Call to Order at 1:18 p.m.
Roll Call: Board Member Cameron Hamilton, Board Member Eduardo Hernandez, Board Member Vernon Vera, Board Chairman Duane Garfield

ORAL COMMUNICATIONS

- Claudia Elliott, Sierra Messenger, spoke regarding Item No. 3, specifically requesting that the need for, and the role of, the proposed non-profit corporation be clarified. City and Tribal staff elaborated on the entity for Ms. Elliott’s edification.

SCHEDULED MATTERS

1. APPROVAL OF MINUTES OF MAY 7, 2008

BOARD ACTION: MOVED by Member Hernandez, SECONDED by Member Vera that the Board approve the Minutes of May 7, 2008, as amended to correct the typographical error on page one regarding the time of meeting from “3:00 A.M.” to “3:00 P.M.”

M.O. 01-061008

AYES: Hernandez, Vera, Garfield
NOES: None
ABSTAIN: Hamilton
ABSENT: None

Disposition: Approved, as amended.

2. APPOINTMENT OF CLERK TO THE COMMITTEE

Porterville City Manager John Longley presented the item, and spoke of the need for the Board’s compliance with the Ralph M. Brown Act. He recommended that Porterville Chief Deputy City Clerk Patrice Hildreth be designated as Clerk of the Board.

BOARD ACTION: MOVED by Member Hamilton, SECONDED by Member Hernandez that the Board designate Porterville Chief Deputy City Clerk as the Clerk of the Board. The motion carried unanimously.

M.O. 02-061008

Disposition: Approved.
3. REVIEW AND CONSIDERATION OF DRAFT ARTICLES AND BYLAWS FOR NONPROFIT CORPORATION

Tribal Administrator Rodney Martin and Porterville City Manager John Longley jointly presented the item. Staff spoke of the need for the formation of the non-profit corporation and elaborated on the significant distinction between the non-profit and the JPA. It was noted that the JPA would be the governing authority, while the non-profit would be organizational in nature and handle day-to-day business. Staff and Board Members went on to review and discuss the draft Articles of Incorporation and the various provisions of the draft By-Laws.

BOARD ACTION: MOVED by Member Hamilton, SECONDED by Member Hernandez that the Board approve Section 3.9 of the By-Laws as proposed, to read, “Majority. A majority, or at least three (3), of the total number of Board of Directors (5) shall constitute a quorum for the transaction of any business. An affirmative vote of a majority, or at least three (3), of the total number of Board of Directors is required for every act or decision of the Board of Directors.” The motion carried unanimously.

The Board and staff next discussed Section 3.4 of the By-Laws pertaining to the filling of a Board-appointed vacancy.

BOARD ACTION: MOVED by Member Hamilton, SECONDED by Member Hernandez that the Board approve the last sentence of Section 3.4 of the By-Laws to read, “A Board-Appointed vacancy on the Board of Directors shall be filled by the four other (City and Tribal-Appointed) Directors by a unanimous vote of those Directors present.” The motion carried unanimously.

Porterville City Attorney Lew advised of the need to identify a physical location for the corporation’s principal office, as provided for in Section 1.3 of the By-Laws. She indicated that the space must be accessible by both the Tribe and the City. The Board and staff briefly discussed various options, and agreed that “2780 W. Yowlumne Avenue, Suite 2” should be identified as the location.

BOARD ACTION: MOVED by Member Hamilton, SECONDED by Member Hernandez that the Board approve the By-Laws as presented and amended. The motion carried unanimously.

Mr. Longley and Mr. Martin advised that the Articles and By-Laws would be presented to their respective Councils at their next regular meetings.

Ms. Lew indicated that once approved, the Articles of Incorporation would be filed with the Secretary of State’s Office, and that immediately thereafter, a meeting should take place to appoint the Board of Directors. She emphasized the importance of following a very public process in soliciting the fifth member and in noticing the meetings.
• Claudia Elliott, Sierra Messenger, inquired as to the requirements or disqualification process for those interested in serving as the fifth member of the non-profit.

It was conveyed that the non-profit would be subject to the provisions of Government Code Section 1090. It was also noted that each of the Board Members would be required to file a Statement of Economic Interest Form 700.

Disposition: Approved, as amended.

4. REVIEW OF SPECIAL LEGAL COUNSEL PROPOSALS

Porterville City Attorney Julia Lew presented the item. It was suggested that an ad hoc subcommittee be formed comprised of Ms. Lew and Tribal General Counsel Charmaine McDarment for the purpose of reviewing and narrowing the selection. A discussion ensued with regard to the submitted proposals, during which Mr. Martin spoke of his familiarity with the firm Best, Best & Krieger, indicating their frequent adversarial position to tribes. Member Hamilton suggested that Best et al. be eliminated from consideration.

Mr. Martin advised that the firm Holland and Knight had done previous work for the Tule River Tribe. After a brief discussion, Ms. Lew indicated that said prior work should not disqualify the firm from consideration.

Ms. McDarment referred to the proposal submitted by the firm Stutz, Artiano, Shinoff & Holtz and made mention of their tribal attorney’s seeming limited experience of five years.

BOARD ACTION: MOVED by Member Hamilton, SECONDED by Member Hernandez that the Board eliminate the firms of Best, Best & Krieger and Stutz, Artiano, Shinoff & Holtz from consideration; and appoint Ms. Lew and Ms. McDarment to serve on an ad hoc sub-committee tasked with narrowing the field of firms and making a recommendation to the Board. The motion carried unanimously.

Disposition: Ad hoc sub-committee formed; direction provided to staff.

5. UPDATE ON AB 1884

Mr. Martin and Mr. Carrillo updated the Board and staff on the status of Assembly Bill 1884 and of efforts with regard to its passage. It was indicated that the next hearing would be that of the Senate Local Government Committee on June 18, 2008.

Disposition: Informational Report.
6. UPDATE ON LAND USE COORDINATION AGREEMENT

Staff advised of the need for the adoption of the By-Laws to proceed with the Land Use Coordination Agreement. Ms. Lew indicated that once appointed, the special counsel would assist in its drafting.

Disposition: Informational item.

7. UPDATE ON SCOPE OF WORK AND RFP FOR SUPPLEMENTAL EIR

Consultant Pete Carrillo advised that the Economic Feasibility Study was nearly complete, and that he should have the preliminary report by Monday, and the final report by Friday.

Porterville City Manager Longley requested that City staff participate in the meeting with the consultant.

Disposition: Informational item.

8. SCHEDULING OF NEXT MEETING

Mr. Martin distributed a proposed tentative summer schedule for future Committee meetings for the Board’s consideration, and a discussion ensued as to potential dates for the next meeting. Mr. Longley recommended that the next Committee meeting be the organization meeting for the non-profit, and suggested that it be scheduled a month out to allow for approval of the Articles and By-Laws and the subsequent filing with the Secretary of State’s Office. The Board and staff agreed on the following:

STIG Staff Meeting: Monday, July 7, 2008 at 1:00 p.m. at Tribal Warehouse at 2780 Yowlumne Avenue, Porterville

STIG Board Meeting: Friday, July 18, 2008 at 4:00 p.m. at Mikkabi/Hamamatsu Conference Room, Porterville City Hall, 291 North Main Street

Disposition: Next Board Meeting scheduled for Friday, July 18, 2008 at 4:00 p.m.

ADJOURNMENT

The Committee adjourned at 3:48 p.m.

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Patrice Hildreth,
Clerk of the Board

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Duane M. Garfield, Sr.,
Board Chairman