



**LEGISLATIVE COMMISSION ON INDIAN
SERVICES**

900 Court Street NE, Room 167
Salem, Oregon 97301-1347
(503) 986-1067

MINUTES

Meeting Date: November 13, 2020

Meeting Location: Virtually via Zoom

Members Present:

Brenda Meade, Tribal Chairman, Coquille Indian Tribe (LCIS Chair)
Dee Pigsley, Tribal Chairman, Confederated Tribes of Siletz Indians (LCIS Vice-Chair)
Cheryle Kennedy, Chairwoman, Confederated Tribes of Grand Ronde
Don Gentry, Tribal Chairman, Klamath Tribes
Debbie Bossley, Tribal Chair, Confederated Tribes of Coos, Lower Umpqua and Siuslaw
Kat Brigham, Chairman, Board of Trustees, Confederated Tribes of the Umatilla Indian
Reservation
Dan Courtney, Tribal Chairman, Tribal Board of Directors, Cow Creek Band of Umpqua Tribe of
Indians
Louie Pitt, Government Affairs Director for Raymond Tsumpti, Tribal Chairman,
Confederated Tribes of Warm Springs
Arnie Roblan, Senator
Tawna D. Sanchez, Representative
Jackie Mercer, CEO, NARA Northwest (non-voting)

Members Absent:

Eric Hawley, Tribal Vice-Chair, Burns Paiute Tribe (Tribal Government Business)
Bill Hansell, Senator (Legislative Business)
Daniel Bonham, Representative (Legislative Business)

Staff

Danny Santos, Interim Executive Director, Legislative Commission on Indian Services
Adrienne Fischer, Commission Assistant, Legislative Commission on Indian Services

WELCOME – Chairwoman Meade

Chairwoman Meade called the meeting to order at 1:00 p.m. and welcomed the members and guests.

INVOCATION

Chairman Dee Pigsley gave the invocation.

ADOPTION OF MINUTES

A motion was made by Chairman Pigsley and seconded by Senator Roblan to approve the minutes for the September 29, 2020 LCIS meeting.

UPDATE ON EXECUTIVE DIRECTOR POSITION

Chairman Meade updated the Commission on the Executive Director search. Commission Members have been provided a job description to review and were also provided a timeline by Aimee Steketee from Employee Services. As Commission Members have requested more time to review the job description, the timeline has been extended. Members of the search committee are Chair Kennedy, Chairman Pigsley, Chair Courtney Chair Bossley and Commission Member Mercer. Chairman Meade thanked the members of the search committee for their work.

Commission Member Mercer shared that she and the committee have reviewed the job description and found that there were several aspects that could be clarified such as the supervision of the position and the relationship with the Commission. They also clarified the position's duties by priority and emphasized the sovereignty of Oregon's Nine Tribes and the importance of consultation. Commission Member Mercer also shared that Employee services has advised on revising the timeline. Commission Member Mercer spoke about minimum qualifications and what effects changing those would have. Chairman Meade summarized the next steps and thanked everyone for their work.

LEGISLATIVE AGENDA: Interim Director Santos shared a list of agenda items compiled for the 2021 session which included input from Legislators, working groups, agencies and Tribes. The list is not comprehensive and will continue to evolve. One item is a legislative concept which came from the economic cluster group and focuses on capacity building. There is also a bill to codify the work of the Governor's Cultural Items Task Force. Director Santos referred to Representative Sanchez about potential additions to the legislation concerning missing and murdered indigenous people. Representative Sanchez shared that a report was done to understand what could better implemented and there is discussion on whether it could be done without further legislation. They are also looking at reports to determine how else the work could be improved.

Director Santos then shared that the hundred-year water plan was included on this list, but that there was not, that he is aware of, any legislation currently. It is a topic that will be discussed later in this meeting. He also noted that the Klamath water basin was an ongoing concern and that there is hope for remedy about concerns regarding emergency stays and the impact on water rights. The Indian Child Welfare Act for Oregon will also be looked at this session. Director Santos shared that he sat in on the meeting with Oregon's Supreme Court and the Tribal Court judges. There is a piece of legislation put forth to provide full faith and credit to Tribal Court orders. There are also ongoing efforts to assist the Confederated Tribes of the Warm Springs Indian Reservation with water infrastructure. Representative Sanchez will be bringing forth a bill that works to ensure dental health care throughout the State. Director Santos noted that there is a great deal of interest and concern about the historic passing of SB 420 which recognized Tribal police as peace officers. Currently there are bills being proposed concerning police reform and there is concern that this could impact Tribal sovereignty. Chairman Brigham shared that their Tribe wants to make sure that Oregon laws don't impact their sovereignty and that they are doing the work currently to improve their police departments. Chair Brigham shared that they have requested that the Oregon Legislature not develop laws that would impact Tribal Sovereignty.

Director Santos noted that there were also bills concerning gaming, regalia in schools and a bill that would require the Oregon Health Authority to adopt rules regarding traditional health workers. There is also a bill regarding National Registry nominations. Commission Members discussed idea that there not be surprise legislation. Senator Roblan noted that while there may be no surprise legislation from the Governor's office or an Agency, there may be legislation from other legislators that could be a surprise. Representative Sanchez concurred and noted that until legislators introduce bills, they are technically confidential, so you wouldn't know about it until it is introduced.

100 YEAR WATER PLAN - Jason Miner, National Resources Advisor, Governor's Office and Meta Loftsgaarden, Director, OWEB: Chairman Meade spoke briefly to update the Commission on the work the Commission has done on this subject. The Commission worked on a letter to the Governor's office to emphasize that the Tribes needed to have input on this plan. This letter was presented at the March 2020 Commission Meeting before the pandemic impacted us all.

Jason Miner addressed the Commission and noted that Chairman Meade's summary was comprehensive and that this year has been challenging in many ways. In addition to the many disasters we have experienced in 2020, there is also the economic downturn and budget cuts. There was an expectation in the beginning of 2020 that there would be funding on projects going forward, but the downturn has forced them to pause. He noted that there is good news since that time as the revenue forecast has improved. They are now looking to move forward and are recommitting to that work and aim do their best to lay the groundwork so that the next administration will be able to build upon it. Some things that were discussed as part of the Water Vision are new approached to governance on water issues. They aim to find ways to engage Tribal Governments, local governments and

stakeholders. They also want to invest in capacity building by engaging with water staff to work in local governance models. They would then work on new funding sources for water investments. Then lastly work together to develop a better approach for prioritizing water projects. They hope to build a more transparent system. There is money being spent on water projects and they want to ensure that it is being spent so that that the entire state benefits from these investments and that we are building a positive water future.

Senator Roblan noted that he had been appointed to a committee that was in the process of identifying other members, including Tribal members. Before COVID paused the work, their intention was to travel around the state to hear from people about what their priorities were for water.

Meta Loftsgaarden, Director of the Oregon Watershed Enhancement Board, introduced herself to the Commission and spoke to the halting of the momentum they had in the beginning of this project. Director Loftsgaarden emphasized that this is still a priority. There are a few things that are moving forward, and they are working to identify priorities for State Agencies. One item is identifying funding. They are taking a comprehensive look at all the ways the State funds water and the things that the communities want to see funded. They want to make better choices regarding funding and ensure that no communities are left behind. They are continuing to do work around data so that they have good information. They are also continuing conversations around natural infrastructure and maintaining a long-term view.

Chair Brigham noted that she was glad to hear that they planned to take care of the environment so that the environment can take care of us. She then asked about the accountability for how funding is used and that there are benefits for more than just individuals, that they benefit the region. She noted that without water, we can't live here. There needs to be an educational approach. She also noted that there haven't been many mentions of climate change in the conversations. Water infrastructure also links together all other types of infrastructure including roads and real estate development.

Chairman Meade thanked everyone for their contributions to this topic and noted that one item included in the letter to the Governor from Oregon's Nine Tribes, was a request to form a task force to work on this issue. That has been a successful structure for the Tribes. She also noted that they use the term holistic and that it would be beneficial to really define what that means.

ANNUAL SUMMIT DISCUSSION – Dustin Buehler, General Counsel, Governor's Office

Dustin Buehler spoke to the Commission about plans for the upcoming Tribal/State Government-to-Government Summit which is scheduled for December 1st and 2nd. He shared that they have endeavored to have conversations with Tribal Leaders about the Summit. While the virtual format has its difficulties, there are also positive aspects. They will be able to include more topics than in years past. They were able to take all the feedback from each of the Tribes and construct an agenda that they think best covers most

of the feedback. The format of the Summit should feel familiar in its structure, though there are some things that might be a little different. It will be divided into general sessions and then several breakout sessions. The first general session will focus on what is forefront on everyone's mind, which is COVID-19 and emergency management. It will be focused on what we can expect and coordinate in the coming year. The first breakout sessions will focus on gaming and then climate change. The following day will begin with breakout sessions which will include water vision and wildfires and recovery. Water vision was the most talked about topic for each of the Tribes. The last general session focuses on opportunities for economic development. They hope to bring an economic recovery angle to this discussion.

Chair Brigham spoke about the need for discussing COVID relief funds and the possibility of incorporating this into the Summit. Mr. Buehler noted that this would be a good addition and noted people who could possibly speak on this topic. He also noted that there could be a supplemental call with the Governor's office.

LEGISLATIVE TOPICS: Director Santos shared that there is a bill requested by State Agencies which would be a study bill directing Agencies to work with LCIS and Tribes to see if there can be better protections and authorities for the tribes regarding SHPO's work on National Register nominations. Currently the federal regulations fail to consult Tribal Nations. Oregon, like several other states, is looking at ways to incorporate Tribal input.

Director Santos also spoke more about the bill to codify the work of the Governor's Cultural Items Task Force. The bill is being introduced by Senator Roblan. There have been changes made to reflect concerns expressed by LCIS members and Tribal leaders. They are also planning to keep cities and counties in the bill. There are no budgetary provisions in the bill. Director Santos then shared that he has been in conversation with Legislative Fiscal about the possibility of adding a position within LCIS. This would be a decision ultimately made by Commission Members. Director Santos invited Michael Mason to offer input on the upcoming Session. Mr. Mason shared that the upcoming session is shaping up to be the least face to face session in history. He noted that most of the bills on the LCIS list of interest are not controversial, so they stand a good chance of passing. Though the nature of the session might make it so that there are fewer bill in total passed. He noted each bill individually and found that most stood a very good chance at passing. He also stated that the ICWA bill could be the most consequential bill on the list and that there was a possibility of opposition.

Director Santos shared that the LCIS office has been working with Visitor Services on the new welcome center and would be sending out information for approval shortly.

Chair Meade opened the forum to public testimony. There being none, Chair Meade adjourned the meeting.