

# The Sacramento Bee

## Are these governments?

Tribes are unaccountable to larger public

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A bill that would give 16 Southern California Indian tribes the right to join the Southern California Association of Governments as voting members is moving easily through the Legislature. The Assembly approved Assembly Bill 2762 by Assemblyman Lloyd Levine, D-Van Nuys, 73 to 0. The Senate voted 33 to 1 for the measure. It has one more procedural vote in the Assembly before it goes to Gov. Arnold Schwarzenegger. Should the bill make it to his desk -- and it's almost certain that it will -- the governor should veto it. Tribes are fond of reminding the public that they are sovereign governments. They are that, but they operate like no other governments in this state. Nontribal members have no standing with these governments, no rights to vote for tribal leaders or to share in tribal assets. Tribal governments are free to ignore state law and local regulations. They can and do contribute to state and local political campaigns. In fact, over the last decade, tribes have become the biggest political contributors in the state.

To allow such governments to have voting membership on a regional body that decides land-use issues for the public at large is inappropriate. It would give voting power to a government that is unaccountable to the people who will be affected by its vote. It also would give voting power to a governmental entity that regularly makes very large campaign contributions to other members of the regional board on which it will sit.

Equally troubling, rich and powerful tribal governments operate some of the most lucrative businesses in the state: tribal gambling casinos. If and when tribes serve on regional government bodies, how can the public know whether tribal leaders are voting for the benefit of their business enterprises or in the wider public interest? If members of the public don't like a decision the regional body makes, they have no power to unelect the tribal members whose decisions on the board they dislike.

This bill poses issues similar to one that Schwarzenegger vetoed last year. That bill would have allowed the Rumsey Band of Wintun Indians to join a joint powers authority in Yolo County. In his veto message, the governor correctly and precisely pointed out the dangers of such arrangements: "Allowing a tribal government that is not subject to all the federal, state and local laws that protect the public to participate in the exercise of public power, particularly off reservation lands, diminishes public accountability and control."

That same logic holds true for AB 2762.

Tribes are big players in this state. Certainly, tribal governments should be consulted when regional planning decisions are made. The state, cities, counties and special districts should work cooperatively with tribes on regional planning issues that impact them all. But because they are unelected and unaccountable to the wider public, tribal governments should not serve as voting members on regional governmental bodies.

It's up to the governor to keep that from happening.