

# Budget Change Proposal - Cover Sheet

Fiscal Year: 2020-25

Business Unit: 3780

Department: Native American Heritage Commission

Priority Number: Click or tap here to enter text.

Budget Request Name: 3780-013-BCP-2020-GB

Program: 2830-Native American Heritage Commission

Subprogram: Click or tap here to enter text.

Budget Request Description: Truth and Healing Council

Budget Request Summary: The Native American Heritage Commission (Commission) requests \$450,000 Environmental License Plate Fund annually, from 2020-21 through 2023-24, and \$225,000 in 2024-25 to support the establishment of the Truth and Healing Council, pursuant to Executive Order N-15-19.

Requires Legislation:  Yes  No

Code Section(s) to be Added/Amended/Repealed: Click or tap here to enter text.

Does this BCP contain information technology (IT) components?  Yes  No

*If yes, departmental Chief Information Officer must sign.*

Department CIO Name: Click or tap here to enter text.

Department CIO Signature:

Signed On Date: Click or tap here to enter text.

*For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.*

Project Number: Click or tap here to enter text.

Project Approval Document: Click or tap here to enter text.

Approval Date: Click or tap here to enter text.

If proposal affects another department, does other department concur with proposal?

Yes  No

*Attach comments of affected department, signed and dated by the department director or designee.*

Prepared By: Christina Snider

Date: Click or tap here to enter text.

Reviewed By: Christina Snider

Date: Click or tap here to enter text.

Department Director: Christina Snider

Date: Click or tap here to enter text.

Agency Secretary: Bryan Cash

Date: Click or tap here to enter text.

### **Department of Finance Use Only**

Additional Reviews: Capital Outlay: ITCU: FSCU: OSAE:

Department of Technology:

PPBA: Sergio Aguilar

Date submitted to the Legislature: 01/10/2020

## A. Budget Request Summary

The Native American Heritage Commission (Commission) requests \$450,000 Environmental License Plate Fund annually, from 2020-21 through 2023-24, and \$225,000 in 2024-25 to support the establishment of the Truth and Healing Council, pursuant to Executive Order N-15-19.

## B. Background/History

On June 18, 2019, Governor Gavin Newsom issued Executive Order N-15-19, which recognizes the historical state-sanctioned depredations and prejudicial policies against California Native Americans, commends California Native Americans' persistence to carry on cultural and linguistic traditions and stewardship of California lands, apologizes on behalf of the State to all California Native Americans for its atrocities against California Native Americans, and reaffirms and incorporates by reference the principles of government-to-government consultation required by Executive Order B-10-11.

Executive Order N-15-19 also requires the Tribal Advisor to create a Truth and Healing Council, including representatives or delegates from California Native American tribes, to bear witness to, record, examine existing documentation of, and receive California Native American narratives to clarify the historical record of the State's relationship with native tribes in the spirit of truth and healing. The Council will produce its final report on or before January 1, 2025.

Input from California tribal governments and the broader California Native American population is critical to the work of the council, and the Governor's Tribal Advisor must endeavor to accurately represent the diversity of experiences of California Native Americans within the State of California.

The Truth and Healing Council's final report aims to reflect a holistic understanding of the historical relationship between California Native Americans and the State and will be modeled on similar truth and reconciliation documents examining relations between national/subnational governments and indigenous populations using an international human rights framework.

## C. State Level Considerations

This proposal will fund the creation of the Truth and Healing Council consistent with tribal and stakeholder input/recommendations and provide resources so that the Council's process and final report reflect the diverse experiences of California Native Americans from the beginnings of California statehood.

This proposal funds the creation of the Truth and Healing Council through the Office of the Tribal Advisor and provides the resources to facilitate soliciting and receiving California Native Americans' input for the truth and healing process and representing diverse California Native American experiences in California's history.

The Office currently has two (2) authorized positions, the Tribal Advisor and the Chief Deputy Tribal Advisor, which are responsible for the entirety of the Tribal Advisor portfolio. The Office's duties include the following:

1. Advising the Governor, the Governor's Office and Administration leadership on California tribal law and policy, federal Indian law and policy and Native American populations in California;
2. Reviewing State legislation and regulations affecting California tribes and providing the Governor and Administration with implementation and policy recommendations;
3. Serving as the Governor's duly appointed liaison for government-to-government consultation with California tribal governments;
4. Overseeing Administration consultation duties under Executive Orders B-10-11 and N-15-19;
5. Providing guidance on, reviewing and approving Administration-wide tribal liaison appointments and designations;
6. Establishing and administering the Tribal Nation Grant Fund as authorized/mandated under AB 880 (2018);
7. Leading and convening the California Indian Heritage Center task force under Executive Order B-60-18; and
8. Convening Administration and tribal leadership to discuss high-level policy priorities and initiatives at the annual California Tribal Nations Conference.

The Office will establish and lead the work of the Truth and Healing Council. Although the Office currently operates through the Commission's budget, the Office reports to the Governor's Office and is separate from the Commission. The Executive Secretary of the nine-member Commission reports to and executes the policy priorities of the California Natural Resources Agency and the Governor.

## D. Justification

Funding of this proposal for the Office of the Tribal Advisor fulfills the promise of the Governor's Executive Order without pulling critical staffing and resources away from the Native American Heritage Commission and undermining the current activities of the Office.

The Truth and Healing Council, as informed by tribal and stakeholder input, will consist of twelve (12) Council Members and will meet quarterly throughout the state. The meetings will take place over two days, with day one dedicated to a facilitated talking/healing space for California Native Americans and day two dedicated to a hearing-style presentation of historical findings, evidence, outcomes and experiences from day one, and resources as directed by the Council.

The Truth and Healing Council will be the first entity of its kind in United States tasked with such an expansive and broad-based undertaking; thus, tribal input is critical so that California tribal governments and the broader California Native American population drive the work of the Council. Concurrent with Council's work, the Tribal Advisor will travel to each of the 171 tribes listed on the Native American Heritage Commission's contact list over a four-year period to conduct day-long consultation sessions.

The Commission seeks funding through 2024-25 for the following activities:

1. Research, compile, and consolidate all known resources available within the State Library and Archives at the direction of, and for presentation to, the Truth and Healing Council. The researcher will present information to the Truth and Healing Council at its quarterly meetings and will compile appendices for the final report.
2. Compose the annual draft and final report of findings at the direction of the Council for presentation to the Governor's Office based on current academic and international methodologies. The final report aims to reflect a holistic understanding of the historical relationship between California Native Americans and the State and will be modeled on similar truth and reconciliation reports examining relations between national/subnational governments and indigenous populations in the international context. If done properly, the final report will serve as a guide for other governments seeking to engage in broad-based restorative justice in partnership with historically dispossessed indigenous populations.
3. Fund stipend and travel for twelve (12) Council Members for quarterly regional meetings. Tribal appointees to the Council will receive a stipend based on their experience, knowledge, and unique circumstances, in practice similar to compensating persons with western degrees and expertise. Covering travel costs will facilitate participation by non-federally recognized tribal representatives with no governmental budget.

4. Provide culturally appropriate wellness services for quarterly regional meetings. The work of the Council has the potential to retraumatize Native Californian participants who share their pain and historical trauma with the Council. Wellness services from a culturally appropriate psychologist/provider at the regional meetings provide Native participants tools to process and heal from ongoing and historical trauma.

5. Travel by the Tribal Advisor to 171 tribes over a four-year period. To have full participation and feedback, the Tribal Advisor will conduct day-long consultations with every tribe on the contact list maintained by the Native American Heritage Commission and collect materials from individual tribes on their own terms. These meetings can also serve the consultation requirements for development of the Native American Model Curriculum (mandated under Chapter 614, Statutes of 2017) and the California Indian Heritage Center.

6. Livestream meetings and transcribe meetings and consultations. To provide and preserve public access to the primary materials for the final report and appendices, the Council will livestream, record, and transcribe meetings, and it will audio record and transcribe consultations.

## E. Outcomes and Accountability

The Council and the final report will clarify the historical record and build a new foundation of respectful engagement between California Native Americans and the State. The process to develop the document will serve as a roadmap for other national/subnational governments seeking to engage in broad-based restorative justice efforts in partnership with historically dispossessed indigenous populations.

### Projected Outcomes

Workload Measure	CY	BY	BY+1	BY+2	BY+3	BY+4
Draft Report / Draft Charter Issued	1 (2020 Draft Report / Charter Issued)	1 (2021 Draft Issued)	1 (2022 Draft Issued)	1 (2023 Draft Issued)	1 (2024 Draft Issued)	1 (2025 Draft Issued)
Tribal Consultation		43 Meetings	43 Meetings	43 Meetings	43 Meetings	

<b>Workload Measure</b>	<b>CY</b>	<b>BY</b>	<b>BY+1</b>	<b>BY+2</b>	<b>BY+3</b>	<b>BY+4</b>
Final Charter Issued	1					
Council Member Applications Received & Processed	50					
Council Members Appointed	12					
Researcher Under Contract		1				
Report Writer Under Contract		1				
Culturally Appropriate Wellness Provider Identified (via RFI/solicitation)		1				
Regional Meetings		4	4	4	4	2
Final Report Issued						1

## F. Analysis of All Feasible Alternatives

Option 1. \$450,000 Environmental License Plate Fund, from 2020-21 through 2023-24, and \$225,000 in 2024-25 to support the establishment of the Truth and Healing Council, pursuant to Governor Newsom's Executive Order N-15-19.

Pros: Approval of the requested resources will advance achievement of Executive Order N-15-19. The originating document, Executive Order N-15-19, requires the Council to conclude its work no later than January 1, 2025.

Cons: This option requires Environmental License Plate Fund resources.

Option 2. Redirection of current Office of Tribal Advisor staff and resources.

Pros: This option does not require Environmental License Plate Fund resources.

Cons: Without additional resources, the Office of the Tribal Advisor will be unable to meet its obligations under Executive Order N-15-19 in addition to its ongoing duties, described above.

Option 3. Redirection of Native American Heritage Commission staff and resources.

Pros: This option does not require Environmental License Plate Fund resources.

Cons: This option raises issues of confidentiality, staff expertise, and conflicts of interest. The Executive Order entrusts the Tribal Advisor with the management of the Council. The Tribal Advisor reports directly to and executes the policy priorities of the Governor's Office while the Executive Secretary of the Native American Heritage Commission reports to and executes the policy priorities the California Natural Resources Agency.

## G. Implementation Plan

The Tribal Advisor will work with the California State Library to recruit a researcher, as soon as practicable. The Tribal Advisor is already engaged in consultation with California tribes, California Native Americans, and other stakeholders on the development of the Truth and Healing Council and will produce the January 2020 draft report as required. Approval of this proposal will allow the Tribal Advisor to expand the work of the Council as planned based on tribal and stakeholder input.

## H. Supplemental Information

The funding will retain consulting and professional services for livestreaming, recording, and transcribing meetings; researching and writing reports; and providing culturally appropriate wellness services to meeting participants. Funding will also compensate Council members for their travel, time, and expertise.

## I. Recommendation

The Commission recommends approval of Option 1, funding for establishing the Truth and Healing Council in the Office of the Tribal Advisor, to fulfill the aims established in Executive Order N-15-19.

# BCP Fiscal Detail Sheet

BCP Title: Truth and Healing Council

BR Name: 3780-013-BCP-2020-GB

Budget Request Summary

## Operating Expenses and Equipment

Operating Expenses and Equipment	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
5320 - Travel: In-State	0	65	65	65	65	33
5340 - Consulting and Professional Services - Interdepartmental	0	327	327	327	327	163
5340 - Consulting and Professional Services - External	0	48	48	48	48	24
5342 - Departmental Services	0	4	4	4	4	2
5346 - Information Technology	0	6	6	6	6	3
<b>Total Operating Expenses and Equipment</b>	<b>\$0</b>	<b>\$450</b>	<b>\$450</b>	<b>\$450</b>	<b>\$450</b>	<b>\$225</b>

### Total Budget Request

Total Budget Request	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
<b>Total Budget Request</b>	<b>\$0</b>	<b>\$450</b>	<b>\$450</b>	<b>\$450</b>	<b>\$450</b>	<b>\$225</b>

### Fund Summary

#### Fund Source

Fund Source	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
State Operations - 0140 - California Environmental License Plate Fund	0	450	450	450	450	225
<b>Total State Operations Expenditures</b>	<b>\$0</b>	<b>\$450</b>	<b>\$450</b>	<b>\$450</b>	<b>\$450</b>	<b>\$225</b>
<b>Total All Funds</b>	<b>\$0</b>	<b>\$450</b>	<b>\$450</b>	<b>\$450</b>	<b>\$450</b>	<b>\$225</b>

### Program Summary

#### Program Funding

Program Funding	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
2830 - Native American Heritage	0	450	450	450	450	225

Program Funding	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
<b>Total All Programs</b>	<b>\$0</b>	<b>\$450</b>	<b>\$450</b>	<b>\$450</b>	<b>\$450</b>	<b>\$225</b>