simply put, agencies need to be frank and not overpromise. Public agencies are not created to be administratively nimble or to move quickly. There are a host of transparency, accountability, legal, contractual, and other requirements that result in drawn-out processes, even when a program is fully staffed. Acknowledging that delays will happen and that the administrative burden of public funding is not small is critical at the forefront. Honesty is typically met with respect, and it goes a long way to building trust and minimizing negative impacts on relationships when delays do happen.