



STATE OF CALIFORNIA  
**NATIVE AMERICAN  
HERITAGE COMMISSION**

**FREQUENTLY ASKED QUESTIONS ABOUT THE BAGLEY-KEENE OPEN PUBLIC MEETING**

**Q: If tribes provide records related to sacred sites, graves, cemeteries, and ancient village sites, will these records be made public as part of any proposed public hearing process before Commissioners?**

**A: No.** The Commission will maintain existing protections for records of sacred sites, graves, cemeteries, and ancient village sites. (Gov. Code, §§ 7927.000, 7927.005 and 11125.1.)

**Q: Upon a tribe's request, may the Commission convene in closed session outside the presence of other tribes and the public to allow the tribe to address Commissioners privately on sensitive matters, including information contained in records not subject to public disclosure?**

**A: No.** Bagley-Keene imposes strict requirements on when a state agency may go into closed session to deliberate on certain matters with a presumption that deliberation be done publicly. (Gov. Code, § 11126.) Currently, no exemption exists allowing the NAHC to go closed session for this purpose.

**Q: Will tribes be given access to any records considered by Commissioners as part of any proposed public hearing process as a part of the contact list process which are not protected from public disclosure?**

**A: Yes.** Tribes will have access to all records considered by Commissioners which are distributed to Commissioners with the exception of records otherwise subject to exclusion from public disclosure, including for records of sacred sites, graves, cemeteries, and ancient village sites. (Gov. Code, §§ 7927.000, 7927.005 and 11125.1.)

**Q: If a tribe has an interest in another tribe's specific contact list application, how will it know if that application is being considered before the Commission?**

**A:** Commission meeting agendas are made public 10 days before meetings and will include the names of the tribes being proposed for inclusion on the contact list at that meeting. (Gov. Code, § 11125.)



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**Q: If a tribe wants to comment on another tribe's contact list application, will it be allowed to speak on the matter?**

**A: Yes.** In addition to whatever process is adopted under the proposed regulations, Bagley-Keene ensures that members of the public may address Commissioners before they vote on any agenda item. (Gov. Code, § 11125.7.)

**Q: Will the Commission deliberate in closed session as part of any contact list process to make determinations on tribal applications?**

**A:** No. Bagley-Keene imposes strict requirements on when a state agency may go into closed session to deliberate on certain matters with a presumption that deliberation be done publicly. (Gov. Code, § 11126.) Currently, no exemption exists allowing the NAHC to go closed session for this purpose.

**Q: Will maps of a tribes California Aboriginal Territory submitted pursuant to Section 31005 of the Draft Contact List Regulations be made public?**

**A:** All maps submitted pursuant to this process will likely not be public, as they are records of Native American places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code, which are maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency. (Gov. Code, § 7927.000 (b))

**Q: Will birth/death records or genealogical reports submitted pursuant to Section 31004 of the Draft Contact Regulations be made available to the public?**

**A:** Birth/death records or genealogical reports will only be made public by the Commission if it receives a Public Records Act Request for the documents. The Commission will utilize all legal protections to redact personal information which includes name, social security number, physical description, home address, home telephone number, education, financial matters, medical or employment history. (Gov. Code §§ 7927.400)