



**Tribal Representative Comment Policy (Action Item)**

**Introduction**

Since time immemorial, Tribes have possessed the inherent right and authority over their people and territory. This sovereign right predates the establishment of the United States federal government and the U.S. Constitution. Executive Orders B-10-11 and N-15-19, and the California Natural Resources Agency's and Department of Water Resources' Tribal Consultation Policies have affirmed California's Native American Tribes' unique political status, which is different from any other group. Tribes are not interested parties, members of the public, or an ethnic group. They are sovereign governments which require State agencies to engage in government-to-government consultation.

The California Water Commission's (CWC) standard public comment practice does not currently recognize Tribal sovereignty. CWC values the full participation of interested parties in its meetings. Considering the executive orders and policies referenced above, the CWC seeks to institute a policy to amend how it receives comments from Tribal representatives.

**Background**

The Bagley-Keene Open Meeting Act (Gov. Code §§ 11120 – 11133) (Bagley-Keene) governs the conduct of the CWC meetings. CWC accepts public comment on meeting items that appear on the agenda. While CWC does not have a formal policy on public comment, allowing for public comment is required under Bagley-Keene. CWC's current standard practice treats all commenters the same to maintain neutrality and fairness. The Chairperson moderating the meeting may exercise some discretion related to the order and timing of public comments.

**Commission Decision**

The [draft Tribal Representative Comment Policy](#) seeks to recognize California Native American Tribes' sovereignty and address Tribal representatives according to their unique political status. The policy consists of two basic parts: Tribal Representative recognition, and Tribal Representative comment. The policy proposes that at the beginning of each meeting, the CWC chairperson will ask Tribal Representatives present at the meeting and wanting to make a comment on an agenda item to identify themselves. When taking comment on the identified agenda item, the CWC chairperson will first call for Tribal comment. The identified Tribal Representative(s) may then give their comment(s) separate from public comment on the item.

At this meeting, the Commission may decide to adopt the policy; adopt with direction for minor edits; direct staff to amend the policy and present the revised policy at a future meeting for adoption; or delay the decision.

Agenda Item: 10

Meeting Date: January 18, 2023

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**Meeting Overview**

Joe Yun, the Commission's Executive Officer, will present the draft Tribal Representative Comment Policy for the Commission's consideration and potential adoption.

This is an action item.

**Contact**

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