

LEGISLATIVE COMMISSION ON INDIAN SERVICES

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LEGISLATIVE COMMISSION ON INDIAN SERVICES SUMMARY MINUTES

Meeting Date: May 13, 2015

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

Called to Order: The meeting came to order at 8:35 a.m.

Adjourned: The meeting concluded at 1:16 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. Mark Ingersoll, Confederated Tribes of Coos, Lower Umpqua and Siuslaw
4. Aaron Hines, Confederated Tribes of the Umatilla Indian Reservation
5. Brenda Meade, Coquille Indian Tribe
6. Cheryle Kennedy, Confederated Tribes of Grand Ronde
7. Raymond Tsumpti, Confederated Tribes of Warm Springs
8. Jackie Mercer, NARA Northwest (in at 10:00am)

Members Absent:

1. Don Gentry, Klamath Tribes
2. Jarvis Kennedy, Burns Paiute Tribe
3. Greg Smith, Representative
4. Ted Ferrioli, Senate Republican Leader
5. Caddy McKeown, Representative
6. Arnie Roblan, Senator

Staff

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

In Attendance:

1. Gary Burke, CTUIR Board of Trustees Chairman
2. Justin Quaempts, CTUIR Board of Trustees Member
3. Alan Crawford, CTUIR General Council Chairman
4. Louie Pitt, Jr., Conf. Tribes of the Warm Springs Reservation of Oregon
5. Christian Smith,
6. Michele Malick, Dept. of Corrections
7. Gary Sims, Director Office of Diversity & Inclusion, Dept. of Corrections
8. Yvonne McCafferty, Cow Creek Tribe

Cheryle Kennedy opened with the invocation.

Dee Pigsley, Chair welcomed everyone to the meeting. She announced Jackie Mercer would be in late today due to car issues.

Karen Quigley shared the legislators would attempt to join the meeting as their schedules allow. Jarvis Kennedy from the Burns Paiute Tribe hopes to join us early this afternoon.

Dee asked if the agenda needed additions or corrections; none were voiced. She requested the minutes be reviewed, and moved for approval. Approval of minutes were seconded and approved, with Mark Ingersoll from CLUSI abstaining.

Karen worked with the State Medical Examiner's Office and tribal representatives regarding reburial ceremony, which involved many people and years of work. Karen spoke at the Northwest Indian Health Board about the Commission and received a very positive response.

Dee appreciated the information Karen sent out to the Commission members, acknowledging things happen at the Capitol very quickly.

Dee The first presenter was not in the room as the Commission was ahead of schedule, so she asked the tribes to give their community reports, starting with Umatilla.

Aaron Hines introduced himself and guests in the audience: Gary Burke, Justin Quaempts, and Alan Crawford. CTUIR just celebrated their casino's 20th anniversary in March, highlighting their 10-story hotel, Cineplex and development of a bowling alley. They are finally beginning their new housing development, with 8-units going in. Health Center is in financial development to be replaced. Follow-up from February's LCIS meeting regarding relationships with counties, CTUIR had a ballot box placed outside their governance center for tribal members. Undergoing comprehensive plan review for updating, 5-year renewal schedule. Last year into this year day labor program has been a success and will continue. Proud they can increase tribal scholarships for members.

Mark Ingersoll election was just completed and he was voted as chairman. Doc Slyter is a new member, a wonderful flute player with a long history with the tribe. Mark shared Don would be a great addition to the tribal council. Mark is looking forward to working with everyone here on the Commission. CTCLUSI just opened their Class 2 casino in Coos Bay, which was a huge task. CTCLUSI partnered with the community to get this completed. Recent collaboration between Coquille and CTCLUSI occurred when the tall ships came into town, and both tribes entered the bay with their canoes, paddled to the tall ships and guided them to the docks, and held a ceremony welcoming them to the docks. This is the 5th year they have held this ceremony. The people on the ships were enamored by the welcoming and gifts, and Mark hoped everyone here could come be a part of that celebration in the future. Held a beach cleanup with SOLVE Oregon, which he thinks is very important for tribes to become more involved with the polluted beaches. Mark personally removed four truckloads of garbage from the beach. He is hopeful coastal tribes can work together to take better care of the beaches and waterways.

Dee welcomed Adjutant General MG Daniel Hokanson from the Oregon Military Dept.

Adjutant General MG Daniel Hokanson discussed the distinguished Native American service in the military, sharing over 12,000 Native Americans served in WWI, 4 of whom were awarded the French Croix De Guerre Medal awarded to soldiers who distinguish themselves for acts of

heroism. In WWII, 44,000 Native American served, almost 13% of the total Native American population at that time. During the Korean War, 10,000 served, where 3 were awarded the Medal of Honor. During the Vietnam Era, 42,000 served and over 90% were volunteers. Since then Native Americans have been involved in every American conflict. Oregon has over 3,400 veterans. The Oregon Military department has a strong consultation process with the tribes including training, land and air space to prepare in missions in Oregon and overseas. In 2013 the Office of Emergency Management (OEM) submitted a change to state law to allow tribal nations to be eligible for the Emergency Management Performance Grant (EMPG). One grant was awarded in 2014 and 6 have been awarded in 2015. OR National Guard greatly values the contributions from Native Americans. Oregon has provided almost 10% over the past year of US forces in Afghanistan. In the month of June over 1,000 will be welcomed home who have served in overseas for over a year.

Dee appreciated his presentation, and was looking forward to specific statistics about Oregon.

Cheryle July 3-5 CTGR holds a Veteran's Powwow, hosts a conference for veterans' services available to them, counseling. She invited MG Hokanson to attend sharing it was open to all veterans. Thanked the Veterans Affairs (VA) for the MOU's that have been in place with the Indian Health Service for health care and reimbursements of services held in tribal clinics, CTGR would like to see these services opened to all veterans in the area, not solely Native Americans. Transportation to Grand Ronde is minimal to/from Salem and Portland.

MG Hokanson thanked Cheryle for the information and stated they like to partner with Veteran Affairs.

Raymond Tsumptj commented on the 90% who served in the Vietnam Era, stating his grandfather's thinking of paying respect to those who did not return home was to serve in the war, so Raymond and two of his brothers served during the Vietnam Era. Raymond's son was in Iraq twice serving. Their family's way of thinking is it is not a duty but rather an obligation to pay for those who paid dearly. Raymond's family is one of many who had that mind set. A lot of people on his reservation are struggling as veterans.

Dan Courtney thanked him for coming in today and for his service. Cow Creek also holds a 4th of July dinner for veterans, which they have held for a number of years. They have a VA located in Roseburg and an MOU with their local VA. Veterans are very important to their tribe and there are a lot of tribal veterans. Cow Creek invites any participation in their 4th of July celebration.

MG Hokanson appreciates the work done in Roseburg. Last night he was in Portland identifying the remains of a member of Coos County who will be buried Friday at the Roseburg National Cemetery. This person was killed in the Korean War in 1951 (Cpl Ben Lee Brown).

Dee asked for information on the role of his department and emergency management and working with tribes.

MG Hokanson discussed the Cascadia Play Book which identifies what agencies across the state would do in such an event, as this could possibly be the worst event to occur in Oregon. It was critical during this process for support to be given to tribal nations. Their first draft was out last year and their second draft will be coming out later this year. Andrew Phelps runs the Office of Emergency Management and he could speak to this Commission on the integrated work they have done with the tribal nations to assure responding together as quickly as possible. Mr. Phelps was in the audience.

Dee thanked MG Hokanson for his participation.

Dee wished to continue with the updates and requested Warm Springs report.

Raymond shared CTWS will be hosting the Affiliated Tribes of Northwest Indians (ATNI) mid-year conference. Some of the audience may have heard some disturbing news in the media from about ½ of the new council members who have come on board, but Raymond did not wish to discuss that which he described as false information. CTWS is in the middle of damage control. There may be second thoughts regarding elections next time around. It is good to be supportive of young people but he believes council will take a real close look at the candidates to make sure they serve the people and not themselves.

Dee stated tribal politics are always there.

Brenda Meade is happy to be here today because she has been very busy. This is the time of year to gather traditional foods for their 26th restoration celebration next month, including camas, clams and salmon, including 1,600 pounds of salmon that were taken care of yesterday for events, community gatherings and ceremonies. Happy to announce as of yesterday the Coquille Tribe closed on 3,200 acres of timberland on their ancestral homelands in Curry County on the Sixes River. They had to use new market tax credits which was difficult, but they feel blessed to complete this purchase. They are celebrating their 20th anniversary at the Mill Casino. They welcomed their sister tribe and the new Class 2 gaming facility in Coos Bay, and congratulated them on their opening. Brenda believes CTCLUSI is doing good things for their people and looking to take care of their people's needs.

Brenda wondered if anyone else was having issues with Coordinated Care Organizations (CCO) with the Oregon Health Plan and their health clinic. There are issues with obtaining contracts with their CCO, which makes it very difficult for tribal members to obtain specialty care. Brenda would love this Commission to come up with an addendum to mandate the CCO's contracts with the tribes. They look different because they ask for sovereign immunity from the CCO's.

Brenda appreciated Karen mentioning the repatriation at Chemawa School, which Coquille and additional tribes were able to attend. She wanted to discuss a similar issue at the Oregon State Hospital (OSH). Brenda shared that one of the Coquille families recently held a repatriation and requested Brenda share his experience with the Commission. He was the first to hold a repatriation at OSH and there are 27 more that need to come home. He wanted to make sure the tribes understand there are other tribes listed.

Dee called on Cheryle to share the update from CTGR.

Cheryle responded to Brenda's concern about CCO's and specialty care for tribal members. Cheryle attended the self-governance conference a couple of weeks ago, where the acting director of Indian Health Service along with former IJIS director and representatives from Secretary Burrell's office Cheryle raised this as an issue during the tribal caucus. Cheryle met with the Health Director from the Siletz Tribe, Judy Muschamp and the Assistant to the Director of Indian Health Services, and they had the opportunity to explain the problem that is occurring in Oregon. They were invited to speak to a Commission Core member, the ranking officer, who shared these same issues were occurring in New Mexico. The ranking officer was able to assist the tribes of New Mexico work through the barriers they were facing. He is committed to working with the tribes of Oregon. Cheryle thought this Commission may wish to speak with Governor Brown about these issues.

CTGR officially opened the Grand Ronde Food Bank around the 5th of April. Have an agreement with the Marion County Food Share to administer that. Do have a garden at Grand Ronde that provides produce. Volunteer tribal members are already planting and tilling the soil, which is a wonderful event.

Northwest Portland Area Quarterly conference was held at Grand Ronde, with 38 tribes of the 43 of Oregon, Idaho and Washington were in attendance. Grand Ronde was hosting the listening session from Mr. McSwain from Indian Health Service, but he was not able to attend. The Board moved forward and discussed these same issues, as well as new problems that may be due to change in health care and administration.

CTGR's second elder reached 100 years old and received a letter from the President. Another elder who is 103 is still very active. Glad they are able to celebrate their birthdays and hear some of their life stories.

Cheryle thought Commission members were all concerned about budget issues that come out of the Indian Health Service and BIA as well. Cheryle feels it is a crucial time for tribes to take part of the development of those budgets. Cheryle really appreciated the military's earlier report and believes there are other state and federal agencies who wish to partner with tribes. Cheryle felt that was an indication of the effective job this Commission and tribal leaders have done.

Dee requested Cow Creek share their report.

Dan Courtney acknowledged Yvonne McCafferty, Secretary of the Cow Creek Council in the audience. Dan wished to echo both Brenda's and Cheryle's concerns with the CCO's, sharing Cow Creek is having the same issues. Their health director is attempting to work out a contract with the CCO's for specialty care. Seven Feathers casino opened up a new non-smoking area, the Steelhead Lounge, which he believes is the largest non-smoking area in the Oregon casinos. It has been accepted. They are tilling and preparing their tribal gardens. They have had this for several years and it's amazing how much food can be grown on 10 acres. They have started utilizing the produce in different food outlets, and work with the community by donating to food banks. They are also using some of the beef from the K-Bar Ranch in their outlets as well.

Implemented a Senior Meal Program at Seven Feathers, every Tuesday and Thursday for elders. Working on an off-site data backup project in case of a catastrophe. Andrea, Cow Creek's ICWA specialist attended a training in Portland, with 1,100 attendees and 73 different breakout sessions. Andrea sat on a panel to discuss how tribes can provide the best help to tribal families. Seven Feathers Casino will be hosting the next Education Cluster meeting, June 25-26. Discussed issues with dry weather and shared Cow Creek had a small fire last week in the area, which burned 100 acres, unheard of for May. Worked out an agreement with Douglas Forest Protective Association (DFPA) to work with Cow Creek's natural resource department to monitor and fight wild fires. Work with them to watch our lands, we have water sources they can access in Canyonville area. Their Cow Creek natural resources department hopes to host the 2016 Salmon Summit. Participated in the Chemawa reburial.

Sharon Stanfield is Cow Creek's Health Director and our two clinics are receiving the IHS Improving Patient Care Award. Sharon will be traveling to Washington, D.C. to receive that award on behalf of Cow Creek.

Dee welcomed Tim Simmons, US Attorney General's Office

Tim Simmons thanked the Commission and shared Acting US Attorney Bill Williams would not be able to attend today's meeting, but would like to meet with the group at their next meeting.

A tribal re-entry training will take place in Portland May 19-21. Purpose is an inter-government reentry workshop to provide assistance of development of reentry strategies for tribal members returning to their communities after confinement in either state, federal or tribal facilities. They created regional teams made up of local law enforcement, local state and federal authorities and tribal folks to work through scenarios. Participating are IHS, NARA NW and several Oregon Tribes.

Passage of Oregon Measure 91 legalizing marijuana. US Attorney's Office has participated in discussions around the federal policy of marijuana in Indian Country. Met with several tribal governments to talk through issues, as it is considered a violation of federal law. Offered to talk individually with tribes regarding their concerns.

ICWA initiative: Dec. 2014 US Attorney General announced Dept. of Justice would focus additional resources to promote compliance with ICWA. Three primary components: (1) Participating in state board and federal court regarding interpretation of ICWA; (2) Partnering with Dept. of Interior and Dept. of Health & Human Services making sure all the tools available to the federal government are used for compliance; (3) Increase awareness of ICWA, including training and outreach. Tim requested if any of the tribes hear about an ICWA matter please contact their office.

Working on cultural resource matters, drought issues will increase as cultural issues are exposed. Developing a law enforcement interagency working group, meeting every three months to talk through issues. The working group includes FBI, BLM law enforcement, Forest Service law enforcement, US Fish & Wildlife law enforcement, and Oregon State Police in State Agriculture Depts. who are developing a strategy to deal with proactively exposure of cultural resources.

Cheryle wondered what happens if there is a lack of compliance from states with ICWA?

Tim shared there is a willingness to be involved by Dept. of Justice for education and to learn if there is a violation of federal law.

Cheryle asked what happens if they did violate the act?

Tim shared they would have to work through. If it were an individual case there would be court action. Consistent pattern of violating ICWA they would have to look at options ranging from discussions or filing potential court action

Cheryle asked about the cultural resources workforce and wondered if there was a tribal group sitting on this workgroup.

Tim not at this point as it is in the initial phase. They expect to invite all the tribes to participate. They are focusing now on law enforcement getting together to talk about cases.

Raymond asked for clarification on the four entities involved in the cultural resource working group. Tim explained the groups and shared they are willing to expand the offices involved, and plan on including local law enforcement as well as tribes.

Raymond asked Karen if the recent closure on the dry lakes was by State Lands. Karen confirmed it was. Raymond thought State Lands should be involved as well. He asked about

OSP and District Attorneys (DA's) having different views as they did recently. Raymond wondered if there would be coordination with these people who were involved recently. Tim said their expectation is to coordinate with these groups.

Mark Ingersoll wondered if the US Attorney General's office would have much impact on the rulings around the marijuana issue, including growing areas.

Tim people are aware but no he does not believe they will be participation in the rulings. When it is finally a regulatory system he expects their office will take a closer look at how they will address the policy of prosecutions.

Raymond stated the threshold was raised to a point where before police become involved, anything less than that threshold is left wide open. Has that threshold come down? Raymond has concerns as to where is our trustee in these matters.

Tim clarified Raymond was talking about prosecution guidelines and as to what level they would prosecute (Raymond nodded his head in agreement). Tim said the position of DOJ is it is still illegal under federal law. There were two memos issued regarding the factors they would look at and whether they would prosecute. One of the factors includes marijuana on federal land. Still dedicated to these, but he will remind Bill Williams to look at those factors as they apply to Indian Country.

Raymond is concerned with the monetary amount equivalent to \$150,000, which is a high threshold. Will Bill continue that mindset or rethink it?

Tim will pass that on and have a discussion with Bill Williams.

Cheryle asked about Governor Inslee signing an MOU with the tribes of Washington regarding marijuana. She wondered if the US Attorney's Office had looked at that MOU as guidance.

Tim shared he just heard of that yesterday and has not read the agreement that was reached. Yesterday they were meeting with the BIA Tribal Police Chiefs, and in that meeting was the US Attorney from he believes the eastern district of Washington. Tim will take a look at that and provide additional information.

Aaron wondered if there was any word from the new US Attorney General because in her testimony she was meeting with the Senate as she was against marijuana. Aaron wondered if she was going to pull the memo prior to her taking the position.

Tim shared it is his understanding they are still living under the assumption that the policies are correct. He believes there are three to four bills relating to hemp and marijuana in Congress so they'll have to see. It is violation under federal law because under the controlled substance act marijuana is ranked at a certain schedule, but there are some impending bills in front of Congress that may have an impact on that.

Aaron understands the tribes will have to think on this. Many of the tribes are funded with federal dollars. It's not just DOJ they are working with it's all the agencies so they need to figure out how it is going to play out. Tribes are in a more unique situation than the states are. There are a lot of hurdles to cross.

BREAK

Jackie Mercer arrived at 10:00am

Dee welcomed Iris Bell, Executive Director from the Youth Development Council.

Iris Bell introduced Anya Sekino, who would be providing information on prevention programs. Iris discussed the Investment Strategy which would allow them to reach out to tribal communities to provide resources, which traditionally they were not able to do with their grants. Iris and Anya went through their PowerPoint presentation and provided handouts.

Dee thanked them for their presentation and their outreach to communities.

Aaron wondered if Umatilla was a tribe that had applied for the 2015-17 biennium.

Iris would have to get back to him on that. She does know they visited Umatilla prior to their 2014-15 awards and encouraged them to apply, particularly for the innovation fund because they had a computer lab in the community.

Aaron shared this did not reach council so this was new to him.

Iris shared getting on the listserv is the best way to make sure you receive information about grant applications. They usually send them out to the education cluster, the prevention cluster and the health & human services cluster.

Cheryle shared she worked in Polk County for many years with the Family & Children Services and the Commission on Indian Services. She wondered if there was anyone in their office who could look at research that had been done concerning programs, projects or initiatives that worked within Indian countries across the United States. Termination had effects on many tribal people in Oregon, and feels PTSD is ranking well up there in regards to how families work with situations and crisis.

Iris stated they could do research on that as she knows it's part of what Tribal Best Practices looks at that nationwide.

Dee asked David Green and Pete O'Rourke of OLCC to come forward.

Pete O'Rourke, Regional Manager from Eugene introduced himself, and introduced David Green, their lead worker out of Eugene. They developed the MOU's the tribes are working with today. The MOU's today allow licensing of the casinos as well as truck stops, grocery stores that are located on tribal land. They are being inundated with telephone calls regarding marijuana and probably will be taking over tobacco enforcement of the State.

Pete and David went through their PowerPoint presentation and provided handouts. Pete asked LCIS Commission members to contact either himself or David if they have questions.

Dee asked if they had increased their staff to deal with the marijuana issues.

Pete shared around July 1 they will be hiring 13 additional staff members spread across the State.

Mark shared he was at a marijuana talking session in Eugene earlier this year and he dropped off his card with an OLCC staff person. Mark asked him to contact him and consult with the tribal

council as far as marijuana laws. He is concerned because he has not heard anything back. He was hopeful tribes would have input on laws and set up meetings with tribes who are interested.

Pete stated they would get back to the Commission and invite them to one of these meetings to at least talk about that. At this time they don't have answers, until the administrative rules have been passed by legislature.

David offered to leave his business card so they have someone to contact.

Mark assumed OLCC was developing the rules and make recommendations to the State.

Pete shared the legislature would develop the laws with OLCC's assistance, than OLCC would develop from those laws their administrative rules.

Dee asked if they were working with Senator Ferrioli's office who had asked all tribes for input on what their plans on regarding the marijuana issues.

Pete was not sure how their MOU's with the tribes would be impacted. We may have to negotiate additional memorandums or addendums to the memorandums.

Mark voiced CTCLUSI wanted to discuss the testing process, which they had many concerns over.

Pete agreed it was confusing.

Raymond discussed the authority of OLCC, sharing the last agreement between OLCC and Warm Springs that he could recall dated back in 1972 regarding serving alcohol at their resort in Kah-Nee-Ta. It was understood between tribes and Oregon, recognizing Warm Springs was a non-terminated tribe, one of three originally exempt from Public Law 280. Curious this being written as such, he knows they amended that agreement because serving of alcohol is also at Indian Head Casino off of Hwy 26. He needs to find the MOU and hopefully it recognizes citations to tribal members within the boundaries of the reservation.

Pete agreed saying when OLCC deals with tribal members they usually turn those back over to the tribal council and their tribal court system if there is one. Will cite those who are not tribal members criminally. Do have an MOU that is more current and they will provide them. He offered to mail one to Raymond.

Dee welcomed Ben Souede.

Ben Souede, General Counsel to the Office of the Governor, and serves as the tribal liaison for the Governor's Office. He shared his Deputy is Misha Isaak, and the Assistant to the Counsel's office is Jen Andrew. Thanked Karen for taking time to explain the Commission to him. Ben shared Gov. Brown understands the importance of this Commission and the sovereign-to-sovereign relationships between the State and the nine federally recognized Tribes of Oregon. Gov. Brown has explained very clear instructions regarding Ben's job: to work hard to strengthen sovereign-to-sovereign relationships, to seek out points in which the Tribes and the State can agree and work as partners, and to identify the points where differences of opinion may exist then to find a resolution that best serves the issues for all sides.

His office is already engaged with a number of tribes and issues that are important to both sides. Ben feels he can be helpful to point the Tribes in the right direction to find answers, and the

Governor's Office is ready to work with them to confront challenges. The Governor is looking forward to work with the tribes as is Ben's office. Counsel's office has been contacted by the White House regarding their Generation "I" Initiative, Generation Indigenous. It appears the White House has mostly been talking to state offices. White House Initiative dedicated to engaging Native youth, with a summit at the White House in July. Lindsey Capps is the Governor's Education Policy Advisor and he is heading this up for the Governor's Office and would like to speak to anyone regarding sending someone to the summit in July.

Dee shared she remembered reading information on the initiative and have extended the deadline. They have been very good about keeping the Tribes informed.

Dee asked Jackie to give her report.

Jackie Mercer shared she has been in a lot of discussion with tribal health directors about the state of the Oregon Health Plan implementation. Jackie attended a health board meeting at Grand Ronde and spoke about barriers to accessing specialty care, which is providing a real hardship for Native people to receive quality care. Karen has been speaking to Ben, she believes, about these issues and Jackie has spoken to Lynn Saxton, Oregon Health Authority (OHA) Director, who has spoken to her staff on how to address this issue.

Jackie is excited about the new leadership, the new governor, the new administration. Jackie is hopeful there will be a meeting soon with the health directors to discuss common issues with Jason Yarmer, Tribal Liaison for OHA. Jason has been in contact with Jackie a couple of times to discuss parameters. Jackie feels the state needs to determine how to pay additional funds to providers so anyone will take an open card. They may require that providers take open cards.

Cheryle said when the State makes changes Tribes are on the outskirts and this is not the first time this has happened. Should the Commission develop a chronology of events that have happened and the barriers that we see? Cheryle recalls personally going through four changes but there is no memory of what the issues are when changes are made.

Jackie felt this was a really good idea. Jackie shared the State Medicaid director is leaving, which will be another big change in terms of interpretation. Governor Brown has always been a supporter of Indian health issues and Tribes. Jackie feels this is the best opportunity they have ever had to change them. Contracting issues are really significant, such as Native people who choose to have an open card can't receive quality care. It may be a civil rights problem. Jackie offered to go back and look at what's happened. She stated the tribal health directors are awesome and she always learns so much from them as each situation is so unique.

Dee asked Cheryle how the Health Board is going to handle this.

Cheryle explained the Health Board staff meets with the Cluster group who initiate change, yet there's a lot of exasperation about banging their head against the wall.

Jackie is working on creating an Indian Health System in Oregon and she is hopeful it will finally occur.

Karen requested tribal health directors and Jackie for specific examples to share with Ben Souede in the Governor's Office, and the responses she received were extremely helpful.

Jackie discussed the contract for residential youth treatment and they may be approached for a resolution from the tribe to support NARA running that program. It's a tribal decision and

Indian Health Services may be asking if you want that to occur. Oregon Indian Council on Addictions (OICA) is holding a conference next week at Cow Creek and your staff may be asked to support NARA.

Dee called Berri Leslie for her presentation.

Berri Leslie, Administrator for the Oregon Health Insurance Marketplace (OHIM). Legislature passed SB1 in January of this session, signed by the Governor in March. Dissolves Cover Oregon which was responsible for the Oregon Health Insurance Exchange, and moved to the Dept. of Consumer & Business Services (DCBS) under the title OHIM. Berri visited Karen in February and requested assistance in getting the word out about their office and introduce herself. Transition will occur in July. Karen suggested Berri speak to the Commission today.

As of July 1 they will go to DCBS rather than Cover Oregon, though they are using the same toll free number and are on one central website so hopefully the transition won't be too bad. She has folks attending cluster group meetings

Dee hoped this was not news to tribal health officials as it was news to her. Dee asked if they had successfully reached all nine tribes of Oregon and is it a cluster issue or discussion.

Berri thanked her for her suggestions. Back in February they began attending Cover Oregon's Technical Assistance Groups, which was comprised of representatives from all nine tribes, and explained how the transition would occur. Berri called each health director personally and asked them to call her with any questions or concerns. Have people who are excited to learn something they don't know.

Cheryle reviewed the changes that are happening, but asked if there was a flow chart or something people could look through because the changes are overwhelming. Cheryle suggested bullet points on the changes.

Berri there is an informal advisory committee who will be meeting once a month. Caroline Cruz of CTWS will be on the committee. She acknowledged people find it difficult to know who OHIM is and their role. Top priority is to make the changes understood. She thought a go-go-guide would be beneficial.

Cheryle knows the IRS exemption for Native Americans was for '14. Cheryle asked if anyone knew how well it did. It was very confusing.

Dee stated there were many misunderstandings in non-tribal world, being faced with penalties, not signing up for Medicare Part D. People are being assessed for signing up late. A couple of people have sent in appeals but have not heard anything regarding them. Medicare is probably being inundated with appeals.

Berri almost need a flow chart of your age and where you live, it gets very confusing. She said due to so many changes it was more important for staff to be available to answer questions rather than try to explain the constant changes.

Dee these folks didn't know they had to sign up for Part D.

Berri acknowledged it was very confusing. She shared your insurance cost could be 10 to 20% of your income. Having advocates to help you understand insurance was very important.

Aaron asked when the Community Partner Tribal Liaison position would be filled.

Berri had a failed recruitment which was very disappointing so they are attempting it again. In the meantime they are relying on Ruth Kemmey who is the tribal liaison with DCBS to assist, as well as Delphina George from Cover Oregon, who is currently in OIHM's outreach center

Aaron did you forward any tribal representative names to be considered for this position?

Berri has asked for an informal list to reach out to. The formal advisory committee won't occur until she believes this fall, and Caroline Cruz will be sitting on that committee. They noted a tribal representative was not in the bill that passed and asked for one to be added.

Cheryle asked what the relationship was with OHA and DCBS?

Berri when Cover Oregon first began it was going to be a more seamless process because they were planning on using the same technology. Unfortunately they are on two different technology programs and it is a separate process. There are a lot of crossovers between the two, so they have considered where OHA and DCBS intersect (i.e., relationships with community partners), and have an inner agency agreement for development. They are working together on one website for people to be able to access. They are also speaking to leaders jointly explaining what it looks like short and long term to make sure they work together.

Dee thanked Berri for her presentation.

BREAK FOR LUNCH

Dee shared the report for the Siletz Tribe, and suggested the Commission discuss topics for their next meeting. Health always rises to the top.

June 18-20 - Siletz will be celebrating their 20th anniversary of their casino with the largest display of fireworks on the coast. Celebrating the completion of their dance house, and will be holding their solstice dances Thursday thru Saturday, dusk to dawn, and a demonstration entitled "The Past is Present" which will display the museum materials. They will hold a demonstration of basket weaving as well. Salmon dinner will take place Saturday the 20th.

Museum fund raising will begin soon. Dee complimented Armand Minthorn for hosting the tribes at the Chemawa School reburial, which was an 11 or 12 year process. The School has developed guidelines for reburials at Chemawa Cemetery, where her husband was recently buried. Rules state they have to be cremations and have a flat headstone, and must have been a student, staff or family member to be buried there. Dee commented on how clean the cemetery was, compared to how it usually appears, due to only being maintained a couple of times a year. Dee thought it would be good to let the School know we expect it to be maintained regularly, and to remove the poison oak present. All nine tribes were represented at the reburial.

Siletz is holding a Memorial Day celebration, where the cultural committee gathers clams, eels, etc. and prepares a very nice meal. The Head Start Program is involved and Robert Kentta runs the event.

Dee attended the Chemawa graduation, with 73 seniors who she believes represented 20 states. She noted Ray was there and a few graduates from Oregon.

All the Tribes have heard from agencies, both state and federal, for consultation. We have been inundated with requests for consultation, some they have made and some they have not. Dee feels it has opened the door to be more involved on issues, such as education in regards to looking at tribes outside of Oregon. Dee recalls Karen sent out a memo stating tribes in other states have reduced scholarships for the State of Oregon. She wondered if it was an old list or if changes could be made to it.

Karen clarified Dee was asking about the higher education residency rule, which Dee confirmed she was. Karen explained it was regarding 43 tribes and bands, which a number of tribal leaders shared they want to look at. Jason Younker contacted Karen yesterday stating he wants to work with the Commission this coming year in areas of concern. There was a request from one tribe to be added to that list, so Karen spoke to the legal counsel at the university that was approached, but Karen was told the request has been put on hold.

Dee asked if that might be a topic for our next meeting, for anyone who makes that determination in higher education to attend our next meeting.

Karen thought that was an excellent point and shared her assistant had done research on a document that listed the 43 tribes and bands, some of which are not even federally recognized some which has a very tenuous connection. She has never received information on several points, such as how many students are taking advantage of this list, is there any detriment to Oregon tribal kids/youth/adults, and what were the factors in putting the list together? She believes it was students and administrators who compiled the information. The biggest concern is it does not place the federally recognized tribes of Oregon in any meaningful separate category. Karen had concerns about the language and how it does not separate the ceded lands and boundaries of Oregon's nine federally recognized tribes from all others. When Karen used Google to locate Oregon tribes a few months ago, this higher education rule came up first. She is also concerned that if a donor specified Oregon tribes for scholarships, are only Oregon tribes accessing those scholarships? According to the language of the rule, any student on that list, no matter where they reside. So potentially, a non-federally recognized Tribe in California who has a student in Texas could apply for that scholarship as an Oregon tribal member.

Dee any reciprocal agreements state knows of between the tribes and Oregon, Washington, wherever, that would be helpful.

Karen said the last time she researched that the State of Washington had some reciprocity but it was with particular counties, and at one point she heard they had eliminated it.

Dee believes all Tribes put a lot of money into higher education, so funds are getting tighter and she does not know what effect this has on scholarships. Would be good information to have.

Karen there are probably a couple of points you want to look at politically and legally, such as what does it mean to have a list like that; in place now for a number of years, what is the impact.

Dee does not know if she has ever seen it.

Dee SB548 county land transfer to tribes, which had good intentions, might have been passed by legislature. A bill that never was vetted through this Commission, the only opportunity Tribes had to discuss it was at the hearing. Feels someone forgot about consultation, and she was hoping Senator Roblan or legislators would be here to hear that.

Cutting trees around Devils Lake, adding additional houses. Friday, a vote on counting all marriages and divorces in their tribe, which has been controversial to some. Imagines it will pass.

Mark dealing with divorce side, are you running that through your court system.

Dee a simple divorce, other things have to be settled.

Mark just divorce not property or finances. Have to go to state court?

Dee no we have a Peace Making court where they can settle any issue, property, custody. One party has to be a tribal member but they do not have to live on the reservation.

Dee asked for topics for next Commission meeting (Wednesday, Aug. 19).

Mark attended a marijuana talking session in Eugene, and believes OLCC is making a list of the rules because they were gathering information on what they felt was relevant, which is why he pushed it. He thinks we should be able to go to the table with these guys and not the senators or representatives because that's where the whole thing starts.

Karen clarified agencies can write rules within the limitation of the law, but legislature has not passed the law. She does not think they were intentionally double talking, but there is an opportunity in the law to include provision around tribal consultation or notice. There is no excuse for not receiving a call back.

Mark said it has been four months. He felt as a Tribe they placed us under the table and did not want to deal with them. Mark felt at that meeting OLCC thought they were really liquor people but they guess they will try to figure the marijuana thing out.

Cheryle (inaudible) regarding presentation last year identifying funds.

Karen we received follow-up information from the Legislative Revenue Office which Karen forwarded to everyone, but she will look for it to make sure it was complete. When you ask the same from the Dept. of Human Services they did track funds for you but so much of report was does not comply, incomplete, or did not know, not very adequate to determine how to change it.

Cheryle (inaudible) what funds are available to tribes. She is hopeful Oregon could figure out how to carve out those pieces that Tribes could contract for without going through all the hoops. Same amount of work to receive \$5,000 as opposed to \$50,000 or \$100,000. Try to streamline to cut our administrative burden.

Karen one option is to start with topic areas, such as Natural Resource agencies, because the problem is within state government there are so many different agencies with funding streams. How do we make this happen, make sure agencies are talking to one another. Part of original executive order's purpose, a way to make state agencies coordinate that process. Clusters are already supposedly designed issue areas. It appears a lot of information is going to Health Directors or whoever attends cluster meeting, but are you being reported to after these meetings? Karen understands Tribes are structured very differently so information may not flow the same way.

Cheryle (inaudible) institutional paper on the changes in health care, to look at our sheet and remember this is what they did. Is there a statute that would prohibit the State of Oregon from

including at their highest level the inclusion of tribes and the decision making concerning services?

Jackie there's a federal law that requires consultation with tribes and health care, which the State is supposed to carry out with Medicaid. Also 770 Law that requires consultation. Nothing that would preclude them from going further which is a valid request. May come through the Commission and potentially the legislators to move forward. Jackie feels that is a great discussion to have with the Governor to place something in statute regarding more responsiveness.

Karen suggested their earlier offer to put something together would be very helpful. You have to have education and information to back up a statutory change, and she feels there will be a lot of legislators who will need to be educated on why tribes are not getting special treatment. May be a great project for the Health Cluster for example to prepare a report that can be endorsed by the Commission. Attack this from a lot of levels. It is difficult to mandate what can be perceived by other people competing for attention of state agencies. It is a campaign.

Dan wished to revisit Jackie's topic because he believes all the Tribes feel this is a piece they cannot tap into. Dan thought Jackie might know who we need to talk to, because he wants to keep that on the radar.

Jackie thought Lynn Saxton, the Oregon Health Authority's Director, as well as the Governor's Healthcare Policy Advisory Sean Kolmer could be invited to our next meeting to speak to them directly about our concerns.

Dan (inaudible) our Tribe could certainly give examples if that would be the appropriate time to have those folks in front of us, here are some examples when we were being excluded.

Raymond believed State Lands denied the rail to Port of Morrow when John was the governor, now we have Kate just wondering if she will continue supporting State Lands and denying that permit. He is not sure but believes it was State Lands who denied permits in the dry lake area, digging up artifacts and bones (Klamath Lake). What Raymond heard from Tim Simmons is that they were going to expand their role and coordinate with federal and state agencies, don't want it to fall on the wayside and the State didn't think it was important.

Brenda would like to entertain the idea of inviting Jodie Jones, project administrator for the project at the Oregon State Hospital handling the remains there. The last time we spoke to her their funding is ending this June so remains which have not been repatriated, they are not sure what to do with them and Brenda did not know how to respond. Jodie shared with Brenda she would love to report to this Commission and explain what directions she has been given with the Oregon Health Authority, under a grant. Brenda wants to hear what the next steps are going to be with the project ending in June.

Aaron was concerned with representatives and senators who are not attending the meetings. The information he received stated if you miss three or more meetings that are unexcused..., yet he understands they may have other meetings they need to be at. At least let the Speaker (of the House) and (Senate) President know they are not attending. They need to be here to hear this conversation, and if they are too busy they may need to be replaced. Aaron feels that's the sole purpose of this Commission is to have interaction with state legislators, and if they are not here he would like to see someone else who is interested.

Aaron would like to have the leadership discuss what they are doing and how they are advancing our issues and seeing what issues they have that they may need our help from.

Dan discussed the duty of Commission members was something he wanted to look at. He was not suggesting they have another retreat necessarily, but he'd like to hear from the newest members what they need in regards to being oriented. He knows when he first came on there's lots of question you have.

Dee stated the Retreat was really good and Dan concurred.

Mark shared he was too new to have a lot of questions and he has read through the materials.

Dan suggested we look at holding another retreat, thought it was very helpful when Senator Ferrioli (inaudible) structure of it is not (inaudible) better dialogue amongst all of us. Not sure how you'd want to proceed with that. Last year thought...

Dee asked Karen to solicit the nine tribes to host a one-day retreat, on a day where we can make sure the legislators are free.

Karen asked before this meeting in August or separate from it?

Dee asked when legislators would be done with this session, than pin them down for our next meeting. Dee felt one tribe would offer to host, though Siletz hosted the last one. (No other tribe at this time made an offer to host).

Jackie shared around 20 years ago she started at NARA and attended the 770 Cluster meeting. It was a different meeting than today, because today state departments are reporting out, not much opportunity for tribes to say things, more top down, sideways how information is shared. In the beginning tribal leaders would attend. When tribal leaders do go it makes a big difference. Jackie wondered if there was some way that 770 could be redone to have more value. Jackie has heard from the tribal health directors that it's not really doing what it should. Jackie felt health has been the least responded to and wondered if there was a way that whole cluster be rethought to be more meaningful to the tribes and their work with the State. Health directors may know what needs to occur to change it. Not the way it was in the past when it was more formal consultation. It's just a reporting out, which is not the intent. During the Health Care Reform all issues were pushed out to side meetings. Just a process of consultation is not really as effective in terms of getting tribal input. Tribes are not in charge of agenda and have little to no influence. Maybe Jason would try to change that. Jackie feels this is the Tribes major vehicle to have concerns heard.

Raymond Roblan and Ferrioli have been sincere about making most meetings even if it is for a few minutes. He testified in SB3 to expand this table here of both House and Representatives to have 2 parties involved, Democrats and Republicans, for better coordination in trying to address our issues from the nine tribes. We would like to see we have two from each house to help us get support in that. As far as SB770 he'd be cautious about revamping and suggested we address the weak points.

Dee wished to add a discussion on the annual summit to the next agenda, in regards to how involved the Tribes would be and how much input we would have. Dee does not believe any of us were happy with the way the Summit turned out in the past few years. She sees this as a new opportunity with Governor Brown to do something different.

Cheryl (inaudible)

Dee thinks the government-to-government should be tribal leaders and the governor, not tribal leaders and state agencies. Those are work shop kinds of things. We were never able to sit across the table from Governor Kitzhaber and have a discussion, it was always his staff. I don't know how that information can get conveyed, how do you convey happy, sad, mad? Say on record that government-to-government should be true government-to-government, to say hello, share concerns and thoughts.

Karen that is so important, but Oregon State-Tribal Law (ORS 182) is directing state agencies and does say the Governor shall convene a summit for state agencies to work with you on a government-to-government basis. Karen expects our current governor to be fully amendable to having formal, informal regularly scheduled kinds of government-to-government at the high level you deserve as leaders. Don't throw away annual convening of state agency people and your administrators and staff who work on issues you direct them to. They benefit so much seeing you as leaders on the stage with the governor, hearing what you have to say. Some of that occurred at last year's Spring Gathering, but Karen feels a lot of tribal staff and state agencies missed the annual summit last year, where you as tribal leaders and the governor direct them for the coming year.

Dee did not mean we don't need the other thing, what she is saying is the state's government-to-government rules or how that's interpreted is theirs, but our government-to-government is with the governor. Dee recalls at one meeting when it came time for the tribes to present she didn't think there was a state official in the audience because they all left when the governor left. Things start going downhill as far as what we were expecting. You can't expect a tribe to get up and talk about their history and issues in five minutes or even in ten minutes and we all found that out. Some tribes stuck to their five and ten minutes, and some couldn't because there were too many things to talk about. I think it's important they are given the time and mobility to say what is on their mind and to get some feedback.

Karen responded to Cheryle's question about the Governor's General Counsel. Ben clearly understands the difference between his role and Karen's role and the Commission's role.

Raymond shared he, his Chair and Vice-Chair had a session with Ben Souede, where Raymond impressed on him how it was probably unfair to him because the governor sat on this Commission. Raymond shared he was sure the governor would want to make sure the communication and coordination continues.

Topics for next meeting

- ✓ Education (Dee)
- ✓ Marijuana (Mark)
- ✓ Annual Summit (Dee)
- ✓ Health Cluster weak spots (Jackie)

The meeting was adjourned at 2:34pm.