

## Draft Proposed Tribal Natural Resources Council

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Chapter 1. General Provisions and Definitions #####. This division shall be known, and may be cited, as the Tribal Natural Resources Council. #####1. For purposes of this division, the following definitions apply:

- (a) "Agency" means the Natural Resources Agency.
- (b) "Chair" means the Chair of the Tribal Natural Resources Council.
- (c) "Council" means the Tribal Natural Resources Council.
- (d) "Executive director" means the executive director of the council.
- (e) "Formal consultation" means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.
- (f) "Secretary" means the Secretary of the Natural Resources Agency.

Chapter 2. Establishment of the Tribal Natural Resources Council #####10.

- (a) There is hereby established in the Natural Resources Agency the Tribal Natural Resources Council and the position of Deputy Secretary for Tribal Affairs.
- (b) Members of the council shall meet quarterly for purposes of discussing, reviewing research, planning, and providing recommendations to the secretary regarding the agency's tribal affairs program and tribal affair programs at departments, boards, and conservancies within the agency's administrative organization. The council shall work to further the goal of strengthening partnerships with California Native American tribes in the conservation of California's lands and waters, the implementation of nature-based solutions addressing the climate change and biodiversity crises, reviewing the agency's policies as they pertain to or impact California Native American tribes, the agency's tribal affairs programs, reviewing and advising on the funding of projects in furtherance of the Tribal Nature-Based Solutions Program and other grant programs, recommend policies and guidance to increase tribal access and co-management of public lands, recommend policies and guidance to increase tribal ancestral land return, and other activities consistent with those purposes.
- (c) It is the intent of the legislature that the establishment of the council shall not substitute for the agency's consultation with California Native American tribes on nature-based solutions or any other agency policy or program.

#####11.

- (a) The council shall consist of 12 voting members with representatives from the central, northern, southern, and eastern regions of California.

(b) The secretary or the secretary's designee to serve on the council and serve as the chair of the council.

(c) Voting members appointed to the council shall be compensated with a one-hundred-dollar (\$100) state per diem for each day a meeting is held and the actual, reasonable travel expenses to attend the council meeting. If subcommittees are established by the council to assist it with its work, a one-hundred-dollar (\$100) per diem compensation and the actual, reasonable travel expenses to attend the meeting may be made available at the discretion of the chair in consultation with the executive director, and, upon approval, may be sought by members where participation at subcommittee meetings is necessary.

(d) The members of the council shall be selected for their expertise and other qualifications, as determined by the secretary and in formal consultation with California Native American tribes and shall be appointed by and serve at the pleasure of the secretary. At the secretary's discretion, a call for nominations or applications may be undertaken to fill any vacancies on the council, as needed. Council members shall serve three-year terms, with an option at the discretion of the secretary to serve for an additional three years. The terms of the initial members of the council, as determined by the secretary, shall be staggered, with one representative from each region serving for five years, one representative from each region serving for four years, and one representative for each region serving for three years.

(e) The agency's Deputy Secretary for Tribal Affairs or the deputy secretary's designee shall serve as the executive director of the council. The executive director is not a member of the council, but shall jointly preside, in an administrative capacity, over the council meetings with the chair. The executive director shall advise the council on procedures for the business of the council and encourage the use of procedures that allow for a fair process to advise, review, and evaluate grant applications, policies, programs, and other items, as necessary.

(f) The council and the executive director may develop a process to use technical experts with relevant experience to support the council's mission and work as described in Section #####10. The technical experts may be compensated up to a one-hundred-dollar (\$100) per diem for each day spent reviewing and scoring grant applications at the discretion of the chair, in consultation with the executive director.

#####12.

(a) Consistent with the council's authority and responsibility under this chapter to improve the effectiveness of the agency's efforts to strengthen partnerships with California Native American tribes, the council may do all of the following:

(1) Advise the agency on the establishment and review of policies to integrate tribal priorities into the agency's programs and policies.

(2) Advise the agency on the award of grants or contracts.

(3) Advise the agency on entering into interagency agreements.

(4) Facilitate and strengthen communication between the agency and California Native American tribes.

(5) Provide technical assistance to California Native American tribes, public agencies, nonprofit organizations, and other entities to support efforts specified in this subdivision.

(6) Conduct regional workshops and public meetings.

(7) Recommend policies and guidance to implement opportunities for increased tribal access and co-management of public lands, waters, and resources.

(8) Recommend policies and guidance to implement opportunities for increased tribal ancestral land return.

(b) The council shall adopt a charter and may develop bylaws, principles, policies, procedures for the orderly conduct of its business to clarify the roles and responsibilities of council members and technical experts. Those policies and procedures shall be informed by formal consultation with California Native American tribes and may be amended from time to time by a majority vote of the voting members of the council and approval by the secretary.

#####13.

(a) The agency, on behalf of the council, may receive assistance, gifts, donations, and funds from public and private sources consistent with existing state policies and laws.

(b) Upon appropriation by the Legislature, the agency, as advised by the council and by formal consultation with California Native American tribes, may expend funds, award grants, and award contracts to implement the Tribal Nature-Based Solutions Program and other programs as determined by the agency.

(c) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to the development and adoption of the charter, bylaws, principles, policies, procedures, program guidelines, and selection criteria adopted pursuant to this Section.

#####14.

(a) The council shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 the Government Code) and shall do so in a manner that prevents the disclosure of information described in subdivision (b) or (c), including, but not limited to, holding, when necessary, a closed session, as authorized by subdivision (b).

(b) (1) This section does not prohibit the council from holding a closed session when discussing matters involving information relating to the internal affairs of a tribe, including, but not limited to, the finances and competitive business plans, cultural resources, sacred sites, ceremonies, traditional ecological knowledge, or other sensitive information of a tribe.

(2) The closed-session discussion authorized by this subdivision shall be limited to the discussion of the confidential information that is necessary to address the agenda item and shall not include discussion of any other information or matter.

(3) Before going into a closed session, the council shall publicly announce the type of information to be discussed in the closed session, which shall be recorded in the minutes.

(4) Action taken on agenda items discussed pursuant to this subdivision shall be taken in an open session.

(c) All information relating to the administration of this chapter that describes, directly or indirectly, the internal affairs of a tribe, including, but not limited to, the finances and competitive business plans, cultural resources, sacred sites, ceremonies, traditional ecological knowledge, or other sensitive information of a tribe, is confidential and shall not be disclosed pursuant to any state law, including, but not limited to, the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

#####15. The Legislature finds and declares that Section 1 of this act, which amends Section 6254 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest: To protect the sovereignty of tribal nations, the internal workings and sensitive cultural and historical information of Native American tribes, and to protect sensitive and private information of Native American tribal membership of Native American tribes, it is necessary that this act limit the public's access to that information.