Members
Patricia McCoy, Chair
Mayor Pro Tem, Imperial Beach
(Representing South County)

Greg Cox, Vice Chair
Supervisor, County of San Diego

Crystal Crawford
Councilmember, Del Mar
(Representing North County Coastal)

Sam Abed
Councilmember, Escondido
(Representing North County Inland)

John Minto
Councilmember, Santee
(Representing East County)

Vacant
(Representing Imperial County)

Ben Hueso
Council President, City of San Diego

Alternates
Rudy Ramirez
Councilmember, Chula Vista
(Representing South County)

Pam Slater-Price
Chairwoman, County of San Diego

Jim Wood
Mayor, Oceanside
(Representing North County Coastal)

Carl Kruse
Deputy Mayor, Poway
(Representing North County Inland)

David Allan
Vice Mayor, La Mesa
(Representing East County)

Vacant
(Representing Imperial County)

Sherri Lightner
Councilmember, City of San Diego

Advisory Members
Thomas Buckley
Councilmember, Lake Elsinore
(Representing Riverside County)

Jim Dahl
Mayor Pro Tem, San Clemente
(Representing Orange County)

Remedios Gómez-Arnau
Consul General, Consulate General of Mexico

Elsa Saxod
San Diego County Water Authority

Laurie Berman
District 11 Director, Caltrans

Chris Devers
Chairman, Pauma Band of Mission Indians
Southern California Tribal Chairmen’s Association

Richard Macias
Director of Planning, Southern California Association of Governments

Gary L. Gallegos
Executive Director, SANDAG

BORDERS COMMITTEE AGENDA

Friday, July 23, 2010
12:30 to 2:30 p.m.
SANDAG Board Room
401 B Street, 7th Floor
San Diego

AGENDA HIGHLIGHTS

• REPORT ON THE 2010 SAN DIEGO REGIONAL TRIBAL SUMMIT
• UPDATE FROM TRIBAL LEADERSHIP
• TRIBAL GOVERNMENTS AND TAXATION
• UPDATE FROM THE RTA ON TRIBAL TRANSPORTATION PROJECTS UNDERWAY

PLEASE TURN OFF CELL PHONES DURING THE MEETING

YOU CAN LISTEN TO THE BORDERS COMMITTEE MEETING BY VISITING OUR WEB SITE AT WWW.SANDAG.ORG

MISSION STATEMENT

The Borders Committee provides oversight for planning activities that impact the borders of the San Diego region (Orange, Riverside and Imperial Counties, and the Republic of Mexico) as well as government-to-government relations with tribal nations in San Diego County. The preparation and implementation of SANDAG’s Binational, Interregional, and Tribal Liaison Planning programs are included under this purview. It advises the SANDAG Board of Directors on major interregional planning policy-level matters. Recommendations of the Committee are forwarded to the Board of Directors for action.

San Diego Association of Governments • 401 B Street, Suite 800, San Diego, CA 92101-4231
(619) 699-1900 • Fax (619) 699-1905 • www.sandag.org
Welcome to SANDAG. Members of the public may speak to the Borders Committee on any item at the time the Committee is considering the item. Please complete a Speaker’s Slip, which is located in the rear of the room, and then present the slip to Committee staff. Also, members of the public are invited to address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Speakers are limited to three minutes. The Borders Committee may take action on any item appearing on the agenda.

This agenda and related staff reports can be accessed at www.sandag.org under meetings on SANDAG’s Web site. Public comments regarding the agenda can be forwarded to SANDAG via the e-mail comment form also available on the Web site. E-mail comments should be received no later than noon, two working days prior to the Borders Committee meeting. Any handouts, presentations, or other materials from the public intended for distribution at the Borders Committee meeting should be received by the Clerk of the Board no later than 12 noon, two working days prior to the meeting.

In compliance with the Americans with Disabilities Act (ADA), SANDAG will accommodate persons who require assistance in order to participate in SANDAG meetings. If such assistance is required, please contact SANDAG at (619) 699-1900 at least 72 hours in advance of the meeting. To request this document or related reports in an alternative format, please call (619) 699-1900, (619) 699-1904 (TTY), or fax (619) 699-1905.

SANDAG offices are accessible by public transit.
Phone 511 or see 511sd.com for route information.
## ITEM #

<table>
<thead>
<tr>
<th>#</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>+1.</td>
<td>APPROVE</td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
</tbody>
</table>

### ITEM #1

**APPROVAL OF THE JUNE 25, 2010, MEETING MINUTES**

APPROVE

### ITEM #2

**PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS**

Members of the public will have the opportunity to address the Borders Committee on any issue within the jurisdiction of the Committee that is not on this agenda. Speakers are limited to three minutes each and shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Committee members also may provide information and announcements under this agenda item.

### CONSENT ITEM (#3)

**+3. JULY 4, 2010, ELECTIONS IN BAJA CALIFORNIA (Hector Vanegas)**

INFORMATION

On July 4, 2010, the State of Baja California held elections to elect Mayors and councilmembers for the five municipalities and Legislators (Diputados) of the 16 districts to the State legislature. The Mayors-elect of the five municipalities will be sworn in on December 1, 2010, for the 2010–2013 term of office. The State Legislators will start their terms on October 1, 2010.

### REPORT ITEMS (#4 through #9)

**+4. REPORT FROM THE CONSUL GENERAL OF MEXICO**

(Honorable Remedios Gómez-Arnau, Consulate General of Mexico in San Diego)

INFORMATION

The Consul General of Mexico in San Diego, Honorable Remedios Gómez-Arnau, would like to contribute to the Borders Committee dialogue by providing periodic reports on binational activities within the purview of the Committee. This report highlights Mexico’s Program for the Development of Indigenous Peoples.

**+5. REPORT ON THE 2010 SAN DIEGO REGIONAL TRIBAL SUMMIT: PROCEEDINGS AND NEXT STEPS**

(Chairman Chris Devers, Southern California Tribal Chairmen’s Association [SCTCA]; Chair Patricia McCoy; Jane Clough-Riquelme)

DISCUSSION

On April 9, 2010, at the San Diego Regional Tribal Summit, the Boards of Directors of SANDAG and the SCTCA discussed a set of transportation and regional planning strategies upon which to focus collaborative efforts in coming years. Chairman Devers, SCTCA, and Chair Patricia McCoy will present a report on the outcome of the summit and a matrix of proposed next steps for the Borders Committee’s review and input.
<table>
<thead>
<tr>
<th>ITEM #</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>TRIBAL VIDEO ON SOVEREIGNTY (Chairman Chris Devers, SCTCA) INFORMATION</td>
</tr>
<tr>
<td></td>
<td>At the 2010 San Diego Regional Tribal Summit on April 9, 2010, the SCTCA presented a short video regarding tribal sovereignty. Chairman Devers will present the video for the Borders Committee's information.</td>
</tr>
<tr>
<td>7.</td>
<td>UPDATE FROM TRIBAL LEADERSHIP (Chairman Chris Devers, SCTCA) INFORMATION</td>
</tr>
<tr>
<td></td>
<td>Tribal nations have a trust relationship with the federal government. In November the Obama Administration held a consultation with tribal nations, in Washington, DC. Chairman Chris Devers, SCTCA (Pauma), will brief the Committee on current policy issues at the federal level that are impacting tribes.</td>
</tr>
<tr>
<td>8.</td>
<td>TRIBAL GOVERNMENTS AND TAXATION (Chairman Thorpe Romero, SCTCA; and Angela Medrano, Staff Attorney, California Indian Legal Services [CILS]) INFORMATION</td>
</tr>
<tr>
<td></td>
<td>The issue of taxation and tribal governments was raised several times during the 2010 San Diego Regional Tribal Summit. A representative from the CILS will brief the Committee on the applicability of Federal, State, and local taxes to Indian Tribes and their members. The presentation will include sales and use, income, and property taxes. This item is for the Committee's information.</td>
</tr>
<tr>
<td>9.</td>
<td>UPDATE FROM THE RESERVATION TRANSPORTATION AUTHORITY ON TRIBAL TRANSPORTATION PROJECTS UNDERWAY (Tony Largo, Reservation Transportation Authority [RTA], Executive Director) INFORMATION</td>
</tr>
<tr>
<td></td>
<td>The RTA, at the direction of the Interagency Technical Working Group on Tribal Transportation Issues, applied for and received several grants for tribal transportation projects. Tony Largo, RTA's Executive Director, will brief the Borders Committee on the status of these projects and activities underway.</td>
</tr>
<tr>
<td>10.</td>
<td>UPCOMING MEETINGS INFORMATION</td>
</tr>
<tr>
<td></td>
<td>The next meeting of the Borders Committee is scheduled for Friday, September 24, 2010, at 12:30 p.m.</td>
</tr>
<tr>
<td>11.</td>
<td>ADJOURNMENT</td>
</tr>
</tbody>
</table>

+ next to an item indicates an attachment
The meeting of the Borders Committee was called to order by Chair Patricia McCoy (South County) at 12:32 p.m. See the attached attendance sheet for Borders Committee member attendance.

1. **APPROVAL OF MEETING MINUTES**

   **Action:** Upon a motion by Council President Ben Hueso (City of San Diego) and a second by Supervisor Pam Slater-Price (County of San Diego), the Borders Committee unanimously approved the minutes from the April 23, 2010, meeting.

2. **PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS**

   **Action:** There were no comments/communications.

**CONSENT ITEMS (#3 through #5)**

3. **BORDERS COMMITTEE WORK ELEMENTS AND CALENDAR OF MEETINGS FOR FISCAL YEAR (FY) 2011 (INFORMATION)**

   This report outlined the work elements and tasks included in the FY 2011 Overall Work Program that are related to the responsibilities of the Borders Committee, as well as a draft calendar of meetings for FY 2011.

4. **PROGRESS REPORT ON THE SAN DIEGO - IMPERIAL COUNTY INTERSTATE 8 (I-8) CORRIDOR STRATEGIC PLAN UPDATE (INFORMATION)**

   The Imperial Valley Association of Governments (IVAG), in partnership with Caltrans, District 11 and SANDAG completed the Final San Diego-Imperial County I-8 Corridor Strategic Plan in February 2009. This report described progress made since last reported at the October 2009 Borders Committee meeting.
5. PRELIMINARY REPORT ON THE 2010 BINATIONAL SEMINAR “CROSSBORDER CLIMATE CHANGE STRATEGIES: RAISING AWARENESS OF ADAPTATION” (INFORMATION)

Since 1997, SANDAG has organized an annual event to address binational topics. This year the event focused on Crossborder Climate Change Adaptation Strategies.

Chair Patricia McCoy (South County) informed Dr. Paul Ganster was unable to attend and the final report will be presented at a future date.

Elsa Saxod (San Diego County Water Authority) said a full report will be presented with recommendations on these issues. She also acknowledged and thanked participants from Caltrans, the California Environmental Protection Agency, the City of Tijuana, IMPlan, the State of Baja California, the Consulate General of Mexico, and El Colegio de la Frontera Norte (COLEF).

Action: Upon a motion by Council President Ben Hueso (City of San Diego) and a second by Supervisor Pam Slater-Price (County of San Diego), the Borders Committee unanimously approved Consent Items #3 through #5.

REPORT ITEMS (#6 through #9)

6. 2050 REGIONAL TRANSPORTATION PLAN (RTP): URBAN AREA TRANSIT STRATEGY AND DEVELOPMENT OF INITIAL UNCONSTRAINED TRANSPORTATION NETWORK (DISCUSSION)

SANDAG is currently preparing the 2050 RTP. The Urban Area Transit Strategy will serve as the basis of the transit strategy to be included in the RTP. The transit networks, combined with highway improvements and other management strategies will form the basis for the initial 2050 Unconstrained Transportation Network. Elisa Arias, Principal Planner, and Carolina Gregor, Senior Planner, presented an overview of the key elements of the 2050 RTP; a status report on the Urban Area Transit Strategy; and, initiated discussion on the 2050 Unconstrained Transportation Network.

Action: This item was presented for discussion only.

7. REPORT FROM THE CONSUL GENERAL OF MEXICO (INFORMATION)

The Consul General of Mexico in San Diego, Hon. Remedios Gómez-Arnau, reported on highlights from President Felipe Calderón and President Barack Obama’s Joint Statement, signed on May 19, 2010, during the visit to Washington D.C. of Mexico’s President Felipe Calderón.

Action: This item was presented for information only.
8. **REPORT FROM THE CONSUL GENERAL OF THE UNITED STATES: PERSPECTIVES AND UPDATES ON BORDER ISSUES (INFORMATION)**

Hon. Steven B. Kashkett, Consul General of the United States in Tijuana, Mexico, briefed the Committee on the Consulate’s changing role and its three primary priorities: security, the border, and economic integration.

*Action*: This item was presented for information only.

Israel Adato, representing the San Ysidro Chamber of Commerce, commented on Item #6; and, expressed the desire to have high speed rail extended into San Ysidro.

9. **PROGRESS REPORT ON THE SAN YSIDRO LAND PORT OF ENTRY RECONFIGURATION AND EXPANSION PROJECT (INFORMATION)**

In December 2009, the U.S. General Services Administration (GSA) initiated the construction of Phase 1A of the San Ysidro Land Port of Entry Reconfiguration and Expansion Project. Anthony Kleppe, Senior Asset Manager, and Damon Yee, Project Manager, of the U.S. GSA, provided an update on the project and its construction schedule.

Thomas Currie, representing the San Ysidro Chamber of Commerce, requested that GSA allow the community an opportunity to review and comment on the changes to the recent rendition, and meet with them in July, if possible, to receive input and answer questions.

Israel Adato, representing the San Ysidro Chamber of Commerce, commented on the positive relationship with GSA; and, requested SANDAG’s assistance in mitigation once demolition is completed and construction begins.

*Action*: This item was presented for information only.

10. **UPCOMING MEETINGS**

The next meeting of the Borders Committee is scheduled for Friday, July 23, 2010, at 12:30 p.m.

11. **ADJOURNMENT**

Chair McCoy adjourned the meeting at 2:21 p.m.

Attachment: Attendance Sheet
CONFIRMED ATTENDANCE
BORDERS COMMITTEE MEETING
JUNE 25, 2010
12:30 p.m. to 2:30 p.m.

<table>
<thead>
<tr>
<th>GEOGRAPHICAL AREA</th>
<th>JURISDICTION</th>
<th>NAME</th>
<th>MEMBER/ALTERNATE</th>
<th>ATTENDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>South County</td>
<td>City of Imperial Beach</td>
<td>Patricia McCoy</td>
<td>Member</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Chair)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>City of Chula Vista</td>
<td>Rudy Ramirez</td>
<td>Alternate</td>
<td>✓</td>
</tr>
<tr>
<td>North County Coastal</td>
<td>City of Del Mar</td>
<td>Crystal Crawford</td>
<td>Member</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>City of Oceanside</td>
<td>Jim Wood</td>
<td>Alternate</td>
<td>✓</td>
</tr>
<tr>
<td>North County Inland</td>
<td>City of Escondido</td>
<td>Sam Abed</td>
<td>Member</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>East County</td>
<td>City of Santee</td>
<td>John Minto</td>
<td>Member</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>City of La Mesa</td>
<td>David Allan</td>
<td>Alternate</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of San Diego</td>
<td>-----</td>
<td>Ben Hueso</td>
<td>Member</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>-----</td>
<td>Sherri Lightner</td>
<td>Alternate</td>
<td>✓</td>
</tr>
<tr>
<td>County of San Diego</td>
<td>-----</td>
<td>Greg Cox (Vice Chair)</td>
<td>Member</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>-----</td>
<td>Pam Slater-Price</td>
<td>Alternate</td>
<td>✓</td>
</tr>
<tr>
<td>Imperial County</td>
<td>County of Imperial</td>
<td>Wally Leimgruber</td>
<td>Member</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>City of Calexico</td>
<td>David Ouzan</td>
<td>Alternate</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>-----</td>
<td>Dr. Paul Ganster</td>
<td>Member</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>-----</td>
<td>Cindy Gompper-Graves</td>
<td>Alternate</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>-----</td>
<td>Angelika Villagrana</td>
<td>Alternate</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>City of Lake Elsinore</td>
<td>Thomas Buckley</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>County of Riverside</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Consul General of Mexico</td>
<td>Remedios Gomez-Arnau</td>
<td>Member</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Deput Consul General of Mexico</td>
<td>Martha Rosas</td>
<td>Alternate</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Consul</td>
<td>Lydia Antonio</td>
<td>Alternate</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Consular Officer</td>
<td>Elvira Felix</td>
<td>Alternate</td>
<td>✓</td>
</tr>
<tr>
<td>Southern</td>
<td>Pauma</td>
<td>Chris Devers</td>
<td>Member</td>
<td>✓</td>
</tr>
<tr>
<td>Organization</td>
<td>Name</td>
<td>Role</td>
<td>Status</td>
<td></td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-----------------------</td>
<td>---------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>California Tribal Chairmen's Assodation</td>
<td>Mesa Grande Mark Romero</td>
<td>Member</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SCTCA Denis Turn</td>
<td>Alternate</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Caltrans</td>
<td>Laurie Berman</td>
<td>Member</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bill Figge</td>
<td>Alternate</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>San Diego County Water Authority</td>
<td>Elsa Saxod</td>
<td>Member</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Howard Williams</td>
<td>Alternate</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>SCAG</td>
<td>Rich Macias</td>
<td>Member</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mathew Gleason</td>
<td>Alternate</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>County of Orange</td>
<td>City of San Clemente</td>
<td>Member</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Jim Dahl</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bill Campbell</td>
<td>Alternate</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
JULY 4, 2010, ELECTIONS IN BAJA CALIFORNIA

Introduction

On July 4, 2010, the State of Baja California held elections to elect Mayors and councilmembers for the five municipalities and State Legislators (Diputados) of the 16 districts to the State legislature. The Mayors-elect of the five municipalities will be sworn in on December 1, 2010, for the 2010–2013 term of office. The State Legislators will start their terms on October 1, 2010.

Discussion

The 1917 Mexican Constitution defines three branches of government – executive, legislative, and judicial. The Constitution prohibits reelections. The President of Mexico, senators, and state governors are elected for six-year terms; while federal deputies (the equivalent of United States’ Congressional representatives), mayors, city councilmembers, and state legislators serve three-year terms.

The elections are organized by the Electoral and Public Participation Institute of Baja California (Instituto Electoral y de Participación Ciudadana or IEPC), an independent and autonomous public entity that among other responsibilities, qualifies the elections and provides the official evidence for winners.

For this year’s elections, a total of eight political parties, including the two main coalitions, registered candidates. The majority of votes were for the two coalitions, Alliance Coalition for Baja California (Coalición Alianza por Baja California), formed by the National Action Party (PAN - Partido Acción Nacional), the New Alliance Party (PANAL - Partido Nueva Alianza) and the Social Encounter Party (PES - Partido Encuentro Social); and the Coalition for Responsible Governance (Coalición por un Gobierno Responsable), formed by the Institutional Revolutionary Party (PRI - Partido Revolucionario Institucional) and the Green Party of Mexico (PVEM - Partido Verde Ecologista Mexicano).

With an election turnout of about 35 percent of eligible voters, far below other elections, preliminary tallying indicates that the Coalition for Responsible Governance won all five municipalities (Tijuana, Tecate, Mexicali, Playas de Rosarito, and Ensenada) as well as 13 of the 16 districts for the state Legislature. On July 11, 2010, the IEPC validated and ratified the election results.
The following is a list of the Mayors-Elect in Baja California:

<table>
<thead>
<tr>
<th>City</th>
<th>Mayor-Elect</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensenada</td>
<td>Enrique Pelayo (PRI-PVEM)</td>
<td></td>
</tr>
<tr>
<td>Mexicali</td>
<td>Francisco Pérez-Tejada (PRI-PVEM)</td>
<td></td>
</tr>
<tr>
<td>Playas de Rosarito</td>
<td>Javier Robles (PRI-PVEM)</td>
<td></td>
</tr>
<tr>
<td>Tecate</td>
<td>Javier Urbalejo (PRI-PVEM)</td>
<td></td>
</tr>
<tr>
<td>Tijuana</td>
<td>Carlos Bustamante (PRI-PVEM)</td>
<td></td>
</tr>
</tbody>
</table>

CHARLES “MUGGS” STOLL  
Director of Land Use and Transportation Planning  

Key Staff Contact: Hector Vanegas, (619) 699-1972; hva@sandag.org
REPORT FROM THE CONSUL GENERAL OF MEXICO

Introduction


Discussion

Mexico’s national Commission for the Development of Indigenous Peoples (known as CDI, in Spanish) was created by a decree in 2003 with the mission of “Guiding, coordinating, promoting, supporting, encouraging, and assessing programs, projects, strategies and public actions to reach an integral and sustainable development and a full exercise of the rights of indigenous peoples and communities according to article 2 of Mexico’s Political Constitution.” CDI replaced the former National Institute of Indigenous Affairs.

CDI works jointly with the United Nations Development Program (UNDP) in conducting studies to track the movement of the indigenous population in Mexico, their presence in the cities, their migration to the United States as well the changing ethnic make-up of the human settlements along Mexico’s southern border. Attached is a segment of the report presented by CDI on Mexico’s National Program for the Development of the Indigenous Peoples.

Mexico’s Program for the Development of Indigenous People establishes the “development with identity” as the underlying principle for public policies regarding indigenous peoples. Four strategic objectives are set in this program: 1) promoting the sustainable human development of peoples and communities; 2) fostering a wider use of consultations as a tool in defining Government actions and programs; 3) ensuring that the rights of indigenous peoples are exercised in keeping with relevant legislation; and 4) enhancing multicultural dialogue while safeguarding cultures and traditions.
The report (Attachment 1) also makes references to specific laws, policies or other similar tools to address indigenous peoples’ issues in Mexico, as well as actions regarding capacity-building for indigenous issues, such as the implementation of Mexico’s national register of interpreters and translators of indigenous languages.


Key Staff Contact: Hector Vanegas, (619) 699-1972; hva@sandag.org
The development of indigenous peoples is a priority for Mexico that involves the coordinated action by the three levels of government, through the National Commission for the Development of Indigenous Peoples (CDI).

Since 21 May 2003, the National Institute of Indigenous Affairs, now called the National Commission for the Development of Indigenous Peoples has, with the support of the United Nations Development Programme (UNDP), been conducting studies to track the movement of the indigenous population in Mexico, their presence in the cities, their migration to the neighboring country to the north as well the changing ethnic make-up of the human settlements along the southern border.

The Mexican Government is of the view that individuals may migrate voluntarily for different reasons which are not necessarily related to violent conflicts.

The studies on indigenous migration in Mexico have identified six problems in the areas of origin of migrants:

(a) The social and cultural impact on families and communities of the changed economic patterns with the transition from a peasant to a market economy;
(b) Excessive sub-division of land and deterioration of natural resources;
(c) Unemployment and lack of economic alternatives;
(d) Fall in the prices of the main agricultural crops, including coffee, sisal, sugar, tobacco, cocoa and tomatoes;
(e) Down time in the agricultural cycle;
(f) Lack of basic social services, including health care, education and infrastructure.

In 2009, CDI carried out studies on indigenous migration, including the following:

- Trends in current indigenous migration;
- Permanent settlements of indigenous populations around agro-industrial and tourist areas of Sonora;
- Migrant indigenous children in Sonora. Identification of areas of institutional focus.

The aim of CDI under its Project for Assistance to Displaced Indigenous Peoples is to work hand in hand with federal, state and municipal governments to assist indigenous populations displaced as a result of violence, armed conflict, human rights violations, or religious, political, cultural or ethnic intolerance, to resettle or return to their home areas, while ensuring that their cultural diversity will be fully respected. As part of the project, 157.7 million Mexican pesos have been invested since 2006 in purchasing building materials, farm land and plots of land in urban areas, and inputs for gainful activities to assist 2,043 displaced indigenous families to relocate or return to their home areas in the states of Chiapas, Guerrero, Hidalgo, Jalisco, Nayarit and Oaxaca.
Creation of indigenous language and cultural studies centers.

In Mexico the main bodies responsible for monitoring the implementation of the indigenous peoples’ right to education are: the Coordinating Office for Intercultural Bilingual Education and the General Directorate for Indigenous Education, both under the Ministry of Public Education; the National Institute of Indigenous Languages (INALI); and CDI.

The National Programme for the Development of the Indigenous Peoples for the period 2009-2012 sets forth strategy to promote, as provided by relevant legislation, access by the indigenous children and youth of the country to quality and culturally relevant education and to promote the concept of multiculturalism in the entire national educational system. Introducing multiculturalism into all levels and structures of education is one of the biggest challenges facing the country.

The National Programme for the Development of the Indigenous Peoples for the period 2009-2012 sets out the objectives, indicators, goals, strategies and actions through which the Federal Government promotes development with identity, namely development that is sensitive to, and recognizes, the culture, languages and rights of the country’s indigenous individuals, peoples and communities and is fully consistent with both the National Development Plan for the period 2007-2012 and the Federal Government’s strategy for living better.

The National Programme for the Development of the Indigenous Peoples was developed from information obtained from the 57 regional forums held with indigenous peoples in early 2007 as part of the consultations for the preparation of the National Development Plan and the proposals made by the CDI advisory council.

The fundamental principle of the Programme for the Development of the Indigenous Peoples is article 2, paragraph (b), of the Political Constitution of the United Mexican States, which provides that the institutions of the Mexican State, at the three levels of government, are responsible for overcoming the economic and social backwardness and ensuring the comprehensive and sustainable development of the indigenous peoples and communities.

Development with identity for the indigenous peoples and communities is the underlying principle of policies with respect to indigenous peoples’ issues implemented by the Federal Government. To that end, CDI has defined four strategic objectives: (a) promoting the sustainable human development of peoples and communities; (b) fostering a wider use of consultations as a tool in defining Government actions and programmes; (c) ensuring that the rights of indigenous peoples are exercised in keeping with the relevant legislation; and (d) enhancing multicultural dialogue while safeguarding cultures and traditions.
Specific laws, policies or other similar tools to address indigenous peoples’ issues in Mexico.

As set out in the National Programme for the Development of the Indigenous Peoples for the period 2009-2012, the national legal framework must take account of the collective indigenous rights enshrined in the Political Constitution of the United Mexican States. To that end, the National Commission for the Development of Indigenous Peoples (CDI) has contributed legal opinions to support legislative efforts at the federal and state levels, with a view to raising the awareness of legislators and civil servants regarding indigenous rights and providing them with the information needed to guide their work.

In 2008, 47 bills designed to reform the federal legal framework in areas critical to the advancement of indigenous peoples were submitted to the Congress of the Union. One of them resulted in a Decree amending and adding various provisions to the General Act on Ecological Balance and Environmental Protection, aimed at strengthening voluntary land certification, which was published in the Diario Oficial on 16 May 2008.

The bills deal with issues such as: enforcing indigenous peoples’ right to decent housing; promoting bilingual and multicultural education in indigenous regions through the use of books in indigenous languages; furthering the knowledge and respect of indigenous cultures; recognizing indigenous peoples and communities as subjects of public law, and recognizing their right to be consulted, thereby guaranteeing free, prior and informed consent; in the case of indigenous accused persons, enforcing the obligation of the authorities responsible for enforcing and administering justice to assign to them public defenders who are fluent in and familiar with their language and culture; setting up a sub-fund to improve and expand the educational infrastructure in indigenous areas; incorporating provisions into the Agrarian Act on the regulation of lands and territories of indigenous communities and promoting access to agrarian justice in their own languages; recognizing indigenous territories as a new category of territorial administration; recognizing indigenous and rural midwives as maternal and infant health-care providers, by considering their work as a social service; allowing the use in rituals and ceremonies of endangered species of wild flora and fauna; giving Congress the power to legislate the recognition of copyrights and patent rights, and the protection and dissemination of traditional indigenous knowledge; allowing the operation and/or direct administration of artistic monuments, and historical and archaeological sites for the benefit of the indigenous communities established in those areas; the visible use of indigenous languages in public places, nomenclature and official notices; enacting general legislation on the system of indigenous consultation and making consultation-related amendments to the CDI Act; giving indigenous peoples and communities access to broadcast media; ensuring that national political parties guarantee the participation of men and women representing the indigenous population in electoral districts where they account for 40 per cent or more of the total population through nominations to elected office in the Congress of the Union, whether election is by relative majority or proportional representation; amending the General Act on Women’s Access to a Life Free From Violence with regard to the timing and grounds for
issuing a gender violence alert, and the provision of sufficient resources to guarantee women a life free from violence.

In 2009, the following initiatives were noteworthy:

• draft decree amending the Federal Civil Code and the General Act on the Linguistic Rights of Indigenous Peoples;
• progress report on the draft decree amending article 32 of the Act on the Protection of the Rights of Children and Adolescents;
• draft decree amending the CDI establishment Act.

These legislative efforts reflect the willingness and commitment of the State of Mexico to harmonizing its national legal framework with respect to indigenous rights and culture, by incorporating the contents of international legal instruments and the rights recognized under the Political Constitution of the United Mexican States.

**Capacity-building programme on indigenous issues.**

Since 2007, the Government of Mexico, through CDI and INALI, has promoted the Strategy for the Training and Accreditation of Interpreters of Indigenous Languages in the areas of law enforcement and administration of justice, in the states of Guerrero, Chihuahua, Oaxaca — in the regions of Istmo de Tehuantepec and Mixteca — Veracruz and Yucatán. This Strategy is being implemented in coordination with many federal and local institutions in each of the aforementioned states.

The Strategy’s objective is to guarantee the effective enjoyment of the rights of the country’s indigenous population as recognized in article 2 of the Constitution, particularly with respect to their right to full access to the justice system, which is also provided for in article 12 of the Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169), and in article 13, paragraph 2, of the United Nations Declaration on the Rights of Indigenous Peoples.

The national legislation reproduces the provisions of the Constitution and international law in a number of laws and codes. Article 15 of the Federal Code of Criminal Procedure establishes that, in proceedings involving persons belonging to an indigenous people or community, those persons must be assigned interpreters and counsel who are familiar with their language and culture, and proof of such assistance must be documented in the record of the proceedings. Likewise, article 18 of the Code provides that in situations involving persons belonging to an indigenous people or community, the interpreter must not only be fluent in the language, but must also be knowledgeable about the practices and customs of those persons.

As part of the Strategy, INALI has launched a project to establish a national register of interpreters and translators of indigenous languages, a critical step towards ensuring that indigenous persons involved in legal proceedings have access to interpreters and translators.
REPORT ON THE 2010 SAN DIEGO REGIONAL TRIBAL SUMMIT: File Number 3400500
PROCEEDINGS AND NEXT STEPS

Introduction

On April 9, the 2010 San Diego Regional Tribal Summit was hosted by the Rincon Band of Luiseño Indians. The summit was the result of collaboration among SANDAG, the Southern California Tribal Chairmen’s Association (SCTCA), the Reservation Transportation Authority (RTA), the California Department of Transportation (Caltrans), and the County of San Diego. The purpose was to bring together elected leaders from local governments who make up the SANDAG Board of Directors and the 17 federally recognized tribal governments in the San Diego region to identify policy-level issues of mutual concern related to transportation and regional planning and formulate a set of priority areas for action that can be addressed over the next few years. In particular, SANDAG is currently coordinating the next comprehensive update of the Regional Transportation Plan (RTP) to be approved in the summer of 2011. The Tribal Summit provided a timely opportunity to discuss tribal input regarding transportation and important regional planning issues for inclusion in the 2050 RTP. This report provides a brief summary of the general issues raised by summit participants, discusses the results of the polling exercises on transportation and regional policy strategies, and presents recommended next steps for the Borders Committee’s review and comment.

Discussion

Tribal Summit Overview

The Tribal Summit drew more than 100 participants, including elected officials from 13 tribal governments in the region, the SANDAG Board of Directors, members of SANDAG’s policy advisory committees, various public agencies that work with tribal governments, and interested organizations and stakeholders. A list of the elected officials, both tribal representatives and SANDAG Board members, in attendance at the event is included in the draft Summit Proceedings (included as a handout). Once finalized, the draft Summit Proceedings will be distributed to the participants of the summit, as well as to all SANDAG Board members and tribal governments.

The morning plenary session of the summit focused on providing an overview of accomplishments since the 2006 summit; the presentation of an educational video produced by the SCTCA, which discussed the importance of tribal sovereignty; and an open session to discuss respective visions for a mutually beneficial relationship between Tribal Nations and local governments. Among the key issues raised were:
- Value of the SCTCA being represented on the SANDAG Board and Policy Advisory Committees
- Critical importance of working together on statewide issues
- Importance of developing a collaborative legislative agenda
- Importance of nontribal elected officials understanding tribal sovereignty
- Opportunities for developing a collaborative funding strategy for transportation
- Suggestion that the SCTCA consider having a representative on the Cities/County Technical Advisory Committee, which brings together the public works directors of all cities/county on a regular basis

**Transportation**

In the afternoon session, the summit participants engaged in an interactive polling exercise on transportation issues. Several workshops were held with the Working Group, as well as the RTA and the SCTCA Boards, between September and November 2009 to obtain input on updating the 2030 Tribal Transportation Strategies for the 2050 RTP planning process.

The summit participants reviewed and discussed the list of nine recommended strategies. They then individually identified their “Top Five” strategies using the interactive polling technology. Attachment 1 presents the percentage of participants by organizational representation that selected each proposed strategy. The overall top five, combining the scores of SANDAG and SCTCA/Tribal organizations, were:

1. Developing a collaborative legislative agenda that benefits the region (83%);
2. Identifying critical regional arterials serving Tribal Nations which should be incorporated into the 2050 RTP (83%);
3. Incorporating existing Tribal Transportation Plans into the 2050 RTP (71%);
4. Coordinating the funding and implementation of planning studies to identify critical transportation corridors to tribal reservations and adjacent communities (58%); and
5. Providing ongoing information to tribal governments on funding processes, transportation, and regional planning (50%).

**Regional Planning**

The second session of the afternoon focused on regional planning issues other than transportation. The Regional Comprehensive Plan (RCP) serves as the long-term planning framework for the San Diego region. It provides a broad context in which local and regional decisions can be made that move the region toward a sustainable future with more choices and opportunities for all residents.

The summit participants reviewed a preliminary list of policy topics for consideration in the next update of the RCP. Using the interactive polling technology, each participant then individually rated
each strategy based on how strongly he/she agreed or disagreed that it be included as a policy topic for SANDAG and the Tribal Nations to collaborate on during the RCP update.

The results of the ratings by organization are presented in Attachment 2. The top five strategic areas in which the Boards of the SCTCA and SANDAG viewed potential were:

1. Collaborating on emergency preparedness, including interagency coordination, interoperability, community resilience, training, and planning;
2. Collaborating on economic prosperity strategies that benefit the whole region;
3. Developing a regional framework for environmental issues such as the management of stormwater runoff, water quality, and solid waste;
4. Developing clean, alternative, and reliable energy resources; and
5. Planning for energy reliability and independence.

Next Steps

As indicated by several tribal and nontribal leaders at the summit, it is critical to move forward on several fronts and make progress on a collaborative agenda immediately. Attachment 1 outlines proposed next steps for the Borders Committee to consider.

Collaborative Legislative Agenda

During the late summer and early fall, SANDAG will be developing its legislative agenda. Staff recommends that the Collaborative Legislative Agenda be discussed through the SANDAG Executive Committee. Staff will work with the SCTCA and the SANDAG Executive Committee to schedule reports for discussing this issue and identifying areas of mutual interest. Activities are already underway to support tribal legislative efforts. For example, on June 11, the SANDAG Executive Committee voted to provide a support letter for the reinstatement of the $30 million vetoed by Governor Arnold Schwarzenegger from the Special Distribution Fund. Gaming tribes who contribute to this fund, based on their 1999 Compacts, are Barona and Sycuan.

Transportation Strategies

As SANDAG and SCTCA have competing demands and limited resources, staff recommends the focus for FY 2011 through the initial months of FY 2012 (July/August 2011) be actions that incorporate tribal issues into the 2050 RTP. Activities are already moving forward. For example, on June 11, the SANDAG Board approved the 2050 RTP Project Evaluation Criteria, incorporating tribal lands into the overall set of criteria for transit and highway corridors and connectors, as well as goods movement. There is a clear set of priority strategies related to the current RTP process that needs to be addressed over the coming six months to a year. In order to ensure the full and meaningful participation of Tribal Nations in the development of key elements in the 2050 RTP, staff recommends the focus of the efforts be through staff coordination, presentations to the SCTCA, and more frequent meetings (on an as-needed basis) of the Interagency Technical Working Group on Tribal Transportation Issues through the adoption of the 2050 RTP in the summer of 2011.
Regional Planning Strategies

It was recommended by several board members at the summit that progress could be made on the prioritized strategies for regional planning through discussions at the policy advisory committees, as well as discussions with the County of San Diego. One issue raised at the summit was inclusion of tribal representatives on the Unified Disaster Council (UDC) of the Office of Emergency Services. Immediately following the summit, Supervisor Pam Slater-Price inquired as to the process or procedure for tribal inclusion. Theresa Gregor was appointed by the Tribes to be the liaison to the UDC. She is the Executive Director for the Inter-Tribal Long Term Recovery Foundation. Dr. Gregor attended the May 13, UDC Operations Committee as a Tribal representative. She was introduced to the UDC members by Chairwoman Slater-Price. She will be attending the next UDC meeting (August 19) and will participate as the Tribal Representative on the UDC Operations Committee which meets on a quarterly basis.

SANDAG and County staff will work together to ensure that the other strategies identified and prioritized are addressed and developed. Immediately following the adoption of the 2050 RTP, SANDAG will embark on a comprehensive update of the RCP. Staff recommends that the strategies prioritized at the summit be discussed at the respective policy advisory committees and fully developed in the context of the RCP process. This may entail scheduling technical workshops between the relevant agencies and Tribal Nations in FY 2012.

Future Summits

It was agreed that the mechanism of holding periodic Regional Tribal Summits appears to be a useful tool as a diplomatic forum for discussing policy-level planning issues of mutual concern between the SANDAG Board of Directors and the tribal governments of the region. Some elected leaders, both tribal and nontribal, suggested that summits be held more frequently. Others suggested that, as there are now several ongoing mechanisms of communication and coordination in place where work efforts can be undertaken in the interim, summits could be used as a venue for sharing achievements, policy-level dialogue, and providing future direction for collaboration. Staff recommends that rather than indicating a specific timing for convening a summit (for example, every year or every two years) that the convening be tied to a major initiative in which policy-level direction is needed such as the upcoming RCP. The Boards of the SCTCA and SANDAG can discuss and mutually agree upon the most appropriate timing for the next summit.

CHARLES “MUGGS” STOLL
Director of Land Use and Transportation Planning

Attachments: 1. Polling Results – Transportation Strategies
2. Polling Results – Regional Planning Strategies
3. 2010 San Diego Regional Tribal Summit – Next Steps Matrix

Handout: 2010 San Diego Regional Tribal Summit Proceedings

Key Staff Contact: Jane Clough-Riquelme, (619) 699-1909; jcl@sandag.org
2010 San Diego Regional Tribal Summit
Tribal Transportation Issues for the 2050 RTP
Percentage Selected in “Top Five” by Organization

- B-Developing a collaborative legislative agenda that benefits the region
  - SANDAG & SCTCA/Tribal: 83%
  - SCTCA/Tribal: 67%
  - SANDAG: 67%
  - Other: 33%

- D-Identifying critical regional arterials serving tribal nations, which should be incorporated into the 2050 RTP
  - SANDAG & SCTCA/Tribal: 72%
  - SCTCA/Tribal: 80%
  - SANDAG: 87%
  - Other: 100%

- E-Incorporating existing Tribal Transportation Plans (TTP) in the 2050 RTP
  - SANDAG & SCTCA/Tribal: 71%
  - SCTCA/Tribal: 87%
  - SANDAG: 87%
  - Other: 87%

- C-Coordinating the funding and implementation of planning studies to identify critical transportation corridors to tribal reservations and adjacent communities
  - SANDAG & SCTCA/Tribal: 59%
  - SCTCA/Tribal: 67%
  - SANDAG: 67%
  - Other: 67%

- H-Providing ongoing information to tribal governments on funding processes, transportation, and regional planning
  - SANDAG & SCTCA/Tribal: 78%
  - SCTCA/Tribal: 80%
  - SANDAG: 80%
  - Other: 40%

- F-Cooperatively pursuing funding opportunities to implement recommendations from the Tribal Transit Feasibility Study
  - SANDAG & SCTCA/Tribal: 55%
  - SCTCA/Tribal: 40%
  - SANDAG: 60%
  - Other: 40%

- G-Collaborating on the development of a Tribal Transportation Management Association (TTMA) for increased tribal participation in Transportation Demand Management programs regionwide
  - SANDAG & SCTCA/Tribal: 68%
  - SCTCA/Tribal: 68%
  - SANDAG: 40%
  - Other: 40%

- I-Offering support to tribal governments through the SANDAG Service Bureau for planning and data analysis services similar to member agencies
  - SANDAG & SCTCA/Tribal: 28%
  - SCTCA/Tribal: 33%
  - SANDAG: 27%
  - Other: 20%

- A-Tribal nations working with public agencies to show how their tribal plans are developed and implemented
  - SANDAG & SCTCA/Tribal: 80%
  - SCTCA/Tribal: 22%
  - SANDAG: 27%
  - Other: 25%

Legend:
- SANDAG & SCTCA/Tribal
- SCTCA/Tribal
- SANDAG
- Other
2010 San Diego Regional Tribal Summit
Tribal Policy Issues for Inclusion in the Regional Comprehensive Plan
Ratings by Organization

- G-Collaborating on emergency preparedness, including interagency coordination, interoperability, community resilience, training, planning, and...
- K-Collaborating on economic prosperity strategies that benefit the region
- E-Developing a regional planning framework for environmental issues, such as the management of stormwater runoff, water quality and solid waste
- B-Developing clean, alternative, and reliable energy resources
- A-Planning for energy reliability and independence
- C-Developing a coordinated regional mechanism for supporting the implementation of Senate Bill 18 (tribal consultation in the land use planning process)
- H-Collaborating on crime prevention planning efforts that benefit the region
- J-Collaborating on pursuit of federal funding sources for shoreline restoration
- D-Encouraging local jurisdictions to address Native American heritage in their local planning initiatives
- F-Coordinating efforts to implement the TransNet Environmental Mitigation Grant Program monitoring efforts
- I-Collaborating on climate change planning efforts

Legend:
- SANDAG & SCTCA/Tribal
- SCTCA / Tribal
- SANDAG
- Other
## 2010 San Diego Regional Tribal Summit
### April 9, 2010

**Priority Strategies/Proposed Actions**

### TRIBAL TRANSPORTATION STRATEGIES

<table>
<thead>
<tr>
<th>Area</th>
<th>Proposed Action</th>
<th>Lead Agency/Group</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Developing a collaborative legislative agenda that benefits the region</td>
<td>SCTCA determine potential areas and discuss with SANDAG Exec Committee</td>
<td>SANDAG/SCTCA Executive Committee</td>
<td>FY11 - Fall 2010</td>
</tr>
<tr>
<td>2. Identifying critical regional arterials serving tribal nations, which should be incorporated into the 2050 RTP</td>
<td>Staff will work with Tribal Transportation Working Group to determine critical arterials</td>
<td>Tribal Transportation Working Group</td>
<td>FY11 - Summer/ Fall 2010</td>
</tr>
<tr>
<td>3. Incorporating existing Tribal Transportation Plans (TTP) in the 2050 RTP</td>
<td>Staff will coordinate with all participating tribes to include TTPs in draft RTP</td>
<td>Tribal Transportation Working Group</td>
<td>FY11 - Summer/ Fall 2010</td>
</tr>
<tr>
<td>4. Coordinating the funding and implementation of planning studies to identify critical transportation corridors serving tribal reservations and adjacent communities</td>
<td>Through the Working Group pursue grant to conduct identified corridor studies</td>
<td>Tribal Transportation Working Group</td>
<td>FY11 – Spring 2011 Incorporate into FY12 budget</td>
</tr>
<tr>
<td>5. Providing ongoing information to tribal governments on funding processes, transportation, and regional planning</td>
<td>Ongoing</td>
<td>SANDAG/Caltrans Staff</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
## REGIONAL POLICY STRATEGIES

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Proposed Action</th>
<th>Partner Agencies</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Collaborating on emergency preparedness, including interagency coordination, interoperability, community resilience, training, planning, and resource management</td>
<td>County appointment of tribal representation on Unified Disaster Council for the Office of Emergency Services</td>
<td>County/SCTCA (support from SANDAG Public Safety)</td>
<td>FY11 – Fall/Winter/Spring</td>
</tr>
<tr>
<td>2. Collaborating on economic prosperity strategies that benefit the region</td>
<td>Incorporation of SCTCA representative in new 3 E’s initiative</td>
<td>SCTCA/ 3 E’s Ad Hoc Working Group</td>
<td>FY11 Summer/Fall 2010</td>
</tr>
<tr>
<td>3. Developing a regional planning framework for environmental issues, such as the management of stormwater runoff, water quality, and solid waste</td>
<td>Determine an approach through the SCTCA and Tribal Technical Working Group</td>
<td>SCTCA/ Regional Planning Committee (RPC)</td>
<td>FY12 – Fall 2011</td>
</tr>
<tr>
<td>4. Developing clean, alternative, and reliable energy resources Planning for energy reliability and independence</td>
<td>Determine an approach through the SCTCA and Tribal Technical Working Group</td>
<td>SCTCA/ Regional Planning Committee (RPC)</td>
<td>FY12 – Spring/Summer 2012</td>
</tr>
<tr>
<td>5. Developing a coordinated regional mechanism for supporting the implementation of Senate Bill 18</td>
<td>Develop through the SCTCA and Technical Working Group</td>
<td>SCTCA/ Technical Working Group (TWG) – City Planning Directors</td>
<td>FY12 – Fall/Spring 2011</td>
</tr>
<tr>
<td>6. Encouraging local jurisdictions to address Native American heritage in their local planning initiatives</td>
<td>Develop through the SCTCA and Technical Working Group</td>
<td>SCTCA/ TWG</td>
<td>FY12 – Fall/Spring 2011</td>
</tr>
</tbody>
</table>
Introduction

On April 9, the 2010 San Diego Regional Tribal Summit was hosted by the Rincon Band of Luiseño Indians. The San Diego Association of Governments (SANDAG), the Southern California Tribal Chairmen’s Association (SCTCA), the Reservation Transportation Authority (RTA), Caltrans, and the County of San Diego collaborated to plan the 2010 summit and bring together elected leaders from local governments who make up SANDAG and the 17 federally recognized tribal governments in the San Diego region. The purpose of the Tribal Summit was to identify policy level issues of mutual concern related to transportation and regional planning and discuss priority areas that could be jointly addressed over the next few years. SANDAG is currently preparing the next comprehensive update of the Regional Transportation Plan (RTP) and will embark upon an update to the Regional Comprehensive Plan (RCP) following completion of the 2050 RTP. The Tribal Summit provided a timely opportunity to discuss tribal input regarding transportation and important regional planning issues for inclusion in these regional planning efforts.

PROCEEDINGS

First Vice Chair Jerome Stocks (Encinitas) called the meeting of the 2010 San Diego Regional Tribal Summit to order at 10:07 a.m. The attendance sheet for the meeting is attached. (Attachment 1).

Welcome and Introduction

SCTCA Chairman Robert H. Smith (Pala Band of Mission Indians) welcomed the Summit participants to the meeting. Vice Chair Stephanie Spencer (Rincon Band of Luiseño Indians) welcomed the Summit participants to Rincon. Members of the SCTCA and SANDAG Boards of Directors introduced themselves.

Opening Remarks

An opening tribal blessing was led by Chairman Chris Devers (Pauma Band of Luiseño Indians) followed by a formal welcoming, acknowledgements, and thanks. SCTCA Chairman Smith and SANDAG First Vice Chair Stocks addressed the Summit participants and thanked the host and participating organizations.
In his opening remarks, Chairman Smith noted that the Boards of SANDAG and the SCTCA had a unique opportunity to come together to address transportation and regional planning priorities. For many years having a seat at the table to express their nations’ concerns did not exist for tribal governments in the region. Thanks to SANDAG, tribal nations and SANDAG have built a strong relationship over the past few years.

Through intertribal councils, such as the SCTCA, tribal nations seek to protect, establish, and exercise their sovereign rights as governments. The SCTCA serves as a forum for a wide variety of issues for tribal governments in the region, including transportation.

Although the 17 individual sovereign tribal nations each have their own laws and policies, they recognize key issues they share and need to work on together.

Through the efforts of the RTA in 2004, SANDAG and the intertribal councils began a dialogue on how best to work together. In 2005, the SCTCA joined the Borders Committee as an advisory member. Shortly after that, the SCTCA joined the SANDAG Board of Directors and four of its Policy Advisory Committees. Chairman Smith noted today both Boards were attending the 2010 San Diego Regional Tribal Summit.

Chairman Smith remarked that the SCTCA appreciated the government-to-government approach taken by SANDAG in recent years. This recognizes the role of tribal nations as sovereign nations and their right to participate in regional planning processes as government entities. He added that being on the Board and Policy Advisory Committees means a tribal voice can be heard on policy issues, such as public safety, conservation, and transportation as they are being developed.

SCTCA representatives on SANDAG, he stated, bring issues to the SCTCA Board, and together the tribal leadership evaluates and considers its position, bringing back those concerns to SANDAG to integrate tribal concerns into regional policy. Many tribal lands are located in isolated areas of the county and transportation improvements are key to the future of tribal nations.

Chairman Smith remarked that he was hopeful that if the tribal and nontribal leaders at the table were mutually respectful they would reach innovative solutions.
In his remarks, SANDAG First Vice Chair Stocks stated that it was agreed that holding a San Diego Regional Tribal Summit at a key milestone point in the 2050 RTP process was an effective means to discuss policy-level issues related to the RTP development on a government-to-government basis, building on the strong working relationship already established between SANDAG and tribal nations in the region.

First Vice Chair Stocks explained that an ad hoc task force composed of elected officials from the SANDAG Borders Committee, led by Imperial Beach Councilmember Patricia McCoy, and tribal leaders from the SCTCA developed an agenda, which was approved by both Boards. The members of the task force included: SCTCA Chairman Smith, Chairman Devers, and Chairman Johnny Hernandez (Ipai Nation of Santa Ysabel) with assistance from Chairman Allen Lawson (San Pasqual Band of Diegueño Indians) and Chairman Edwin ‘Thorpe’ Romero (Barona Band of Mission Indians); and SANDAG members Supervisor Pam Slater-Price (County of San Diego), Councilmember Sam Abed (Escondido), and Councilmember John Minto (Santee).

First Vice Chair Stocks stated that the goals of the Summit are to: (a) allow elected officials from tribal nations and local jurisdictions to discuss areas of mutual interest in transportation and regional planning; and (b) formulate priority action areas in transportation as well as other regional policy areas, such as energy, conservation, and public safety. After reviewing the agenda with the participants he called for public and member comments.

Public/Member Comments

Vista Councilmember Bob Campbell (North County Transit District), thanked the tribal nations in the region who, through the RTA, partnered with NCTD on the FTA Tribal Transit program. The program has enabled NCTD to enhance Route 388/389 to better serve the tribal and rural communities. He stated he looked forward to developing other similar partnerships.

Tim Harjo (U.S. Census Bureau) provided information about the 2010 Census as it relates to the tribal nations. He commented on how the data from the Census will provide tribal nations with information they can use to plan for their communities and to pursue funding opportunities. He explained that the Census no longer uses the long form, but rather has a short ten question form. More detailed information will be collected every two years from a sample of the population through the American Community Survey. He offered that the Census staff would be available to provide workshops on the technical use of the data collected from the Census once it is available for public use.

First Vice Chair Stocks reiterated that the public comments portion of the meeting serves as an area to briefly comment on issues that are not already on the agenda, highlighting the previous statement as a good example.
Lorraine Leighton (member of the public) provided her observations about the extensive use of mobile phones by casino charter bus drivers and operators of several public routes. She expressed her concern and the need to address these operations.

Karen Hewitt (U.S. Attorney with the U.S. Department of Justice [DOJ]) stated that tribal issues are a priority for the Obama Administration. The DOJ has set up a new Web portal with tribal information at www.tribalsafety.gov. On May 13, 2010, applications were due for tribal grants from the DOJ for public safety, youth, and crime. The U.S. Attorney also announced an available Coordinated Tribal Assistance Solicitation Fact Sheet, and a webinar entitled, “Coordinated Tribal Assistance Solicitation” held on March 18, 2010.

Chairman Hernandez provided a brief overview of the Intertribal Long-Term Recovery Foundation, which provides emergency funds and disaster relief, as well as the organization’s goals and objectives in dealing with current issues tribes face. He invited all to attend the gala fundraiser at 6 p.m. on April 24, 2010, at the U.S. Grant Hotel in Downtown San Diego.

Margaret Mahik (member of the public) commented regarding construction on State Route 76 (SR 76) and access/egress to her neighborhood. She stated that residents were not informed about road closures resulting from that construction. She requested assistance from SANDAG and the City of Oceanside in helping to resolve this matter with Caltrans.

Joan Brubaker (member of the public) commented on having only one road in/out of the area adjacent to the widening of SR 76. She suggested that additional access be provided to the residents of that area.

**Review of Accomplishments in Collaborative Planning Since 2006 Tribal Summit**

First Vice Chair Stocks introduced Imperial Beach Councilmember and SANDAG Borders Committee Chair McCoy. Councilmember McCoy discussed the initial collaboration that led to the development of the 2006 San Diego Regional Tribal Summit, with the objective of incorporating Tribal nations into the regional planning process.
She provided a brief summary of the accomplishments in government-to-government collaborative planning that resulted from the action plan developed from the 2006 Summit. She discussed the outcomes of the dialogue between the SCTCA and SANDAG leadership, which led to the signing of the Memorandum of Understanding (MOU) in 2007, which allowed for the incorporation of representatives of the SCTCA as advisory members on the SANDAG Board of Directors and four of its Policy Advisory Committees.

Another outcome of the 2006 Summit was the creation the Interagency Technical Working Group on Tribal Transportation, which provides regular feedback and comments on current activities and plans being implemented by SANDAG and the tribal governments. The purpose is to coordinate programs, address issues of concern, and ensure that the needs and issues of tribal governments are being incorporated into the transportation planning process.

SCTCA Chairman Smith provided a list of milestones and accomplishments since the 2006 San Diego Regional Tribal Summit. He noted that for the 2030 Regional Transportation Plan, an initial set of objectives was established for tribal transportation planning. Through the consultation process, including a survey of tribal transportation needs, a joint technical workshop, and the 2006 Tribal Summit, a set of cooperative strategies was developed between the SCTCA and SANDAG Boards.

He referred to Attachment J in the background paper included in the 2010 Summit agenda packet, a timeline of activities that shows the recommendations, action, and the milestones achieved. There are four principal transportation-related policy areas that were considered in the 2030 RTP as a result of the consultation process with tribal governments, and these have continued as areas of ongoing collaboration. He noted examples, such as the coordination between agencies and tribes on the Indian Reservation Roads Inventory and collaboration on the Operational Improvements Study for SR 76. In the area of transit, the Working Group developed a Tribal Transit Feasibility Study, which formed the basis for the RTA to successfully apply for federal funding for tribal transit.

He stated that the matrix highlights the collaborative nature of all of the various efforts of the partners in this regional framework. In some cases, tribal nations took the lead, while in other areas the County of San Diego, Caltrans, RTA, or SANDAG took the lead. In most cases, it was a collaboration of multiple agencies. These efforts illustrate the importance of collaboration and the benefit of pooling resources and expertise for a common goal.

SCTCA Chairman Smith concluded by noting that a great deal has been accomplished in these past few years and remarked that he hoped that this review would set the stage for determining what SANDAG and the tribal nations would like to work on in the coming years.
Overview of the Tribal Policy Planning Issues in the San Diego Region

Before introducing Chairman Devers, SCTCA Chairman Smith introduced Chief Judge Anthony Brandenburg (Intertribal Courts of Southern California). As the issues of tribal sovereignty and Public Law 280 were the subject of the sovereignty video presented at the Summit, SCTCA Chairman Smith asked Chief Judge Brandenburg to provide a summary of the Intertribal Courts of Southern California and its accomplishments.

SCTCA Chairman Smith introduced Chairman Devers, who acknowledged the subcommittee that worked to prepare for the Summit and provided an explanation of the development process, potential outcomes, and future goals.

He noted he has been a representative for the SCTCA on the SANDAG Borders Committee since the signing of the MOU in 2007. He commented that he has seen a lot of similarities in border-related issues and learned a lot, as well as shared a tribal perspective. Tribes share issues with surrounding counties because tribal lands are contiguous to San Diego County, and tribal nations also share issues with Mexico as sovereign nations. He commented that one of several goals for this Summit was to educate local jurisdictions on how tribal governments function.

He emphasized the importance of understanding the origin of tribal sovereignty and the challenges California tribes face because Public Law 280 shapes how tribes govern and the extent to which they can develop policies.

Chairman Devers presented a video highlighting issues including, tribal sovereignty, and its implications for tribal planning issues in the San Diego region. A suggestion was made to have the video made available to the public as an educational tool. Additional comments were made thanking and recognizing the work of the tribes on the video.

Supervisor Slater-Price suggested that there are many ways in which tribal governments and local cities can work together in the region to accomplish many things.
Councilmember Crystal Crawford (Del Mar) acknowledged a complex history of tribal relations and the multiple wrongs that have been done. She complimented the SCTCA for producing such a helpful video for beginning to understand the complexity of tribal sovereignty and suggested that there would be multiple educational outlets for sharing this with a wider audience.

Mayor Jim Wood (Oceanside) reiterated the comments of his colleagues, adding that he had recently returned from Washington, DC and had the pleasure of visiting the National Museum of the American Indian. He believes it is critical to have tribal nations involved in regional planning and commended tribal leaders for their advocacy. He commented that this Summit would not have been possible a few years ago. He commended the tribes in North County near his city for being good neighbors and sharing various issues of common concern, including the environmental impact of developments, such as Gregory Canyon and the improvements on SR 76.

Mayor Art Madrid (La Mesa) provided historical insight regarding the changing role of tribes within San Diego County. He suggested that anyone involved in policy as an elected official should have a clear understanding of the meaning of sovereignty.

Councilmember Abed commented that the City of Escondido has strengthened its tribal relations and looks forward to that relationship growing stronger. He also suggested holding the Tribal Summit on a yearly basis.

Chief Judge Brandenburg discussed the 17 tribes in San Diego County, and suggested that the County Board of Supervisors designate the federal holiday of California Native American Day, as a San Diego County holiday.

Chairman Devers inquired as to whether there might be funding available to expand the video and what the process might be to make it available to other agencies. SCTCA Chairman Smith responded that the recommendations and suggestions from the SANDAG Board members would be taken back to the SCTCA Board for consideration and action regarding the video.

Chairman Romero stated that this video is an important overview of what tribal sovereignty means. Understanding tribal sovereignty is critical to building a solid government-to-government relationship between tribal governments and SANDAG. He noted that there have been many advances made in the relationship since the 2006 Summit, but there is still much more to accomplish.
Chairman Romero made a statement regarding the three elements he considers to be the foundation of the intergovernmental relationship for planning: culture, communication, and commitment. By culture he suggested that there are hundreds of years of mistrust, but building relationships between governments today will change the way we do things in the future. With regard to communication, this refers to the critical importance of consultation with tribes in the planning process. He added that tribes also need to commit to sharing their information that can be essential in developing regional plans. By commitment he meant the importance of making a commitment to respect tribal sovereignty. If the federal government can do it, so can local governments. A commitment to pursue this relationship is important from both sides.

Tribal governments, he stated, want to be a part of SANDAG. Tribal nations — rich and poor, gaming and nongaming — need to be part of the process. Tribes recognize that their footprint no longer remains on tribal land. He stated that if the tribes and SANDAG work together, future generations will be better off. He noted that the SCTCA appreciates being on the SANDAG Board as advisory members, adding that his voice on the Board could be heard. This allows tribes to have a voice and to deal with issues in between the summits. He concluded by noting that this continued dialogue is critical to improving the quality of life in this region.

Councilmember Campbell recognized the efforts of Chairman Mel Vernon (San Luis Rey Band of Luiseño [a California tribe whose traditional land is in the San Luis Rey River Valley]) in collaboration with the City of Vista involving the development of recreational fields honoring the historical significance of tribal nations in that city.

**Vision Quest Plenary Discussion**

SCTCA Chairman Smith and SANDAG First Vice Chair Stocks shared the results of their own recent agency summits. The SCTCA and SANDAG Board members discussed opportunities for tribal and local governments to work together to improve the quality of life in the region.

Mayor Madrid suggested that the advisory board members, including the tribal leaders, could be given an opportunity to update the SANDAG Board at the beginning of each policy meeting.

Councilmember McCoy suggested that the Summit participants read the background paper prepared by staff and the Tribal Transportation Working Group for the Summit as it touches on many of the issues being discussed.
Supervisor Bill Horn (County of San Diego) congratulated Chairman Devers on his tribal nation’s lawsuit against the State of California. He commented regarding the role of tribes in relation to the state government and the importance of developing a strategic county plan. There are difficult issues related to the relationship among the state, tribes, and local governments. The state has not redistributed fairly the funding that the tribes intended to be used for mitigation. He suggested working together to get more resources back to the county.

First Vice Chair Stocks noted that many of the technical transportation details that come to the Board are discussed by the city staff with SANDAG through the Cities/County Technical Advisory Committee (CTAC). He suggested that perhaps there should be tribal representation on CTAC as a way to stay involved on the regionwide technical transportation planning issues.

Chairman Hernandez stated that the SANDAG Board should recognize the level of tribal leadership present at this Summit. He noted that tribal leadership is working to bring the funding back to the region for their rural communities as well as tribal communities. The Summit participants should understand that the tribal chairs present today are the equivalent to the presidents of their nations. He commented that there is so much that can be done together once that is understood. There are many issues the tribal leadership has faced through the centuries and will continue to face. The tribes respect SANDAG, the County, and the cities as governments; they ask simply to be given the same respect as governments. It is time to work together. San Diego has 17 very powerful tribes collected in the SCTCA. If the region wants to accomplish something, SANDAG and the SCTCA should sit down at a policy level every year.

Chairman Devers noted that it would be critical to put together a strategic plan for the county that includes the cities and the tribes. Term limits create an obstacle to getting things done in Sacramento as it is a revolving door. It is expensive to educate the officials in Sacramento regarding local needs. He asked that the Summit participants give their ideas about how to develop a strategic plan that can help the region at the state level.

Councilmember Crawford concurred with the notion that tribes and local cities should work together on developing a strategic plan. She suggested the background paper serves as a good starting point. She highlighted the example of energy as an area of collaboration.

Mayor Mary Sessom (Lemon Grove) noted that many of the cities in the region are facing limited budgets as they are trying to plan for their city’s future. As immediate past Chair of SANDAG, she often went to Sacramento to make the case for the region. She had not thought to go with tribal leaders, but she would have liked to have done that. She
suggested the importance of thinking through our shared issues and seeing how we might be able to collaborate on trips to Sacramento to advocate for the region in the future. Mayor Jim Desmond (San Marcos) suggested the possibility of collaborating and educating ourselves on countywide water issues to increase opportunities for state legislation.

Mayor Jim Janney (Imperial Beach) noted that as the Chair of the Regional Planning Committee he has seen several tribal leaders make significant contributions to the discussions. He cited a case related to the Shoreline Preservation Working Group in which the tribal representative suggested ways in which the Working Group and tribes could collaborate on seeking funding for beach sand replenishment.

Vice Chair Spencer followed up on the comment made by Mayor Sessom. She noted that Rincon just won a case against the State. Rincon never indicated that it did not want to pay its fair share of mitigation. The main point was that Rincon, as a sovereign nation in this region, wanted to keep the mitigation funding here. She would have appreciated local support when the Rincon tribe was making its case.

Supervisor Slater-Price noted that in the future it would be good to go through the elected officials and not staff. She would have supported Rincon’s case if she had been aware of the situation.

Ray Hunter (former Chairman of Jamul) commented that he expected Supervisor Dianne Jacob at the Summit. He asked that her colleagues inform her of the Summit the next time.

Chairman Vernon noted that much of what he heard was positive. He reiterated the importance of understanding sovereignty. His tribe is involved in a long process to attain federal recognition, but he cannot wait for that. He has become involved in a number of projects that affect tribal cultural resources.

Before pausing for lunch, Chairman Romero and Tribal Elder, Boxie Phoenix of Barona, on behalf of the SCTCA, recognized and acknowledged the work of Tribal Liaison, Jane Clough-Riquelme, Ph.D., SANDAG Senior Planner, and presented her with a statuette of appreciation. Mr. Phoenix explained the traditional gifting ceremony to honor someone in the tribal community and the significance of the honoree being wrapped in a blanket. Dr. Clough-Riquelme thanked
tribal leadership and discussed the honor receiving the award and in working with tribal nations in the region. The Summit was paused for lunch at 12:07 p.m. The meeting was reconvened at 1:06 p.m.

**Tribal Transportation Issues for the 2050 Regional Transportation Plan**

SANDAG First Vice Chair Stocks introduced Mr. Phoenix. Mr. Phoenix summarized the tribal transportation strategies the Interagency Technical Working Group on Tribal Transportation Issues (Working Group) has been discussing during the past several months.

Dr. Clough-Riquelme reviewed the proposed tribal transportation strategies developed by the Working Group. The Tribal Summit participants were asked to prioritize the top five strategies through an interactive polling exercise (see Attachment 2).

Chairman Devers was concerned that the tribal leaders could not vote on behalf of other leaders. First Vice Chair Stocks clarified that this is a polling exercise of the participants in attendance. It is simply a snap shot to get an idea of main concerns. Any issues requiring action would be brought before both the SCTCA and SANDAG Board.

Chairman Devers made an inquiry regarding taxing on services on tribal lands, such as gas stations that are serving the community, and how those taxes could be incorporated and returned to the tribal community. Chairman Romero clarified how Barona negotiates the taxation for their gas stations with the State of California, but his understanding was that it is on a case-by-case basis.

SANDAG Executive Director Gary Gallegos suggested that the taxation issue might be more appropriate for the next session on regional policy.

Councilmember Judy Ritter (Vista) stated her concern regarding conducting the polling exercise with the information that was provided. She felt she needed a primer on how tribal governments work.

Chairman Romero suggested that from an opportunity standpoint, tribes and local agencies should pursue funding together and get additional funding for the region to serve this community.

Ray Hunter, Representative from Jamul; Mayor Don Higginson (Poway)
Chairman Devers noted that it is important to identify corridors that are beneficial to tribes and identify funds to benefit the community.

Mayor Sessom noted that some of the differences in priorities among the transportation strategies can be attributed to tribes being concerned about addressing current issues, while SANDAG is looking 50 years out.

Chairman Hernandez noted it is important to collaborate and share information. The Bureau of Indian Affairs (BIA) structure is complicated and tribes need assistance in developing their Tribal Transportation Plans to be eligible for funding through this mechanism.

Mayor Desmond stated his support for a collaborative legislative agenda with tribal nations, which he thought would probably incorporate several of the transportation strategies suggested in the list.

Chairman Devers stated that he felt the critical issues of a collaborative legislative agenda and identifying and funding corridor studies would be beneficial to all.

Councilmember Crawford suggested that the reason the ‘Incorporation of Tribal Transportation Plans’ strategy may have been a higher priority for the SANDAG Board is because the Board is so involved in the development of the 2050 RTP. It is important to get the big picture of all the needs in the region.

Laurie Berman (Director, Caltrans District 11) suggested importance of understanding the planning processes from both sides.

Mr. Phoenix stated that assistance from SANDAG in developing Tribal Transportation Plans would be helpful. Tribes get very little assistance from the BIA and their roads inventory is so out of date, resulting in tribes falling so far behind in their infrastructure needs. Tribes have been out of the loop for so long that any assistance to allow them to be included in the RTP would be appreciated.

In reference to the utilization of the SANDAG Service Bureau, Mayor Janney noted that it is available to everyone in San Diego and
provides multiple planning services that are particularly helpful to small jurisdictions, such as Imperial Beach. He could see the parallel with smaller tribes that do not have the human resources to do some of the planning work that they might need.

**Tribal Policy Issues for the Inclusion in the Regional Comprehensive Plan**

At the 2006 Tribal Summit, breakout sessions were held on regional policy issues other than transportation. These issues were then discussed by the SANDAG Borders, Regional Planning, and Public Safety Committees during the last several years. Mayor Janney, Regional Planning Committee Chair, introduced this item. Santa Ysabel Chairman Hernandez provided observations from his experience on the Regional Planning Committee. He noted multiple areas for potential collaboration, including energy and fire protection.

The RCP serves as the long-term planning framework for the San Diego region. It provides a broad context in which local and regional decisions can be made that move the region toward a sustainable future—a future with more choices and opportunities for all residents of the region. In addition to SANDAG, there are many agencies in the region that are responsible for helping to implement the RCP. The following policy issues were first identified during breakout sessions at the 2006 Regional Tribal Summit and have been refined and amended through follow-up discussions at SANDAG Policy Advisory Committee and working group meetings.

Coleen Clementson (SANDAG Principal Planner) summarized the proposed regional policy issues. She noted that these issues could be considered in a future update of the RCP for the San Diego region. Through an interactive polling exercise, Tribal Summit participants were asked to rate their level of agreement or disagreement with several regional policy statements (see Attachment 3).

Councilmember Abed highlighted the emergency preparedness strategy, indicating that the County has a County Emergency Response Plan. Jurisdictions receive periodic updates, and the tribal nations should be part of that process.
Mayor Madrid suggested that one of the ideas would be to share best practices. In his community, there is a multijurisdictional group on emergency preparedness that has been in existence for several decades. It would be good to share best practices and learn from each other.

Supervisor Slater-Price noted that she will follow up with the County Office of Emergency Services to ensure there is tribal representation on the regional advisory committee.

Mike Connolly (tribal consultant on behalf of Campo) made some observations regarding the tribal transportation white paper provided to the participants as background for the Summit. He noted the following issues to consider:

- Tribal governments as land use authorities have their own process for determining appropriate land use. This should be acknowledged by the County of San Diego when discussing the impacts of tribal developments. They should not be subject to the same process as a non-tribal development within County jurisdiction.

- The County of San Diego’s land use policy of low density zoning for unincorporated areas has an impact on tribal lands. There is a lack of equity mechanisms to accommodate tribal needs versus the low density zoning.

- There should be a fair division of tax revenues between the tribes and the County. Sales tax, property taxes, and other revenue collected from nontribal members living on reservations are not returned to the respective tribe. The Campo tribe, for example, provides many governmental services like fire protection through mutual aid agreements to the surrounding communities as well as the tribes.

- Multiple species habitat planning and conservation planning are not considering the impacts on tribal lands. Often habitat areas are located near tribal reservations and impact the tribes’ ability to develop when many of the species are pushed to those areas by nontribal development.

- Water distribution has been used to control development in the unincorporated areas by the County. Tribes are often put at a disadvantage because of inconsistencies in rules, especially those related to groundwater. The County should work with tribes to develop distribution agreements that make it fair for all.

Mayor Madrid asked how Mr. Connolly’s comments and other issues raised would be addressed.

Chairman Devers asked for Mr. Connolly’s comments for the SCTCA to make sure the issues are followed up on through the SANDAG Policy Advisory Committees and the County.
Mark Muir (San Diego County Water Authority) described several of their programs and encouraged tribes to participate.

**Concluding Remarks and Next Steps**

Chairman Devers remarked that he was pleased with the content of the Summit. He noted that there were a number of issues that could, by themselves, constitute an entire meeting. It will be important to prioritize issue areas and to work on them immediately. He concurred that more frequent summits would be advantageous for making progress on multiple goals and objectives.

Chairman Romero concurred with Chairman Devers that much progress was made. It is critical to involve tribes in this process, and there are many opportunities to collaborate on planning and funding. He also acknowledged Mr. Phoenix for his dedication to his role as Co-Chair of the Interagency Technical Working Group on Tribal Transportation Issues. Chairman Romero, on behalf of the SCTCA, thanked Mr. Phoenix for leading this effort in increasing tribal input into the transportation planning process.

First Vice Chair Stocks indicated that he was very pleased with the outcome and felt that there was a lot of information, noting that he learned a lot from the discussion.

Supervisor Slater-Price remarked that there are a number of critical areas besides transportation in which the various agencies and tribes can work together. She noted that water, energy, and public safety are all areas that could be discussed on a continuous basis through the SANDAG Policy Advisory Committees throughout the year. The other County-focused issues, like health and human services, can be pursued through the County.

She committed to following up on the issue of emergency services and incorporating tribal governments into that process. She highlighted the importance of moving forward on various issues immediately and not waiting for another Summit. She suggested a more interactive approach rather than waiting for a large policy meeting; get the necessary people together in a particular issue area and move forward, then use the Summits as a way to report back on accomplishments.

Mr. Gallegos clarified that even though the horizon for the RTP is 2050, SANDAG is required by law to update the plan every four years. Each time SANDAG updates the RTP, the region revisits the programs, plans, and projects, including addressing tribal issues.

The Summit was adjourned at 2:42 p.m.
## ATTENDANCE
### SANDAG BOARD OF DIRECTORS’ MEETING/TRIBAL SUMMIT
### APRIL 9, 2010

**Elected Officials: Tribal Nations/SANDAG Board Members - Participants**

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
<th>Tribal Nation</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Robert H.</td>
<td>Smith</td>
<td>Pala Band of Mission Indians, SCTCA Chair</td>
<td>Chair</td>
</tr>
<tr>
<td>Hon. Thorpe</td>
<td>Romero*</td>
<td>Barona Band of Mission Indians</td>
<td>Chair</td>
</tr>
<tr>
<td>Hon. Boxie</td>
<td>Phoenix</td>
<td>Barona Band of Mission Indians</td>
<td>Tribal Elder</td>
</tr>
<tr>
<td>Hon. Michelle</td>
<td>Cuero</td>
<td>Campo Band of Mission Indians</td>
<td>Vice Chair</td>
</tr>
<tr>
<td>Hon. June</td>
<td>Jones</td>
<td>Campo Band of Mission Indians</td>
<td>Treasurer</td>
</tr>
<tr>
<td>Hon. Johnny</td>
<td>Hernandez</td>
<td>Ipay Nation of San Ysabel</td>
<td>Chair</td>
</tr>
<tr>
<td>Hon. Charlene</td>
<td>Chamberlain</td>
<td>Jamul Indian Village</td>
<td>Vice Chair</td>
</tr>
<tr>
<td>Hon. Ray</td>
<td>Hunter</td>
<td>Jamul Indian Village</td>
<td>Gaming Commission</td>
</tr>
<tr>
<td>Hon. La Vonne</td>
<td>Peck</td>
<td>La Jolla Band of Luiseño Indians</td>
<td>Chair</td>
</tr>
<tr>
<td>Hon. Adam</td>
<td>Giesler</td>
<td>La Jolla Band of Luiseño Indians</td>
<td>Delegate</td>
</tr>
<tr>
<td>Hon. Eric</td>
<td>LaChappa</td>
<td>La Posta Band of Kumeyaay Indians</td>
<td>Secretary/Treasurer</td>
</tr>
<tr>
<td>Hon. Milton</td>
<td>Campbell</td>
<td>Los Coyotes Band of Cahuilla/Cupeño Indians</td>
<td>Tribal Council</td>
</tr>
<tr>
<td>Hon. Mark</td>
<td>Romero</td>
<td>Mesa Grande Band of Mission Indians</td>
<td>Chair</td>
</tr>
<tr>
<td>Hon. Chris</td>
<td>Devers</td>
<td>Pauma Band of Luiseño Indians</td>
<td>Chair</td>
</tr>
<tr>
<td>Hon. Stephanie</td>
<td>Spencer</td>
<td>Rincon Band of the Luiseño Nation</td>
<td>Vice Chair</td>
</tr>
<tr>
<td>Hon. Mel</td>
<td>Vernon</td>
<td>San Luis Rey Band of Luiseño Indians†</td>
<td>Chair</td>
</tr>
<tr>
<td>Hon. Allen E.</td>
<td>Lawson‡</td>
<td>San Pasqual Band of Diegueño Indians</td>
<td>Chair</td>
</tr>
<tr>
<td>Hon. Dave</td>
<td>Toler</td>
<td>San Pasqual Band of Diegueño Indians</td>
<td>Delegate</td>
</tr>
</tbody>
</table>

### Southern California Tribal Chairmen's Association

- Denis Turner | Executive Director |
- Ben Magante | Chair |
- Anthony Brandenburg | Chief Judge |

---

* SCTCA Advisory Member on SANDAG Board of Directors
† California Tribe. Not federally recognized
‡ SCTCA Advisory Member on SANDAG Board of Directors
## SANDAG Board Members

<table>
<thead>
<tr>
<th>Title</th>
<th>City/Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Jerome Stocks</td>
<td>SANDAG, Board First Vice Chair</td>
</tr>
<tr>
<td>Hon. Jack Dale</td>
<td>SANDAG Board Second Vice Chair</td>
</tr>
<tr>
<td>Hon. Crystal Crawford</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Sam Abed</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Jim Janney</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Patricia McCoy</td>
<td>SANDAG Chair, Borders Committee</td>
</tr>
<tr>
<td>Hon. Art Madrid</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Mary Teresa Sessom</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Ron Morrison</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Jim Wood</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Don Higginson</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Jim Desmond</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. John Minto</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Lesa Heebner</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Judy Ritter</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Greg Cox</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Bill Horn</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Pam Slater-Price</td>
<td>SANDAG</td>
</tr>
</tbody>
</table>

## SANDAG Board Advisory Members

<table>
<thead>
<tr>
<th>Title</th>
<th>City/Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Laurie Berman</td>
<td>SANDAG (Alternate)</td>
</tr>
<tr>
<td>Bill Figge</td>
<td>Caltrans</td>
</tr>
<tr>
<td>Hon. Howard Williams</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Hon. Bob Campbell</td>
<td>SANDAG</td>
</tr>
<tr>
<td>Mr. Gary Gallegos</td>
<td>SANDAG, Executive Director</td>
</tr>
</tbody>
</table>

1 Chairman Allen Lawson, San Pasqual; Chairman Edwin ‘Thorpe’ Romero, Barona are advisory members to the SANDAG Board of Directors, representing the SCTCA.
2010 San Diego Regional Tribal Summit

Tribal Transportation Issues for the 2050 RTP
Percentage Selected in "Top Five" by Organization

B-Developing a collaborative legislative agenda that benefits the region

D-Identifying critical regional arterials serving tribal nations, which should be incorporated into the 2050 RTP

E-Incorporating existing Tribal Transportation Plans (TTP) in the 2050 RTP

C-Coordinating the funding and implementation of planning studies to identify critical transportation corridors to tribal reservations and adjacent communities

H-Providing ongoing information to tribal governments on funding processes, transportation, and regional planning

F-Cooperatively pursuing funding opportunities to implement recommendations from the Tribal Transit Feasibility Study

G-Collaborating on the development of a Tribal Transportation Management Association (TTMA) for increased tribal participation in Transportation Demand Management programs regionwide

I-Offering support to tribal governments through the SANDAG Service Bureau for planning and data analysis services similar to member agencies

A-Tribal nations working with public agencies to show how their tribal plans are developed and implemented

Legend:
- SANDAG & SCTCA/Tribal
- SCTCA/Tribal
- SANDAG
- Other
2010 San Diego Regional Tribal Summit
Tribal Policy Issues for Inclusion in the Regional Comprehensive Plan
Ratings by Organization

G-Collaborating on emergency preparedness, including interagency coordination, interoperability, community resilience, training, planning, and...

K-Collaborating on economic prosperity strategies that benefit the region

E-Developing a regional planning framework for environmental issues, such as the management of stormwater runoff, water quality and solid waste

B-Developing clean, alternative, and reliable energy resources

A-Planning for energy reliability and independence

C-Developing a coordinated regional mechanism for supporting the implementation of Senate Bill 18 (tribal consultation in the land use planning process)

H-Collaborating on crime prevention planning efforts that benefit the region

J-Collaborating on pursuit of federal funding sources for shoreline restoration

D-Encouraging local jurisdictions to address Native American heritage in their local planning initiatives

F-Coordinating efforts to implement the TransNet Environmental Mitigation Grant Program monitoring efforts

I-Collaborating on climate change planning efforts

Legend:
- SANDAG & SCTCA Tribal
- SCTCA / Tribal
- SANDAG
- Other
2010 San Diego Regional Tribal Summit - Proceedings/Next Steps

July 23, 2010
Borders Committee

Rincon Indian Reservation
Transportation Strategies

1. Collaborative Legislative Agenda
2. Critical Regional Arterials
3. Tribal Transportation Plans
4. Planning Studies
5. Providing Information

Regional Planning Strategies

1. Emergency Preparedness
2. Economic Prosperity
3. Environmental Issues Framework
4. Develop Energy Resources
5. Plan for Energy Independence
Next Steps

• Near term: Inputs to the 2050 RTP (through July 2011)
• Medium term: Update of the Regional Comprehensive Plan (beginning fall 2011)
Tribal Governments and Taxation

Presented by California Indian legal Services

July 23, 2010 to the SANDAG Borders Committee

Taxation and P.L. 280

- P.L. 280 specifically exempted from state jurisdiction
  - Taxation of trust lands
  - Use regulations of trust lands
  - Encumberance of trust lands
  - Determinations of ownership or rights of possession of trust lands
Property Taxes

- Property held in trust by the federal government is exempt from property tax.
- Property not held in trust is subject to property tax.

Income Taxes

- Indians pay federal income tax and state income tax with limited exceptions.
Federal Income Tax Exemptions

- Income exempted by treaty
- Income exempted by statute
- Income exempted by an Act of Congress

State Income Tax Exemption

- The person is an Indian person
- Indian person lives on their own reservation.
- Indian person’s income is derived from the reservation.
  - They are employed by the tribe, a tribal business, or other on reservation business
  - They receive per capita payments from the tribe either from gaming revenues, revenue sharing trust fund, or other source.
Sales and Use Taxes

- Generally Use Tax applies when Sales Tax does not.
  - Exception
    - Delivery of goods occurs on reservation
    - Ownership of goods transfers on reservation
    - Goods will be used at least 50% of the time on reservation for the first 12 months of ownership

- No Sale or Use Tax
  - Food or beverages at on reservation establishments

Indian Purchaser: On or Off Rez Retailer

- No Sales Tax if...
  - Delivery is on reservation
  - Title transfers on reservation
  - Indian purchaser lives on reservation

- Use Tax
  - Unless exempted
On Rez Retailer: Sale to Indian or Non-Indian

- No Sales Tax if…
  - Sale negotiated on reservation
  - Delivery is on reservation
  - Purchaser lives on reservation

- Use Tax
  - Unless exempted

On Rez Indian Retailer: Sale to Purchaser Who Does Not Live on Rez

- No Sales Tax if…
  - Sale negotiated on reservation
  - Delivery on reservation

- Use Tax Applies and Must be Collected by Indian Retailer
On Rez Retailer: Sale to Purchaser Who Does Not Live on Rez

- Sales Tax Applies and must be collected and remitted by the seller

Thank you