**WORK GROUP DISCUSSION QUESTIONS**

The Legislation Work Group Discussion Topics:

**Alternative 1:**

The current proposals are to develop template language for future water bonds that allows California Native American Tribes equal access to apply for water project directly with the state as the lead agency. Currently Prop 84 limits applicants to 501(c)3 and local agencies.

This language could be used to revise current IRWM guidelines funding, but would need to be broad enough given the status of current IRWM funding and the timelines for getting legislation changed.

**Pros:**

1. Acknowledges and respects California Native American Tribes’ special status.
2. Offers more flexibility in funding water projects within local tribal communities.

**Cons:**

1. Tribes can and have engaged in the IRWM process under the current structure, so legislative fix may not be necessary.
2. Given the administrative costs and capacity requirements to be the direct applicant to the state for IRWM funds, there are advantages to not being the lead applicant.
3. Issues around bond accountability that apply to all applicants may still cause reporting and contracting relationships that Tribal governments may not chose to participate in. Examples include reporting and data sharing, limited waivers of sovereign immunity, etc.
4. In order to implement the language, California Native American Tribes would be required to successfully move this language through the legislative process.

**Exercise:** Please review the pros and cons and discuss with your group and additional considerations not identified. Please write down these considerations to share with the larger group.
WORK GROUP DISCUSSION QUESTIONS

Discussion Question:

1. Based on the Pros and Cons identified and discussed within your group, would it be worth the time and energy of the legislative work group to focus on this draft language?

Alternative 2:

A second proposal of the Tribal AC was to develop draft contract language that meets both California Native American Tribal and State needs and can be used as a template for state agencies entering into contracts (for work, grants, etc.) with California Native American Tribes. The Draft contract language would be a template to be revised by individual tribes as necessary, but would be more tailored to address California Native American Tribal needs and interests. Theoretically this draft language would address the bond accountability requirements that all state agencies must follow while allowing more flexibility for tribal needs, including: how to share data, defining limited waivers of sovereignty only as necessary, etc.

Pros:

1. Draft language could eliminate some of the concerns and misgivings California Native American Tribes have with participating in IRWM and similar state programs. These concerns include the bond accountability requirements addressed above.
2. Focusing on contract language could increase tribal participation in state funding and projects without the need for legislation.

Cons:

1. There are significant logistical concerns with having this type of contract language adopted universally. For example, this may require action by the Office of Administrative Law as part of a regulatory process, which would allow public comment as part of the state regulatory process.
2. Requires lawyers to agree with each other.
WORK GROUP DISCUSSION QUESTIONS

**Exercise:** Please review the pros and cons and discuss with your group and additional considerations not identified. Please write down these considerations to share with the larger group.

**Discussion Question:**

1. Based on the Pros and Cons identified and discussed within your group, would it be worth the time and energy of the legislative work group to focus on this draft contract language?