



Topic: **Authority Board Agenda Item 6-1** **2018 Feb 26**

Subject: **Participation by the Colusa Indian Community Council on the Sites Authority Board**

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**Requested Action:**

Status update and possible direction to staff regarding the Colusa Indian Community Council’s (Council) request for membership to the Sites Project Authority Board.

**Detailed Description/Background:**

The Colusa Indian Community Council sent a letter requesting membership to the Sites Project Authority Board of Directors on December 7, 2017. Representatives from the Council participated in a presentation at the Sites Project Authority Board meeting on December 18, 2017 and expressed their interest in the project and their desire to participate in the planning, construction and future operation of the project.

The Water Commission’s adopted regulations §6013 requires that a Native American Tribe can receive funding if they agree to a limited waiver of their sovereign immunity. Discussions with Water Commission’s legal counsel confirmed this requirement and indicated that while the regulations were written on the assumption a Native American Tribe would be an applicant, the waiver of sovereign immunity should apply to a Joint Powers Authority that has a Native American Tribe as a participant.

This information is the basis for discussions between the Authority’s legal counsel and the Council’s legal counsel, which are on-going.

**Prior Authority Board Action:**

At the January 22, 2018 Sites Project Authority Board Meeting, the Authority Board directed General Council and staff to continue the legal review of the request and hold discussions with the Colusa Indian Council leadership and their attorneys and report back to the Board at the February 2018 meeting.

**Fiscal Impact/Funding Source:**

None.

**Staff Contact:**

Jim Watson

**Attachments:**

None.