

## CHARTER

### CALTRANS NATIVE AMERICAN ADVISORY COMMITTEE

1. **PURPOSE:** The committee is established to improve the government-to-government relationships between the Indian Tribes of California (Tribes), and the California Department of Transportation (Caltrans). The committee provides advice to the Director of Caltrans (Director) about matters of interest or concern to the Tribes and their constituents. The Director recognizes and respects the sovereign status of the Tribes. The committee has the power to recommend policies or procedures for Caltrans, but not to incur debt payable by Caltrans, nor to represent Caltrans before any other entity. By no means will the meetings with Tribes through this committee constitute a "consultation" with Tribes.
2. **QUALIFICATION, NOMINATION AND APPOINTMENT:** For the purposes of this committee, the terms "Tribe" and "Tribes" shall refer exclusively to the federally-recognized Indian tribes located entirely or partially within the State of California. Each member of the committee is appointed by the Director of Caltrans upon nomination either by a Tribe, or by an Indian organization in California. No single Tribe or Indian organization may nominate more than one member. Nominations will be solicited by Caltrans annually or upon determination that a need to solicit exists. Considering the recommendations of the committee, the Director of Caltrans shall have the exclusive authority to appoint members to the committee. If any member of the committee is unable to serve for any reason, the Director 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.
3. **REPRESENTATION.** Notwithstanding his or her Tribal affiliation, each member who is appointed by the Director 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. Each member who is appointed by the Director upon nomination by an Indian organization is considered an advocate for Indians of California. 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.
4. **CALTRANS REPRESENTATION:** The Caltrans Deputy Director, Planning is the Director's representative to the committee. The Deputy Director serves ex-officio as a member of the committee and shall not vote on any matter whatsoever.
5. **NUMBER OF MEMBERSHIPS:** The total number of memberships on the committee shall at a minimum, consist of twelve voting memberships, and at maximum it shall consist of no more than eighteen voting memberships. At all times, twelve voting memberships shall be members appointed upon the nomination of Tribes, and one nonvoting member shall be the Deputy Director, Planning. No more than one-third of the membership shall be Indian organizations.
6. **TERM OF MEMBERSHIP:** Each voting member shall be appointed to a two-year term. 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 the Director, Indian organization, 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.
7. **"SUNSET" PROVISIONS:** The Director shall, on or about the first day of January of each year evaluate whether this Native American Advisory Committee will continue to exist. The committee shall automatically continue in existence unless the Director determines otherwise.

8. **FREQUENCY AND LOCATION OF MEETINGS:** A minimum of three meetings shall be called and held each calendar year. 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.
9. **ADMINISTRATIVE AND LOGISTICAL SUPPORT FOR THE COMMITTEE:** Caltrans shall provide reasonable staff support for the activities of the committee. Caltrans shall make arrangements for all meetings, shall provide administrative support, and shall record and maintain minutes of each meeting. While Caltrans will attempt to accommodate each member's needs, Caltrans 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.
10. **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.
11. **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 Director 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 shall not issue any form whatsoever of public information or news releases; however, the committee may request Caltrans to issue such releases on its behalf and Caltrans shall not unreasonably refuse to do so.
12. **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 Director 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 Caltrans, by virtue of their membership on this committee. However membership shall not bar any member from otherwise conducting business with Caltrans.
13. **MODIFICATIONS OF CHARTER:** The Director shall have the right to change this Charter. However, the committee may at any time request the Director to change this charter. Notwithstanding his right in this regard, the Director shall not unreasonably refuse such request. By the same token, in the event the Director considers necessary any change not requested by the committee, he shall seek the committee's consent to the change.