

# Headquarters–Tribal Employment Rights Office (TERO) Listening Session

## Project Summary

In September 2010, Caltrans requested MIG assistance to facilitate a Listening Session with the California Tribes regarding the Tribal Employment Rights Office (TERO) ordinances dictating Caltrans' policies that apply to Tribal employment on transportation projects near Tribal lands. The Caltrans' TERO policy had been suspended for the past five years, leading to tensions between Caltrans and the California Tribes. Caltrans Director Cindy McKim approved updating the Caltrans' TERO policy and invited the Tribes to participate in its development. California Tribes are an underrepresented population and their early inclusion in TERO policy discussion was a historic event. The Listening Session focused on understanding the TERO ordinances, identifying TERO issues and barriers that exist in the State of California, and ultimately, forming a team and strategy to address the challenges identified and update Caltrans' policy on the issue.



### Project Success

The meeting was well attended and participation was positive with members demonstrating mutual respect and cooperation by adhering to ground rules set by the facilitator. This constructive tone to the discussions enabled Caltrans to authentically listen to Tribal concerns. One of the main objectives of the meeting, which was to identify a small Action Team to create a framework on which to build the TERO policy update, was achieved and enabled an opportunity for Caltrans and the California Tribes to seek a collective resolution. This meeting and the formation of the Action Team was just one step in the ensuing TERO Deputy Directive (DD-74-R2) update; however, the neutral facilitation provided by MIG allowed for a productive work session and agreement on the tasks and outcomes that created a good foundation for the update to be achieved.



### Outreach Methods

- Caltrans invited 30 TERO and Tribal representatives from 14 different tribes throughout the State of California.



### Public Involvement Tools

#### *Informational Presentations*

Tribal TERO officers gave a presentation on how their ordinances operate, their expectations, and some of the issues they face. The presentations were followed by an overview from Caltrans staff on TERO, and a special presentation by a consultant from the National Council for Tribal Employment Rights of examples on how TERO-related issues have been addressed in other states.

#### *Large Group Discussions*

MIG facilitated and graphically recorded several discussion segments during the meeting, which helped identify and prioritize issues related to implementing TERO in California. The group discussions resulted in the identification of an Action Team, a list of action items, and next steps. The Action Team held its first meeting in September 2010.

#### *Graphic Recording*

Graphic recording is a hallmark of MIG meeting facilitation in which workshop comments are recorded with colored markers on a large sheet of paper. This method allows participants to see that their comments have been noted, helps guide the conversation, and provides a formal record.

#### *Environmental Justice Community Involvement*

The sole purpose of this project was to enhance communication and cooperation on TERO policy and its implementation with the California Tribes, an Environmental Justice community.



### Lessons Learned

Caltrans can create a positive environment for discussing controversial issues between groups where there has been some tension, by involving a variety of presenters and outside specialists to get multiple perspectives on the issues. Graphic recording during informational presentations, in addition to that usually done during group discussion, helped surface and frame issues that can be more easily discussed by the group. Creating a visual reference for decisions made during the meeting, including using color coding to clarify priorities, helped to focus and advance the discussion.

### Deliverables

Meeting Facilitation  
Wallgraphic