

LEGISLATIVE COMMISSION ON INDIAN SERVICES

900 Court Street NE, Room 167

Salem, Oregon 97301-1347

(503) 986-1067

Executive Director: karen.m.quigley@state.or.us

Commission Assistant: dianna.brainardking@state.or.us

LEGISLATIVE COMMISSION ON INDIAN SERVICES SUMMARY MINUTES

Meeting Date: August 19, 2015

Meeting Location: Senate Republican Office Conference Room, S-323
900 Court Street NE, Salem, OR 97301

Called to Order: The meeting came to order at 1:55 p.m.

Adjourned: The meeting concluded at 3:35 p.m.

Members Present:

1. Dee Pigsley, Confederated Tribes of Siletz, LCIS Chair
2. Dan Courtney, Cow Creek Band of Umpqua Tribe of Indians, LCIS Vice-Chair
3. Jarvis Kennedy, Burns Paiute Tribe
4. Mark Ingersoll, Confederated Tribes of Coos, Lower Umpqua and Siuslaw
5. Aaron Hines, Confederated Tribes of the Umatilla Indian Reservation
6. Brenda Meade, Coquille Indian Tribe
7. Cheryle Kennedy, Confederated Tribes of Grand Ronde
8. Raymond Tsumpti, Confederated Tribes of Warm Springs
9. Don Gentry, Klamath Tribes
10. Jackie Mercer, NARA Northwest (in at 10:00am)
11. Caddy McKeown, Representative (in at 10:00am)
12. Ted Ferrioli, Senate Republican Leader (in at 11:00am)

Members Absent:

1. Arnie Roblan, Senator

Staff

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

In Attendance:

1. Dexter Johnson, Legislative Counsel
2. Ben Souede, General Counsel Governor's Office
3. Misha Isaak, Deputy General Counsel, Governor's Office
4. Jen Andrew, Governor's Office
5. Taylor Anderson, reporter
6. , intern

The afternoon session included a presentation/discussion with Dexter Johnson, Legislative Counsel, about the role of LCIS members as public officials and the requirements of Oregon's public meetings law for them as LCIS members and all "public officials" in Oregon. Legislative Counsel also spent a short time discussing and acknowledging the "many hats" worn by Tribal Leaders/LCIS Members.

There were questions about attendance at tribal meetings such as ATNI or NCAI that may include topics also discussed at LCIS meetings. Legislative Counsel stressed the need to be wary when a quorum of LCIS members were attending such meetings. The threshold for a public meeting is whether a quorum of LCIS members is in a setting where they are deciding or deliberating on an issue that is or will be a matter before LCIS.

Several attendees questioned whether LCIS members "make decisions" at LCIS meetings. Tribal members, Sen. Ferrioli and the LCIS executive director all mentioned that LCIS meetings are information-sharing. If there are "decisions" to be made, tribal members on LCIS bring the matter back to their respective tribal councils to decide whether to go forward or not.

Sen. Ferrioli and Rep. McKeown say the public records and public meetings laws are something they as legislators/public officials have to be aware of all the time. If they are at a social event and there is a quorum present from a legislative committee on which they serve, either they don't discuss "committee business" or they separate to different parts of the room so a quorum is never "deliberating towards a decision" or "making a decision" that is actually legislative committee (public) business at the social event. This is the same that happens with county commissions, mentioned Sen. Ferrioli. This can be a problem in small communities.

Raymond Tsumpti, Conf. Tribes of the Warm Springs Reservation of Oregon (CTWS) representative on LCIS, objected strongly to being called a "state official". He explained CTWS was a non-280 Tribe and he represented his tribe at lots of meetings. He left the session after expressing his disagreement and felt this discussion ignored Gov. Atiyeh's purpose for setting up LCIS when he was a legislator-to improve relations between the State and Tribes. The session continued with additional questions from LCIS members seeking clarification about their different roles-the primary being their role as leader of their sovereign government.

Legislative Counsel ended his remarks and left.

Ben Souede, Governor Brown's General Counsel, came next to discuss plans for the 2015 Annual State-Tribal Summit.

Before he began on that topic, Sen. Ferrioli brought up the issue of treaty rights, ceded lands, hunting and fishing and potential litigation.

Ben Souede said he was aware of that from day one.

Brenda Meade raised the issue of who from the state meets with tribal officials. Often agency "tribal liaisons" don't even make decisions or even communicate with their agency's director.

Ben encouraged all LCIS members to look over the draft proposal for the Summit. He looks forward to their input.