

1 **MEMORANDUM OF UNDERSTANDING REGARDING**
2 **GUIDING PRINCIPLES FOR THE CITY OF CHICO CONSULTATION WITH**
3 **THE MECHOOPDA INDIAN TRIBE OF CHICO RANCHERIA**
4

5 WHEREAS, the City of Chico (the "City") recognizes the Mechoopda Indian Tribe of Chico
6 Rancheria (the "Tribe") as the first people, whose ancestral lands and area of occupation encompass the
7 City of Chico, its sphere of influence, and beyond; and

8 WHEREAS, the Tribe is a sovereign, federally recognized tribe whose members are honored
9 and respected first peoples of this land; and

10 WHEREAS, the Tribal Council is the governing body of the Tribe, empowered to make tribal
11 policy and carry out tribal business; and

12 WHEREAS, Senate Bill 18 adopted in 2004 requires the City to consult with the Tribe prior to
13 the adoption of any amendment to the General Plan, adoption of any specific plan or prior to the
14 designation of land as open space containing cultural places; and

15 WHEREAS, the City and the Tribe wish to develop a broader cooperative agreement which
16 extends beyond that which is specified in SB 18 including consultation on all open space designations;
17 and

18 WHEREAS, the City and the Tribe are committed to working with each other on a government
19 to government basis to develop a cooperative, streamlined process for such consultation; and

20 WHEREAS, consultation means the meaningful and timely process to notify, discuss, and
21 consider carefully the views of others, in a manner that is respectful of each other's cultural values and,
22 where feasible, to seek agreement; and

23 WHEREAS, the City recognizes and agrees to accommodate the Tribe's need to maintain
24 confidentiality to protect archaeological sites, traditional cultural properties, and traditional cultural
25 resources, to the extent allowed for by law, including, but not limited to, exemption from public
26 disclosure as set forth in SB 18 and California Government Code section 6254(r); and

27 WHEREAS, the City and the Tribe seek to consult and work cooperatively to protect, preserve,
28 enhance, mitigate, and manage archaeological sites, traditional cultural properties, and traditional

1 cultural resources, identified within the jurisdiction and sphere of influence of the City, whether on
2 public or private land; and

3 WHEREAS, the City is committed to enabling the Tribe to access and steward their cultural
4 resources and places by designation and utilizing open and vacant space, and by Tribal acquisition of
5 conservation easements voluntarily conveyed where feasible.

6 NOW, THEREFORE, BE IT AGREED BY THE CITY AND THE TRIBE AS FOLLOWS:

7 The City and the Tribe shall work together to establish procedures for consultation which will
8 provide an efficient process for that consultation with both parties committed to open, candid,
9 respectful, timely, and effective communication; and

10 The Director of the Planning Services Department shall designate a staff member as a Tribal
11 Technical Advisor for Native American consultation to advise the City departments on policy issues and
12 provide appropriate technical information to the Tribe; and

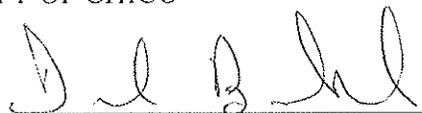
13 The City and the Tribe shall endeavor to provide the resources necessary for the investigation,
14 evaluation, monitoring, mitigation, and ongoing protection of traditional cultural properties and for the
15 potential disposition of artifacts through the budgetary, development, and capital improvement
16 processes; and

17 The City and the Tribe shall develop a cultural resources management plan, subject to funding
18 availability, which may include a cultural resource and historic preservation component within the
19 General Plan, and/or update the City's Best Management Practices, or appropriate standard operating
20 procedures, whose purposes are to specify actions to be taken to protect, preserve, enhance, mitigate,
21 and manage, or dispose of, traditional cultural properties and resources identified or impacted within the
22 City.

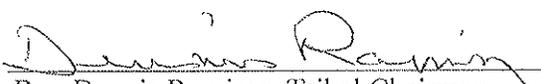
23 THEREFORE BE IT RESOLVED, by the signatures of the representatives on the date indicated
24 below that the City and the Tribe formally endorses and accepts this Memorandum of Understanding.

25 DATE: August 5, 2008

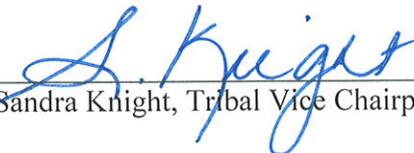
26 CITY OF CHICO

27 
28 By: David Burkland, City Manager

MECHOOPDA INDIAN TRIBE OF
CHICO RANCHERIA


By: Dennis Ramirez, Tribal Chairman

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By: Sandra Knight, Tribal Vice Chairperson


By: Robyn Forristel, Tribal Secretary


By: Barbara Rose, Tribal Treasurer


By: Paulita Hopper, Tribal Member-at-Large

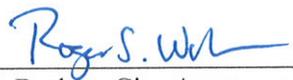

By: Arlene Ward, Tribal Member-at-Large

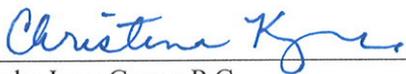

By: Donna Rose, Tribal Member-at-Large

APPROVED AS TO FORM:

CITY OF CHICO

MECHOOPDA INDIAN TRIBE OF
CHICO RANCHERIA


Lori J. Barker, City Attorney
By: Roger S. Wilson, Assistant City Attorney


Kazhe Law Group P.C.
By: Christina V. Kazhe, Tribal General Counsel