

Legislative Commission on Indian Services
Chinook Winds
Lincoln City, OR

Retreat Notes

July 15, 2013

Members of the Legislative Commission on Indian Services met in Lincoln City on July 15, 2013 as guests of Confederated Tribes of Siletz, at Chinook Winds to hold a day long retreat that focused on the mechanics, membership and protocols of the Legislative Commission on Indian Services. Jackie Mercer served as the moderator of the retreat.

Present at the Retreat: Raymond Tsumpti, Confederated Tribes of Warm Springs; Leo Stewart, Confederated Tribes of the Umatilla Indian Reservation; Delores Pigsley, Confederated Tribes of the Siletz; Senator Ted Ferrioli, Jackie Mercer, Representative Caddy McKeon; Brenda Meade, Coquille Indian Tribe; Dan Courtney, Cow Creek Band of Umpqua Tribe of Indians; Karen Quigley, Executive Director; Don Gentry, Klamath Tribes; Charlotte Roderique, Burns Paiute; and Cheryle Kennedy, Confederated Tribes of Grand Ronde

Absent: Senator Arnie Roblan, Representative Greg Smith and Bob Garcia, Confederated Tribes of Coos, Lower Umpqua and Siuslaw

Captured Notes/Thoughts

Leo welcomed everyone to the retreat and introduced Jackie Mercer as moderator for the day.

Delores Pigsley provided a brief welcome to the LCIS members and thanked them for coming.

Jackie Mercer reviewed the agenda items for discussion throughout the day. She asked the group to establish ground rules for communicating during the retreat.

- Sergeant of Arms, Raymond Tsumpti (jokingly)
- Need breaks
- Easy on the freshmen
- Collaborate
- Communicate

Jackie had the group do a light ice breaker to get the group engaged in conversation. Each person shared interesting things about themselves or things they have done.

Karen Quigley reviewed the historical background documents that were provided in members' notebook for the day including:

- A short summary on How the Commission on Indian Services Began (Senator Vic Atiyeh's sponsorship of SB 386 in 1975 which set up a Commission with ten members: a senator, a representative and eight representatives of communities across Oregon signed by Governor Robert W. Straub on August 7, 1975.)

- A one-page document “Background on the Legislative Commission on Indian Services” that among other things, explains:
 “The Legislative Commission on Indian Services embodies the State of Oregon’s commitment to recognize the existence of Oregon’s Indian communities and their needs. Prior to its establishment, there was no suitable mechanism in state government to consider Indian needs and concerns directly. With the establishment of the Commission, this significant barrier has been eliminated. The Commission serves as the primary forum in which Indian needs are considered; it serves as the conduit by which concerns are channeled through the appropriate network; it serves as the point of access for finding out about state government programs and policies; and, it serves as a catalyst for bringing about change where it is needed.”
- A roster of all LCIS Members who have served since 1976 to the present
- A brief overview of LCIS Activities and functions listing that the Commission: Holds meetings, sponsors Tribal Government Day at the State Capitol, provides training , monitors state agency action and makes recommendations for improvement, maintains a website and serves as the point of contact for the State on Indian issues and as an information clearinghouse. LCIS also provides a strategic role in the implementation of Oregon’s government-to-government law.
- A list of around 40 officials and others who have appeared before LCIS to indicate the types of presentations and issues addressed at LCIS meetings (prepared for an LCIS budget hearing a few Sessions ago as a way to inform legislators of some LCIS “business.”)
- A chronology of the Process for the Adoption of Executive Order EO-96-30 (which was requested by LCIS) including the original LCIS negotiating team, the LCIS Signing Ceremony, LCIS role in training, plans for implementation- including involvement in planning First Annual Summit and the original “issues” break-out sessions (clusters) as well as indicating LCIS continued involvement to the present
- A document listing select achievements with LCIS involvement over the last 20 years that are now part of state law:
 - Increasing protections for cultural resources and tribal and LCIS involvement in archaeology permit process (ORS 97, ORS 358 and ORS 390)
 - Tribal Flags Monument at the Capitol (ORS 276)
 - cultural trust grants—tribal eligibility (ORS 359)
 - offensive place name prohibition (ORS 271)
 - transportation funds for seniors & disabled services by Tribes (ORS 391)
 - unemployment compensation—tribal government opt in/opt out (ORS 657)
 - surplus salmon for salmon ceremonies and other purposes (ORS 496)
 - American Indian teaching license (ORS 342)
 - original discussions about Tribal Police officers about a dozen years ago and onward (ORS 181)
 - Numerous Task Forces, Boards and Commissions that have added consultation with or nomination by LCIS to their governing statute

- **-THE FIRST IN THE NATION: OREGON'S STATE-TRIBAL GOVERNMENT-TO-GOVERNMENT STATUTE ORS182) AT THE REQUEST OF LCIS (2001)** which cemented the role of the Legislative Branch in directing state agencies in the government-to-government relationship and cementing the role of LCIS (as the Legislative branch Commission and agency with responsibility for Indian issues) to actively monitor and see to the implementation of positive state-tribal relations in Oregon.
- Another document of "Other Commission Activities"

Karen spoke of how the commission was originally formed to address Indian matters and as today, the LCIS is a state agency funded by the legislators to assist State Agencies to work with the nine federally recognized Tribes of Oregon to develop and maintain working relationships.

Prior to the Retreat, LCIS Members received the Oregon Legislative Administration's official job descriptions for the Commission Assistant and the Executive Director as well as a document outlining the roles of the Executive Director as an agency head of a legislative branch agency. At the Retreat, a one page document was distributed summarizing the Executive Director's roles to assist members of the legislature and legislative committees on a confidential and non-partisan basis as well as the requirement to respond directly to all members of the Legislative Assembly as well as anyone the members refer to the office. The document also lists the Executive Director's roles as liaison for the Commission, charged with overall program administration and coordination, developing, coordinating, organizing commission meetings, agendas, conferences and seminars and attending events in a representative capacity. In addition, the Executive Director compiles information, plans, writes and oversees publications, represents the commission in the legislative review and budget process and manages, monitors and authorizes expenditures while directing the daily activities of the Commission office.

Karen provided some information on consultations as well as some statutory responsibilities under Oregon law which are provided by the Executive Director.

A spreadsheet was distributed that listed a summary/snapshot of the types of consultations the LCIS Office provides on a daily basis to help commission members better understand the executive director's day to day role. She also provided a couple of examples that had taken place recently and how the issues/consults were handled. Consultations occur with a variety of agencies, offices, organizations, elected officials, state, federal, local government reps, Tribal government officials, tribal staff and members of the public.

Representative Caddy McKeon – would like to know what some of the acronyms are on the spreadsheet

Karen described how at the first Annual Summit, there were breakout groups that addressed issues and how the process morphed into work groups/clusters providing the ability for state agencies to hear about the other state agencies and how they are doing at the same time hearing Tribal perspective and how best to work together; to develop and maintain working relationships. This is a cooperative effort – figuring out

how tribes want to work with state agencies and vice-versa. LCIS has served as a coordinator for the on-going cluster process since the First Summit.

The six areas of interest:

1. Natural Resources
2. Cultural Resources
3. Public Safety
4. Health and Human Services
5. Economic Development and Community Services
6. Education

She indicated that her role as Executive Director is to provide information to you (Tribes) and to pass along information between the State and Tribes on a variety of issues.

Senator Ted Ferrioli provided an overview/background on Oregon Legislature and how the different branches of Government work together and in accord with each other.

To help the new members, he posed the questions:

1. What is LCIS?
2. Where does it fit on a pie chart/organization chart?

(Appendix A—Senator Ferrioli's chart)

LCIS is there to:

- Bridge
- Translate
- Assist
- Provide direction

Legislators are helpful when they are responsive to needs, squash bad bills, understand their (Tribes) positions/needs.

Example of a bad bill: Identify and numerate – not necessarily a good idea – and one that clearly did not come from Tribes

Part of our job as legislators is to run ideas past the LCIS members before LC concepts are submitted, preventing a lot of hassle and providing a great resource. All Legislators should know how LCIS fits into the system and what it does.

LCIS provides contact information as a resource to help commission members, legislators, state agency personnel and others communicate and collaborate.

Questions to consider:

1. How much authority do you want?
2. How much can you afford?

Don Gentry – would like to see this legislative presentation and Karen’s information presented to his Tribal Council – to learn about the value/opportunity that is provided/available.

LCIS as with all Legislative Branch agencies – Scrupulously non-partisan

A handbook should be generated - a “how to” interface with Tribal Governments

Karen Quigley – There is a law enforcement video training that was made in collaboration with cultural resources cluster groups, medical examiner’s office and Tribes – has been shared locally and nationally.

Education is continual, not a one-time approach.

Leo Stewart – as everyone changes jobs, elections occur – we need to continue to train as the information is not always passed on.

Cheryle Kennedy – Appreciates the presentation Senator Ferrioli provided and she noted that it is a struggle to access all of the resources.

She still struggles with how health care will be delivered, input was provided and then not used and that is frustrating.

It’s more than training, its being expanded to give opportunity at all levels, not just outcomes.

How are social workers being trained? What are the processes?

There is a fundamental elephant in the room issues that are appeased a little on the side.

We need to be using resources provided to have our voice be heard.

Delores Pigsley – Tribes have resources for Training; Tribal attorney provides training on ICWA all over the country.

There is a need for ongoing mechanism for training – regular happening – that is something that we are committed to see happening.

Senator Ferrioli agreed that Tribes need to have a meaningful role in the process, all phases.

Delores Pigsley – We need to be consulted, actively included in legislative matters as well as decisions being made – being included at all levels/phases of the process.

Cheryle Kennedy – Oregon Health Authority was not embraced by the Tribes.

Karen Quigley – Dr. Bruce Goldberg came before the Commission, was that helpful?

Cheryle Kennedy – Yes and no. The foundation was established before Tribes were even consulted. Fiscal impact was not evaluated how it pertained to Tribes.

Delores Pigsley – Sometimes Tribes get overwhelmed with all of the information; we could spend every hour of every day being consulted. Ultimately, it is up to us to set priorities.

Senator Ferrioli – Wheels are just turning on health care transformation. If Indian health dollars are being co-mingled and the questions are raised – it will force the issue to be addressed and once the question is asked, it will have to be addressed, no way around it.

Dan Courtney – with these types of issues, individual is fine but as a commission, might be a stronger force to identify, address and move forward

Senator Ferrioli – offered to be available to all commission members if they need anything, let him know and he will do what he can to assist.

Jackie Mercer, Moderator – thanked Senator Ferrioli for his presentation and the dialogue that followed.

The first part of the assignment was to (individually) come up with three to six (3-6) items for each section:

- Strengths
- Opportunities
- Needs

The following ideas were identified as strengths:

- Good legislative representatives
- Information great
- All nine tribes have a voice
- Dedicated, consistent staff
- 75% or more participation at LCIS meeting
- Independence and strength in collective voice
- Stable government to government relations
- Strong history of accomplishments
- Tribal strength represented by commission make up
- Communicate – understand conflicting views
- History of positive movement on tribal issues

The following ideas were identified as opportunities for improvement:

- LCIS opportunities to give information about the needs of the Tribes and our priorities
- Cluster Workgroups
- Sharing with other Tribes
- Identify Roles /expectations for LCIS members
- Tribes have expert trainers in certain areas – inventory those experts and then identify where needed
- To ask questions
- LCIS office enables Tribal input without having to make numerous personal contacts with each agency involved
- “Follow the Money” on Indian Health Care
- Connect with office of Rural Health
- Educate legislature on tribal resources and assistance that Tribes provide
- Coordinate without going to Court
- Tribal interests can be heard by executive and policy making arms of state government
- Enables tribes to coordinate efforts to improve relationships with state in areas common tribal interest
- 2 additional Legislative members = more exposure, visibility
- More Tribal Government input at clusters (Co-Chairs)
- More education about LCIS and each Tribe
- Always a need for training; invite other Legislative members to LCIS meetings
- Assist state agencies in developing training that appropriately addresses tribal issues
- Make a difference and improve Tribes standing in Oregon Legislative Administration

The following ideas were identified as Needs:

- Ongoing education related to the LCIS and Legislature
- Create an LCIS handbook
 - Outlining commission responsibilities, purpose and history
 - Information for Tribal leaders/Communities regarding LCIS focus and goals
 - Clarify member roles and responsibilities/expectations
- State agencies to educate all employees on LCIS and tribal protocol and issues
- Legislators to be aware and familiar with Oregon Tribes, LCIS and issues, and partnerships
- Consultation assurance
- Need to identify what training and policies state agencies have implemented and if successful.
- Needs to continue to request the information that is available to them
- LCIS representatives or committee on various concerns
- Expand funding and staff
- Educate - Legislators need to know that nine tribal sovereigns and difference from Native American organizations.
- Legislature to know the barriers that OHA has caused Tribes
- Educate – Treaty 280 and non 280 / State views and laws
- Do “We” Listen

After a break, Commission members were divided into three groups to work through the retreat assignment.

The second part of the assignment was to answer the following questions:

- What are our Values?
- What are our priorities (for the next year)?
- What activities are needed?
- What are the roles of the Tribes, legislators, urban representative, Executive Director, officers (commission members)?
- Are there changes that are needed in our partnership or how we work together?

Breakout Session (Three groups)

Group 1

Values

- Focus on needs of Tribal members
- Maintain individual voices
- Respect differences
- Tribal identities

Activities

- Development of handbook
 - History captured
 - Consultation process addressed
 - Each Tribes processes, what is appropriate?
- Capture a way to inform all of the need to insure all Tribes have the access regardless of resources
- Tribal side – prioritizing areas of interest and having a chance to let folks know tribal priorities
- Annual review and planning meetings – who and how
- Don't re-invent the wheel
- Tribal Government Day
- Tribal information Day
- Cluster reporting on a regular basis to LCIS
- Cluster Highlights Event sponsored by LCIS

Roles

- Legislators – relay information to fellow legislators
- Two way communication
- Role of Tribal Representative – voice for my Tribe; two way communication
- Role of Executive Director – job description fits – air traffic controller
- Information sharing with agencies

Breakout Session (Three groups)

Group 2

Values

- Service to Tribes
- Responsive
- Integrity
- Patience
- Highly organized, efficient
- Band together for common good
- Manage conflicting interests (intertribal) overlapping interest
- Courage
- Representation
- Consultation with all/each Tribe
- Humor
- Respect
- Confidentiality

Priorities

- Strengthen our role
- DPSST jurisdiction in Indian Country Training
- Education priorities
- Health care
- Indian Health Budget – All Indian dollars
- Audit of state dollars – OMB
- Need more direct conversation with the Governor
 - Need engagement not filters
- Summit – who sets agenda?
- Addressing Issues: Unemployment, housing, etc.

Activities

- Take to Tribal Government for feedback
- Timely minutes
- Give clear direction to staff
 - Review
- Trainings – how do we get training accomplished
- Meet with Legislative Counsel – on the agenda?
- Develop handbook
- Rotating Chairs?
- Determine how LCIS Agenda is set
- Meet as necessary (possibly more than now)
- Summarize Retreat
- Identify obstacles to on-reservation job development
- Summit
- Meetings with Tribal Department leaders at Tribal facilities

Roles

- Tribes – sharing information and concerns
- Tribes – identifying strength and common issues; work towards common goals

- Tribes – be involved
- Tribes – Review and discuss cluster reports
- Tribes – Participate on panels and in trainings

Breakout Session (Three groups)

Group 3

Values

- "We embrace the ancient and living culture"
- Unity, support and collaboration
- Recognize diversity, differences, uniqueness and have respect for all
- Determine common interests (ICWA, environmental, cultural, health, people)
- We share common perspectives and values
- Willing to help and support each other
- Appreciation for opportunity to learn about current issues
- Communicate with each other
- Respect for each other

Priorities

- A positive affirmation/promotion of ourselves – strong cultural image
 - Tribal & non-Tribal
- Acknowledge, accept that problems do exist
 - Work towards healing
- Build, educate and train for leadership
- Provide oversight of agencies (interactions, activities, partnerships)
- Budget – learn about the LCIS budget

What are the roles of Tribes, legislators, Urban Rep., Executive Director, Commission members?

- Executive Director – fulfill the comprehensive job description
- Commission members – Need to define, develop and adopt
- Urban Representative – Keep LCIS informed of Health and Social Services issues and related matters
 - Progress
 - Issues
 - Needs
 - Recommendations
 - Assistance they may need
- Legislators – Interact with LCS members to address issues in coordination/consultation on tribal issues/matters
- Legislators – read annual reports – follow up on actions/issues/matters accordingly

Activities

- A pledge – develop a pledge to improve the environment, water, health and air quality
- Review of state agency annual reports
 - What are they doing?
 - What is working?
 - What is not working?
- Commission Members – participating in agenda development
 - Reporting on agenda topics of interest
 - Submitting requested agenda topics

- Put forth ideas to be heard at commission meetings (health, traditional foods, etc.)
- Develop, define and adopt roles and expectations for LCIS commission officers
 - Accountability / review
- Budget – would like updates on how funds are used
- Develop Media/legislator kit
- Annual Reports
 - As a tool to identify areas that need to be addressed
 - Identify & address areas where coordination between Tribes and State could improve
- Bigger/Expanded training for legislators and staff

Opportunity

- Have Governor attend LCIS meeting to address current topics and provide updates
 - Once a quarter
 - Not others - himself

OUTCOME: To have a sub-committee, compiled of Cheryle Kennedy, Dan Courtney and Leo Stewart to review the input provided today and report to Commission members afterwards at a time to be set by the Commission members.

Review of this initial exercise will be Friday, August 2, 2013 (changed to 8/8) at the State Capitol, Room 167a.

Post Retreat Discussion

Annual Summit Discussion

Liani Reeves, General Counsel for the Governor's Office came before the Commission to begin discussions about the 2013 Annual Government to Government Summit.

She distributed a memo that provided background, feedback and ideas to consider regarding the planning phase of the 2013 Annual Government to Government Summit. The memo and attachments are hereby incorporated herein.

Hearing from all nine Tribal Governments is very important and she encouraged everyone to provide input.

It is the State's turn to host the Annual Summit and when asked about a different location, she said that could be considered.

Cheryle Kennedy – If too many things are going on, it is hard to get to everything and training sessions should be held at a different time, making sure everyone gets to hear all the information that is being presented.

It was discussed that asking leaders about how much time they may need versus giving a set time to present may be helpful; many of the leaders have made comment about traveling a distance for only five minutes at the podium.

Cheryle – It would be helpful to hear from the Governor on the issues that the cluster work is dealing with --- How does the Governor think things are going in those designated areas

Delores Pigsley – over the years we have tried many different approaches – ultimately we want more time with the Governor.

Leo Stewart – Time goes by quickly and so we need to set up a time frame for planning the Annual Summit and begin the work.

Liani Reeves – agreed with timing and preliminary planning to begin in early August.

Cheryle Kennedy – is the Governor making plans to be present? That is what is most important to us.

Liani Reeves – Having the summit in the Willamette Valley or in Portland is easier for the Governor's schedule.

Leo Stewart – for planning purposes, are conference calls effective? How can we get all nine Tribes to participate?

Dan Courtney – We can use multiple methods to reach out to each other if conference calls don't work for others.

Don Gentry closed the meeting. The meeting concluded at 3:45 p.m.