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Agenda Date: 11/26/2013

Agenda Placement: 7K

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Pamela Kindig for Nancy Watt - County Executive Officer  
County Executive Office  
**REPORT BY:** Patricia Grisham, Executive Assistant - 253-4424  
**SUBJECT:** Ratification of Supervisor Diane Dillon's out-of-state travel

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### **RECOMMENDATION**

County Executive Officer requests ratification of out-of-state travel for Supervisor Diane Dillon to Washington, D.C., from November 19-21, 2013, to testify before the United States Senate Committee on Indian Affairs regarding the impacts of federal land use on local communities.

### **EXECUTIVE SUMMARY**

County Executive Officer requests ratification of out-of-state travel for Supervisor Diane Dillon to Washington, D.C., to testify before the United States Senate Committee on Indian Affairs regarding issues related to the federal process of tribal recognition, which took place from November 19-21, 2013. Supervisor Dillon appeared before the Committee on behalf of California State Association of Counties (CSAC).

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

Pursuant to the Napa County Travel policy, Part I - Section 43, if an elected official requests out-of-state travel and time restraints do not allow for prior Board of Supervisors approval to be obtained in a timely manner, the Chair or Vice-Chair of the Board of Supervisors may authorize the County Executive Officer and/or members of the Board of Supervisors' out-of-state travel, subject to ratification at the next Board of Supervisors meeting.

Supervisor Dillon testified before the United States Senate Committee on Indian Affairs in Washington, D.C., regarding the impacts of federal land use on local communities. Supervisor Dillon traveled to Washington, D.C., from November 19-21, 2013, to attend the meetings. The forum will provide representatives with the opportunity to discuss the implications of the Supreme Court's *Carcieri v. Salazar* decision. In *Carcieri*, the Court ruled that the Secretary of the Interior can only take land into trust for tribes that were "under federal jurisdiction" at the time of the passage of the Indian Reorganization Act of 1934. Since the Supreme Court's action in 2009, many Indian tribes have urged Congress to pass legislation that would overturn the *Carcieri* decision. Testimony by Supervisor Dillon was important because trust land acquisition process lacks adequate standards. Under current law, tribes are not required to engage in good faith discussions or enter into enforceable agreements with counties for the mitigation of impacts of tribal development.

Since there was insufficient time to obtain Board authorization for this request, ratification is requested for Supervisor Dillon's out-of-state travel. Expenses for the trip were paid by CSAC.

**SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi