CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALEPA.CA.GOV

LINDA S. ADAMS
ACTING SECRETARY FOR
ENVIRONMENTAL PROTECTION

EDMUND G. BROWN JR.
GOVERNOR

MEMORANDUM

TO: Chairpersons and Executive Directors
Boards, Departments and Offices
California Environmental Protection Agency

Office of the Secretary Staff
California Environmental Protection Agency

FROM: Linda S. Adams
Secretary for Environmental Protection
California Environmental Protection Agency

DATE: February 24, 2011

SUBJECT: **CAL/EPA TRIBAL ADVISORY COMMITTEE CHARTER**

On October 19, 2009, I approved an agency-wide policy for Cal/EPA entitled: ***Cal/EPA Policy for Working with California Indian Tribes***. This is our first agency-wide policy to improve and maintain communication and collaboration between Cal/EPA, its boards, departments and office, and California Indian Tribes. This unprecedented collaboration is a testament to our Agency's commitment to work closely in partnership with our Tribal Advisory Committee members to gain a better understanding of each other's priorities and, especially, the environmental and cultural resource challenges facing sovereign tribal governments. It was with great pleasure that our Tribal Advisory Committee Charter was unanimously approved by the Committee Members and me, on August 17, 2010. (See attached.)

To that end, I am directing Ricardo Martinez, Deputy Secretary for Environmental Justice, Tribal and Border Affairs, to continue to work diligently in areas outlined in this Policy and Charter to enhance our working relationship with California Indian Tribes.

Attachment

CHARTER

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
TRIBAL ADVISORY COMMITTEE

1. **PURPOSE:** Historically, the Tribal Stakeholder's Group was established to discuss environmental issues and projects involving California Indian Tribes to improve communication and collaboration between California Indian Tribes and Cal/EPA. For purposes of Charter, the Tribal Stakeholder's Group referred to in the Cal/EPA Policy for Working with California Indian Tribes will hereafter be referred to as the "Tribal Advisory Committee" or the "Committee."

2. **CAL/EPA'S MISSION:** The mission of the California Environmental Protection Agency (Cal/EPA) is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality

3. **TRIBAL ADVISORY COMMITTEE'S MISSION:** To educate Cal/EPA and its Boards, Departments and office (BDOs), and advocate, concerning the Tribal beliefs and perspectives of cultural resources protection, environmental protection, historical and current day Tribal lands stewardship of the environment, and develop strategies and action plans to address Tribal environmental issues.

4. **QUALIFICATION, NOMINATION AND APPOINTMENT:** For the purposes of this Tribal Advisory Committee, the terms "California Indian Tribe" or "California Indian Tribes" and "Tribe" or "Tribes" shall refer to the federally-recognized and non-federally recognized Indian tribes located entirely or partially within the State of California. Each member of the Committee is appointed by Cal/EPA upon nomination by a Tribe. No single Tribe may nominate more than one member. Nominations will be solicited by Cal/EPA annually or upon determination that a need to solicit exists. Considering the recommendations of the Committee, the Agency Secretary or designee for Tribal Government Affairs shall have the exclusive authority to appoint members to the Committee. If any member of the Committee is unable to serve for any reason, their designee in consideration of recommendations from the Committee shall have the exclusive authority to determine the appropriate process to select and appoint his or her successor.

5. **REPRESENTATION:** Notwithstanding his or her Tribal affiliation, each member who is appointed by Cal/EPA upon nomination by a Tribe is considered an "at large" advocate, to the best of his or her ability, for the interests of all the Tribes in the geographic area of the State of California (south, central, north) in which his or her Tribe is located. The Committee shall elect, by majority vote of those present, a Chair, Vice Chair, and/or Secretary. The Chair, Vice Chair and/or Secretary will serve a term that coincides with their membership on the Committee.

6. **CAL/EPA REPRESENTATION:** The Cal/EPA Assistant Secretary for Tribal Government Affairs is the Agency Secretary's representative to the Committee. The Assistant Secretary serves ex-officio as a member of the Committee and shall not vote on any matter whatsoever. The Boards, Departments and Offices (BDOs) within Cal/EPA will have Tribal Liaisons that will represent the BDO interests and serve as advisors to the Committee.

7. **NUMBER OF MEMBERSHIPS:** The total number of memberships on the Committee shall at a minimum consist of seven (7) voting memberships, and one non-voting member shall be the Secretary of Cal/EPA or their Designee. The quorum shall consist of at least 50% of voting members.

8. **TERM OF MEMBERSHIP:** Each voting member shall be appointed to a two-year term and provided with orientation by Cal/EPA. Members appointed to fill a vacancy occurring mid-term, shall be appointed for the period of time remaining in that term of membership. By mutual agreement of Cal/EPA and the Tribe nominating the member, a member may be reappointed for any number of terms of membership. A member may send an alternate to serve in his or her place. Any member who misses two consecutive meetings, and has not sent an alternate shall automatically be deemed unable to serve, and his or her membership shall be declared vacant. Alternates have all the voting rights and privileges of the member they represent. Alternates do not automatically fill vacant memberships.

9. **"SUNSET" PROVISIONS:** The Committee shall automatically continue in existence unless the Agency Secretary determines otherwise.

10. **FREQUENCY AND LOCATION OF MEETINGS:** The Committee will meet quarterly each calendar year. A minimum of one meeting per calendar year will include a meeting with the Agency Secretary and the heads of each BDO, or their designees. Meetings shall be held in Sacramento, California or at such other locations as may from time to time be convenient and necessary. Any Tribe may sponsor a meeting of the Committee at its reservation, under mutually agreeable terms.

11. **ADMINISTRATIVE AND LOGISTICAL SUPPORT FOR THE COMMITTEE:** Cal/EPA shall provide reasonable staff support for the activities of the Committee. Cal/EPA shall make arrangements for all meetings, shall provide administrative support, and shall record and maintain minutes of each

meeting. While Cal/EPA will attempt to accommodate each member's needs, Cal/EPA shall not be responsible for any costs to members, except as may be agreed in advance in writing. In all cases the provisions of the State Administrative Manual, and federal regulations as appropriate, shall govern the conduct of business affairs.

12. **CONDUCT OF MEETINGS:** Meetings shall be conducted in a decorous, parliamentary and collegial manner. No specific rules of order are prescribed. Summary minutes of each meeting shall be taken. All decisions of the Committee shall be made on the basis of consent of the voting members present, except that any member may request a vote to be taken on any specific matter. When a vote is taken, a voting member must make a formal motion defining the Committee's proposed action on the matter, the motion must be seconded by a voting member, the number of "ayes" and "nays" must be counted, and the vote of a simple majority of the members present shall govern. In case of a tie vote, the motion shall be deemed to have failed of passage. All formal motions, seconds, and votes must be recorded in writing in the minutes of the meeting.

13. **OPEN MEETING LAW:** Inasmuch as the Committee is entirely advisory in nature, and has no governmental powers in and of itself, the proceedings of the Committee are not subject to state or federal open meeting laws. However, the Agency Secretary urges the Committee to conduct its business in an open manner, whereby any interested person is permitted to observe any meeting of the Committee. The Committee may, upon formal motion and approval by a majority of the voting members present, close the meeting to public observation for stated and reasonable cause. The Committee shall decide the terms and conditions under which it will receive testimony before it. The Committee will adhere to the approved communication protocol.

14. **INCOMPATIBLE ACTIVITIES:** Inasmuch as the Committee is entirely advisory in nature, and has no governmental nor fiduciary powers in and of itself, the proceedings of the Committee are not subject to state or federal laws governing incompatible activities. The Agency requests each member to refrain from any activity that could reasonably be construed as, or give the appearance of, an incompatible activity or a conflict of interest. Members shall not seek any personal preference in any business matter involving Cal/EPA, by virtue of their membership on this Committee. However membership shall not bar any member from otherwise conducting business with Cal/EPA.

15. **MODIFICATIONS OF CHARTER:** The Agency Secretary shall have the right to change this Charter. However, the Committee may at any time request the Agency Secretary to change this charter. Notwithstanding his right in this regard, the Agency Secretary shall not unreasonably refuse such request. By the same token, in the event the Agency Secretary considers necessary any change not requested by the Committee, he/she shall seek the Committee's consent to the change.

Signed in Sacramento, California on this 17th day of August 2010. Two copies, both being equally valid.

KENNETH TIPON
Chairperson
California Environmental Protection Agency
Tribal Advisory Committee
Federated Indians of Graton Rancheria

LINDA S. ADAMS
Secretary for Environmental Protection
State of California

LINDA D. OTERO
Vice-Chair
California Environmental Protection Agency
Tribal Advisory Committee
Fort Mojave Indian Tribe

RICARDO MARTINEZ
Deputy Secretary for Environmental Justice,
Tribal and Border Affairs
California Environmental Protection Agency

NORA MCDOWELL-ANTONE
California Environmental Protection Agency
Tribal Advisory Committee
Fort Mojave Indian Tribe

DORE A. BIETZ
Secretary
California Environmental Protection Agency
Tribal Advisory Committee
Tuolumne Band of Me-Wuk Indians
of the Tuolumne Rancheria

JOHN D. GREEN
California Environmental Protection Agency
Tribal Advisory Committee
Elk Valley Rancheria, California

CHRIS HOWARD
California Environmental Protection Agency
Tribal Advisory Committee
Elk Valley Rancheria, California

IRENIA QUITIQUIT
California Environmental Protection Agency
Tribal Advisory Committee
Scotts Valley Band of Pomo Indians

DONNA MIRANDA-BEGAY
California Environmental Protection Agency
Tribal Advisory Committee
Tubatulabals of Kern Valley

URSULA SIMON
California Environmental Protection Agency
Tribal Advisory Committee
Middletown Rancheria of
Pomo Indians of California