



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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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 *Linda 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



# CALIFORNIA DEPARTMENT OF PUBLIC HEALTH



## NEW CHAPTER

Chapter 16.5, California Health Code, is hereby adopted to read:

Section 165000. (a) The purpose of this chapter is to:

- 1. Establish a uniform standard for the design, construction, and maintenance of public buildings;
- 2. Provide for the safety and health of the public;
- 3. Provide for the efficient use of public funds;
- 4. Provide for the protection of the environment;
- 5. Provide for the protection of the public interest.

Chapter 16.5

## CALIFORNIA TRIBAL ADVISORY COMMITTEE

The California Tribal Advisory Committee (CTAC) is a group of representatives from various California Indian Tribes. The CTAC was established in 1975 to advise the State of California on matters relating to the health and welfare of California Indian Tribes. The CTAC is composed of representatives from the following Tribes:

- 1. Akumofjii
- 2. Ahwahnee
- 3. Ahwahnee
- 4. Ahwahnee
- 5. Ahwahnee
- 6. Ahwahnee
- 7. Ahwahnee
- 8. Ahwahnee
- 9. Ahwahnee
- 10. Ahwahnee

The CTAC is a permanent advisory committee. It is composed of representatives from the following Tribes:

- 1. Akumofjii
- 2. Ahwahnee
- 3. Ahwahnee
- 4. Ahwahnee
- 5. Ahwahnee
- 6. Ahwahnee
- 7. Ahwahnee
- 8. Ahwahnee
- 9. Ahwahnee
- 10. Ahwahnee



## 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 17<sup>th</sup> day of August 2010. Two copies, both being equally valid.



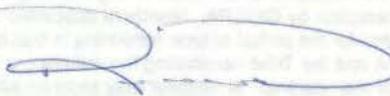
KENNETH TIPON  
Chairperson  
California Environmental Protection Agency  
Tribal Advisory Committee  
Federated Indians of Graton Rancheria



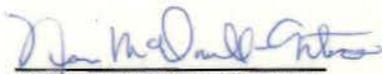
LINDA S. ADAMS  
Secretary for Environmental Protection  
State of California



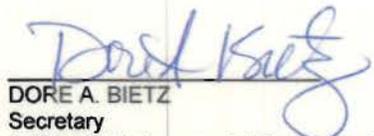
LINDA D. OTERO  
Vice-Chair  
California Environmental Protection Agency  
Tribal Advisory Committee  
Fort Mojave Indian Tribe



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



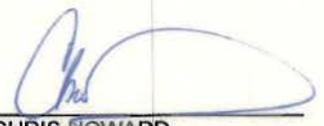
NOFA MCDOWELL-ANTONE  
California Environmental Protection Agency  
Tribal Advisory Committee  
Fort Mojave Indian Tribe



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



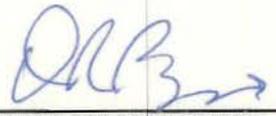
JOHN D. GREEN  
California Environmental Protection Agency  
Tribal Advisory Committee  
Elk Valley Rancheria, California



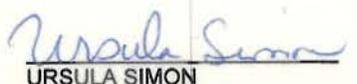
CHRIS HOWARD  
California Environmental Protection Agency  
Tribal Advisory Committee  
Elk Valley Rancheria, California



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

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