

## LEGISLATIVE COMMISSION ON INDIAN SERVICES

167 State Capitol  
Salem, Oregon 97301-1347  
(503) 986-1067 • Fax (503) 986-1071

Executive Director: [karen.m.quigley@state.or.us](mailto:karen.m.quigley@state.or.us)  
Commission Assistant: [dianna.brainardking@state.or.us](mailto:dianna.brainardking@state.or.us)

## LEGISLATIVE COMMISSION ON INDIAN SERVICES DRAFT SUMMARY MINUTES

Meeting Date: May 13, 2014

Meeting Location: State Capitol Bldg., Hearing Room 50  
900 Court Street NE, Salem, OR 97301

Called to Order: The meeting came to order at 9:05 a.m.

Adjourned: The meeting concluded at 2:45 p.m.

Commission Members Present:

1. Dan Courtney, Cow Creek Band of Umpqua Tribe of Indians
2. Brenda Meade, Coquille Indian Tribe
4. Cheryle Kennedy, Confederated Tribes of Grand Ronde
5. Raymond Tsumpti, Confederated Tribes of Warm Springs
6. Ted Ferrioli, Senator
7. Arnie Roblan, Senator

Representatives from Tribes in lieu of Members:

1. Chief Warren Brainard, Confederated Tribes of Coos, Lower Umpqua and Siuslaw
2. Vivian Kimbol, Klamath Tribes
3. Bud Lane, Confederated Tribes of Siletz

Commission Members Absent:

1. Leo Stewart, Confederated Tribes of the Umatilla Indian Reservation
2. Don Gentry, Klamath Tribes
3. Dee Pigsley, Confederated Tribes of Siletz
4. Bob Garcia, Confederated Tribes of Coos, Lower Umpqua and Siuslaw
5. Charlotte Roderique, Burns Paiute
6. Caddy McKeown, Representative
7. Greg Smith, Representative
8. Jackie Mercer, NARA

Staff

1. Karen M. Quigley
2. Dianna Brainard-King

In Attendance:

Chair Dan Courtney opened the meeting on May 13, 2014, announcing there was not a quorum present and this would be considered an "information only" meeting.

Cheryle opened with the invocation.

Karen shared that Dee Pigsley was not able to make it today as she was in San Diego receiving an award from the National Gaming Association, and Karen believed both Leo Stewart and Bob Garcia were also in attendance at the conference in San Diego. Chief Warren Brainard is sitting in for Bob Garcia, Vivian Kimbol is sitting in for Don Gentry, and Bud Lane is sitting in for Dee Pigsley. Jackie Mercer broke her foot last night. Representative McKeown had an unexpected family matter to attend to, and Representative Smith is not able to join us today.

Karen presented a number of speeches recently, including one to the annual watershed council conference last week. She also presented last week on ways to effectively work with tribal governments to federal and state agency representatives.

Karen explained a number of people contact her to develop a strategy to work effectively with tribal government. The former State Librarian contacted her last week and was dismayed that only one Oregon tribe is represented in the Oregon Encyclopedia. Karen suggested that the Oregon Encyclopedia project brief the education and cultural resources clusters (an editor from Oregon Encyclopedia will be at the next education cluster meeting).

Archaeological permits are in full swing. The Judiciary Committee wishes to give a sovereignty "intro" course to legislators in September 2014, and they would like to hold a lunch with LCIS prior to the meeting, along with chairs from the House and Senate Judiciary Committees. More information will be shared when available.

The University of Oregon's Presidential search for a Tribal Advisor has concluded, and Karen felt it was good she was there to continually remind the interview panel the tribal advisory part had to do with the relationship with the nine federally recognized tribal governments. (Jason Younker will start in this position in August 2014).

Karen asked Chair Courtney if she could speak for a while on the Spring Gathering to the Commission. She went over the packets provided to committee members, sharing over 25 state agencies would be in attendance, and enrollment was evenly split between state agencies and tribes. She went over details about the Spring Gathering.

Dan thanked Karen and introduced Oregon Secretary of State Kate Brown.

Secretary of State Kate Brown wished the Commission Members good morning and introduced Jim Williams, the new Director of Elections. Kate shared last year within the Corporation Division legislators approved a new program called the Office of Small Business Assistance. Ruth Miles, who began in January 2014, will head that program and is already working on five cases of small business owners who are having difficulty working with state agencies.

The Secretary of State office is in charge of the Archives Division, which is in charge of Oregon's public records. Partnering with a firm in Baker City, they have developed a cost effective records management system called TRIM to manage records.

The Archives Division is also working on the Blue Book for 2015, asking school children to send in essays on why they love Oregon to highlight in the Blue Book. The photo contest is occurring now for photos of both the front and back of the Blue Book.

Jim Williams shared he has been in elections for over 20 years and sees Oregon as a leader in elections. The primary challenge contest is going on to see which county submits the most ballots from their county.

Cheryle wondered if Oregon assists Tribes in their tribal elections. Kate stated they have not but are willing to share tools they use.

Karen shared the editor for Oregon's Blue Book has registered for the Spring Gathering.

Secretary of State Kate Brown shared they have developed a new schematic, because prior to her arrival Tribes were not recognized within the Blue Book. Since then staff from her office have been in contact with each of the nine tribes for information to place within the book. Kate invited the Tribes to contact her office if they have suggestions for the Blue Book.

Cheryle asked if their agency (Secretary of State) is involved when the census is taken. They were involved in the 2010 census working with the regional director, though it is not a formal part of her office's job. The census only happens every 10 years, which leads to institutional knowledge loss when staff leave. Next census will take place in the year 2020.

Cheryle shared sometimes there are misunderstandings that Indian organizations are Tribes, yet for tribes there is an enrollment process to become a member of each tribe. This enrollment process is fairly intense. This misunderstanding often places Tribes competing against Indian organizations. This becomes a problem for Tribes.

Secretary of State Kate Brown stated she will make a note of that for her predecessor. She will not be able to run for Secretary of State again as her term will expire this election year. This issue has been highlighted in the education report from Eco Northwest, where Oregon students self-identify themselves as Native American.

Senator Arnie Roblan asked if there are places where Tribes can contact her office for assistance around economic development.

Secretary of State Kate Brown shared the Office of Small Business Assistance is an economic development contact. They do not have regulatory authority over businesses or state agencies, but Ruth Miles is a great facilitator.

Archives can assist with information about each tribe for state agencies.

Senator Roblan shared praise for Ruth Miles to the Committee.

Secretary of State Kate Brown stated youth engagement in voting is critical, and she asked for assistance from everyone.

Dan thanked them both for attending our meeting.

Karen discussed the Spring Gathering, the Oregon Revised Statutes that specifically have to do with Tribes in Oregon, and the newly updated key contact directory from LCIS.

Dan welcomed Ken Rocco, Legislative Fiscal Officer from the Legislative Fiscal Office.

Ken explained how this non-partisan, permanent office was developed in 1959. It goes through a budget process as all state agencies. Their budget, which originally came entirely from the

General Fund, is around \$7 million each biennium. He went over the positions within the office and the work they conduct.

Analysts are assigned state agencies they are responsible for to develop a budget and to respond to questions about the agencies. There are three tiers of analyst: (1) Legislative analyst in charge of fiscal impacts and budget assignments, (2) Principal analyst, usually program coordinators (i.e. public safety coordinator), and (3) Information technology analyst.

Ken went over the various duties this office conducts for the State of Oregon.

Cheryle questioned how federal funds coming into Oregon with Indian identifiers maintain their identity.

Ken shared they check with a couple of agencies, DHS, OHA, ODOT, Housing & Community Services, and stated funds to Tribes are tracked by each agency to make sure they are going to the Tribes.

Cheryle followed up with Native American question, based on population and identifier. Looking at this report she wondered what she would see.

Ken did not know if there was much information based on ethnic groups on the report.

Cheryle is aware when budgets are put together there are two separate ones, one population-based of Native Americans.

She asked about the financial management information system the state uses.

Ken shared it was ORBITS (Oregon Budget Information Tracking System), which has been a complete success and has been in use for about 15 years. It breaks down budgets into personal services, services and supply, capital, salaries, wages, etc.

Brenda wondered while going through their process do they recognize the impacts to Tribes?

Ken shared the State receives around 5,000 bills and amendments to bills. They alert agencies when they feel bills may affect them and their work.

Brenda but there is not a process for bills that may affect Tribes.

Karen sends out legislative alerts.

Raymond ORS compliance attachments to 280 tribes. Warm Springs is exempt from Public Law 280 and gets concerned about language when they should be in compliance with certain ORS'. Raymond would like to sit down and iron these things out.

Ken felt this was a great idea to see if there were exclusions. He suggested speaking to the two senators on this committee to address concerns.

Raymond shared renegotiations have taken place to relax some of the ORS compliance, which satisfied tribal council and their membership.

Senator Ferrioli spoke on Public Law 280 and the three tribes which are exempt and six tribes which are not. It would be good to hold a cluster conversation and have state agency heads discuss the differences and what triggers them.

Spoke on Association of Oregon Counties (AOC) who have an informal and formal watchdog process that have developed networks inside organizations, and compile perceived effects of a proposal and feed them back to legislators. Senator Ferrioli suggested in order to serve the Tribes develop a reactive process to inform legislators on possible damage.

Senator Roblan said when the restored tribes regained recognition they lost out on some rights. State agencies need to understand sovereignty and how Tribes are arranged. Need to understand this.

Senator Chip Shields put in a reoccurring bill on impacts due to a race/religion that require a statement be written.

Senator Ferrioli discussed how many Tribes negotiated for compensation, including health care, taken in consideration of ceded lands and rights. When these funds are received at the state level there is no evidence there is a differential. We have asked the Dept. of Human Services (DHS) for a breakdown to make sure it is not mixed in or comingled with larger appropriations. That is at the heart of this issue.

Ken will look into this.

Senator Ferrioli shared when they were there on the front end of the health care transformation for the Oregon Plan they heard about \$1.9 billion in federal transfers and wondered if the compensation dollars were within this \$1.9 billion or in addition to. They have never received information on this and feel there is no accountability for the dollars that are supposed to be for compensation to Indian programs and for ceded lands and rights as opposed to appropriations, by the administration for specific programs.

Senator Roblan is pleased with the information Ken had for the education background. One of the issues is that when students register for schools they ask about ethnicity. We have a lot of youth registered as Native Americans, yet many of them are not part of our Tribes. Are we doing the right things for the right populations without outcomes?

Karen commended the work of Daron Hill who has been the analyst for LCIS. She acknowledged Ken checking with her on occasion.

Cheryle asked about audits of state agencies and wondered if that was conducted by an external agency.

Ken shared the Secretary of State conducts audits of state agencies.

Dan thanked Ken for coming in today. He welcomed Lisa Ansell.

Lisa introduced herself as the tribal contact for Business Oregon. She presented a slide show to the commission members.

Cheryle requested a brochure, and Lisa offered to send out a packet to each member. Lisa urged everyone to visit the website for additional information.

Lisa reviewed the Business Oregon Annual Report, shared she has been on the economic development cluster for 3 years and feels the partnership is very effective. She encouraged members to read meeting minutes from the cluster. She acknowledged five or six tribes who attend cluster meetings on a regular basis. During an annual "lessons learned" session they realized Tribes were interested in learning more about what state agencies do.

Lisa discussed the differences between Tribes, such as their different needs and locations. She would like to gather a variety of resources tailored for each Tribe and work with them to meet their needs.

Dan commented he had an opportunity to sit on a cluster meeting and on a personal note he found the meeting very beneficial.

Senator Roblan thanked Lisa for being here and understanding the differences among Tribes. He concurred they are connected to their surrounding and will be for a very long time.

#### Break

Bud Lane introduced Sharla Robinson, from the Confederated Tribes of Siletz, who showed a short video called "Food is Our Medicine."

Tabbitha Johnson with the Cow Creek Band of Umpqua Tribe of Indians showed a PowerPoint presentation on the Tribal Gardens project.

Darren Kennedy and John gave an overview of the State Surplus Property program, where some items are received from the federal government as a donation process. Currently the BIA needs to confirm Tribes are able to receive items, though State Surplus would like the process to flow directly from their office to the Tribes.

In order to receive information about available property, rules, regulations, etc., it was suggested Commission Members visit their website at [www.oregonsurplus.com](http://www.oregonsurplus.com).

The Commission viewed a PowerPoint presentation regarding the Oregon State Surplus Property program.

### **LCIS Member Reports and Discussion**

#### Coquille Indian Tribe

Brenda Meade recognized Kippy Robbins attending today's meeting in the audience. Coquille has been working on their Restoration Celebration, and their priority is to bring all enrolled members home, over 1,000. Pot latching is a big part of this celebration, and the tribe has been gathering traditional foods for the Friday night feast. Saturday and Sunday will be public celebration days with powwows, dancing, music and food.

They have been updating their 3-year strategic plan, including health care, elder care, young people, and records management.

Brenda thanked Grand Ronde for hosting Spring Gathering this year.

Their new salmon hatchery program produced 100,000 fry!

### Cow Creek Band of Umpqua Tribe of Indians

Dan Courtney shared they recently hosted the 2014 Oregon Societies of American Foresters Annual Meeting, a 3-day event at Seven Feathers Conference Center. Among other topics they are attempting to increase opportunities for tribes to manage federal lands within their ancestral home lands.

Also hosted the 2014 Employers Council Stakeholder Conference, where Cow Creek's Umpqua Indian Development Corporations was named Employer Councilor and Employer of the Year. Only one business in each state is selected and it is quite an honor to receive this award.

Cow Creek has signed an MOU to assist in developing the Department of Education's curriculum. Working with a local school district in Douglas County to incorporate Cow Creek's specific history to the 4<sup>th</sup> grade social studies classes. The hope is to have this incorporated in the 2014-15 school district.

Working on their health self-services for 2015.

### Confederated Tribes of Warm Springs

Raymond Tsumpti K-8 school, asked Louie to discuss that (from the audience). This school will be completed soon and will be open fall 2014. Working on the curriculum to make it very unique for Warm Springs.

Raymond shared an additional postcard to be placed in the LCIS office, downriver from Maupin.

### Confederated Tribes of Siletz

Bud Lane shared the Siletz Tribe received final approval for a \$1.4 million loan guarantee to the Confederated Tribes of Siletz under the [NAHASDA](#) (Native American Housing Assistance and Self Determination Act). They are constructing Phase 2 subdivision, and this will assist enrolled members to obtain ownership of their homes.

Successful partnerships with regional transportation this past year, and received a \$100,000 tribal government grant to allow travel to Lincoln County. Partners with Coastal Connectors bus, which received a grant from ODOT to maintain a connection between Lincoln City and Salem.

Participating within a stakeholder group to find consensus on placer mining, which will be outlawed in 2016. Requested Fish & Wildlife to move one of Siletz' fishing sites to the Siletz.

Ended agreement with the City of Toledo Police Department, but due to sequestration cuts have not been able to keep officers. Asked the City of Siletz for a ballot measure to assist with payments, but they refused to develop the ballot.

The Culture Camp is being held July 15-17. Feather Dances at the Dance House will take place July 19-21. The annual powwow is Aug. 8-10.

### Klamath Tribes

Vivian Kimbol shared the Tribe has been very busy working on the water agreement. The tribe is purchasing a new transit bus due to 65% of tribal members living in Klamath Falls. The bus provides health transportation, and transport to social service programs, meetings, and additional administrative programs.

Stewardship program through their Natural Resource Department with the US Forest Service, placing prescriptions on 100,000 and 64,000 acre parcels this summer. Met with the forest service to bring back program levels for summer youth and employment jobs, such as summer crews working in federal parks.

#### Confederated Tribes of Grand Ronde

Cheryle Kennedy shared Grand Ronde participated in the naming of a bridge crossing in Portland and Grand Ronde's' recommendation won: [Tilikum Crossing](#), or Bridge of the People. This bridge is not for single motorized vehicles, but does allow light rail, streetcars, buses, bikes and pedestrians.

Greg Azure is leading a new TERO (Tribal Employment Rights Ordinance) Program, giving preference to hire tribal members. Will be a good opportunity to provide skill set to those who were not hired.

Grand Ronde will be participating in the Annual Powwow for the 4 Western Oregon Tribes the third week of August. Would like to see better marketing to entice legislators' attendance.

Serves on the West Valley Hospital Foundation, which is located in Salem and Dallas. They recently went through a scholarship program for people interested in health careers. Cheryle felt the Oregon Health Science University has not been very accepting of Native Americans in medical studies.

Grand Ronde partnered with MediLab, who contracts with mothers for their breast milk. They supply all the hospitals milk for babies.

Has an exhibit currently at the Mill and invited everyone to visit the Heritage Center in Salem.

The Grand Ronde food and fuel business has finally made a profit.

Indian Health Service Contract Support Settlement is moving along with lawsuits. Grand Ronde has been in litigation since 1996.

Spoke about Tribes who apply for joint ventures. Facilities Construction Committee has been activated to obtain funding for health care facilities, which are under treaty rights and need to be honored.

Are constructing 35 single unit homes for tribal members.

Grand Ronde is working with the Native American Wellness Institute to hold a Veteran's Summit July 10-12.

Senator Roblan is on the new Board for the Oregon State Fair, and believes it might be a place to have Native American presence at the Fair, where a lot of Oregonians attend. Perhaps incorporating Native foods, agriculture, etc. This would be for the 2015 Fair.

Senator Ferrioli shared May 20 is the end of Primary Season. Both he and Senator Roblan will be at the May 22 event in Grand Ronde, to discuss tribal objectives with legislators.

May 27-29 are Legislative Days in the State Capitol. General election in November this year.



Currently working on air traffic to state airports. Redmond, along the coast, throughout the I-5 corridor are all good airports but need regularly scheduled air travel to state airports. Coastal recreation, especially golf, has a high level of interest, and airports would make these much more accessible.

Legislators will need to determine whether they should proceed on a \$300 million retrofit of the State Capitol to make it seismically safe. There are many public buildings that are not seismically safe.

#### Break

Chair Courtney introduced Stephanie Page from the Oregon Department of Agriculture.

Stephanie Page provided a PowerPoint presentation for Commission Members during her presentation. She explained what the Dept. of Agriculture does, including food safety and consumer protection; natural resources program; and marketing and promotion of agricultural products.

Stephanie highlighted three programs: the Farm to School Program; the Specialty Crop Program (nurseries, Christmas trees, grass seed, pear, etc.); and Threatened and Endangered Plants Program.

Cheryle asked Stephanie if there were earmarked Native American funds from the US Dept. of Agriculture that are sent to the State of Oregon, but Stephanie did not believe so.

Cheryle shared a story about medicinal plants that she used to pick with her grandmother, plants she no longer sees in her community.

Karen discussed the Spring Gathering with the Commission Members.

Sonciray Bonnel introduced herself to the Commission as the Tribal Program Analyst for Cover Oregon. Sonciray stated there is a lot that is unclear about Cover Oregon at this time. The Affordable Care Act has provisions in the legislation that is specific to American Indians. For example, for any state that has at least one federally recognized tribe you have to have a tribal consultation policy. Oregon was the first state to do that. Sonciray was hired to make sure the provisions within the Affordable Care Act were accessible to Native Americans within Oregon. It is unfortunate the website continues to be troublesome.

Cover Oregon's Interim Executive Director, Clyde Hamstreet comes from Hamstreet and Associates, a turn-around company that helps troubled companies. Hamstreet is the lead for the executive team of Cover Oregon and restructuring, which has federal laws to follow and politics to consider. Mark Schmidt is also within Cover Oregon, holding interviews with people all across the board.

A few weeks ago at the Cover Oregon Board meeting it was announced that Cover Oregon was putting aside their portal and moving to the federal site, than a week later it was reported that the Governor had put together a transition team. Tina Edlund, who was the Executive Director of the Oregon Health Authority, was asked to lead the transition team effort. All brand new to Cover Oregon.

For a search of a new Executive Director, contracted out to Karras Consulting in Seattle, WA and received around 80 applications. Cover Oregon is currently evaluating the scope of this position based on the Governor's decision to move to the federal site.

Cheryle asked if the Oregon Tribes were participating in the selection. Sonciray did not know but she did provide a list of tribal chairs, who were supposed to be asked. That was a couple of months ago. Sonciray suggested contacting Liz Baxter, the Board Chair because she and George Brown are the ones working with Karras Consulting.

In regards to Medicaid, the Oregon Health Authority dedicated two staff that Sonciray can send tribal questions to. The Oregon Health Authority will take over the on-line application process.

Brenda Meade appreciates the work Sonciray has done these past 18 months to work with the Tribes, however, is very disappointed there is no one here to assure the Tribes will be included. Brenda was hopeful the leaders would go on the record to say they would be working closely with the Tribes. She hopes there will be enough information shared at the May 19 meeting with Cover Oregon. Sonciray has to be very careful about what she says which is why the details are limited.

Vivian Kimbol shared almost all of the Klamath tribal members have been enrolled in Cover Oregon. It was a learning process.

Dan thanked Sonciray for coming in today. Dan stated the Proclamation signing will be on the 2<sup>nd</sup> floor today from 3:30 – 3:45. Dan asked everyone to remember to register for the Spring Gathering.

The meeting was adjourned at 2:45pm.