

TENTATIVE AGENDA

ITMA 16th ANNUAL MEMBERSHIP CONFERENCE

“Trust Reform by Preserving, Protecting and Enhancing
Federal Fiduciary Trust Responsibilities”

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OCTOBER 25-27, 2006
Golden Nugget Hotel & Casino
Las Vegas, NV

WEDNESDAY – October 25, 2006

Room: *Belair Ballroom*

8:30 a.m.

CONTINENTAL BREAKFAST

9:00 a.m. CALL TO ORDER & WELCOMING.....ITMA Chairman Chief Jim Gray
Chief Osage Tribe & ITMA Chairman

INVOCATION.....ITMA Board Member Roland Johnson
Laguna Pueblo

ROLL CALL / INTRODUCTIONS.....ITMA Secretary Scott Russell
Tribal Council, Crow Tribe

ITMA CHAIRMAN’S REPORT ON TRIBAL TRUST REFORM ACTIVITIES 2005
.....The Honorable Chief Jim Gray
Osage Tribe & ITMA Chairman

REVIEW OF FY’06 ANNUAL CONFERENCE AGENDA.....Mary Zuni-Chalan
& OVERVIEW OF ITMA ACTIVITIES ITMA Executive Director

A brief overview of ITMA’s projects and activities regarding trust related issues that ITMA has been at the forefront of during FY 2006. Explanation of the process for ensuring tribal participation in Association trust-related goals and objectives as established by the membership. *LISTENING CONFERENCE @ Muscogee*

10:00 a.m. ITMA TRUST MONITORING REPORT

To ensure that ITMA meets its commitment to ‘monitor’ the activities of the government regarding trust reform issues, ITMA conducts regular monthly meetings with top level OST officials to discuss ongoing initiatives. ITMA representatives have made on-site visits to, the OST Headquarters, Call Center, the Lock Box, the National Records Repository, etc. ITMA has conducted Listening Conferences to provide a venue for Indian individuals to meet directly with top level and regional federal representatives regarding concerns affecting their trust accounts and resources. FY07 activities include continued meetings with OST principal staff, visiting OST Trust Officers

on-site to assess the effectiveness of services, extent of utilization of the trust officer expertise by beneficiaries, and general knowledge of the availability of the trust officer; Review progress in upgrading management of trust assets including GIS mapping of trust lands, implementation of "collections" component of lock box system, communication of collection process to local BIA agencies to insure effective follow-up; conduct "Pilot Test" utilizing willing trust landowner to insure accuracy of title in TAMS system.

.....**Majel Russell, Esq., ITMA Legal Consultant**
Elk River Law Office

10:30 a.m. 1994 INDIAN TRUST FUND MANAGEMENT REFORM ACT & TITLE II, SECTION 202 "Voluntary Withdrawal From Trust Funds Program"

An overview of the 1994 Indian Trust Fund Management Reform Act will be conducted. In addition, Section 202 provides authority for tribes to take their unrestricted tribal trust funds out of government management and control, and to manage their funds directly under a management plan approved by the Secretary. In approving a tribal trust fund management plan, the Secretary is required to make a determination that the plan affords protection against significant loss of principal. Some tribes have taken advantage of this provision. ITMA has had several requests for information from tribes wanting to hear about this part of the 1994 Reform Act, and about its applicability to their funds.

.....**David Harrison, Esq.**
David Harrison Consulting

11:45 a.m. Lunch (on your own)

1:30 p.m. U.S. CONGRESSIONAL UPDATE AND INITIATIVES REGARDING S.1439 "AMERICAN INDIAN"

Review of two years work toward the development of trust reform and Cobell settlement legislation. At the request of Congress, ITMA and NCAI co-chaired an effort to seek input of Indian individuals and Tribes into the formation of legislation. On August 4, 2006 SCIA staff released a "staff draft" of S.1439 (which had not received approval from the Committee) for discussion purposes. ITMA has taken no official position on the draft and is awaiting delivery of the final draft to comment. The new version of S.1439 is expected to be released in the immediate future; ITMA is hopeful Congress will provide an opportunity for comment. During this session Committee staff will discuss to the extent they are able, changes that may be made to the draft bill. ITMA will use this opportunity to hear concerns of tribal representatives that will be considered in the formation of ITMA's official comments and position to the final version of S.1439.

SENATE COMMITTEE ON INDIAN AFFAIRS COMMITTEE

.....**David Mullan, Esq. (Majority) Invited**
.....**Allison Binney, Esq. (Minority) Invited**
Senate Committee on Indian Affairs

HOUSE RESOURCES COMMITTEE

.....**Chris Fluhr, Esq. (Majority) Invited**
.....**Marie Howard, Esq. (Minority) Invited**
House Resources Committee

2:45 p.m. BREAK

3:00 p.m. STATUTE OF LIMITATIONS EXTENSION

In 2002, Congress passed Public Law 107-153 establishing December 31, 1999 as the date that Tribes were deemed to have received their respective tribal trust fund reconciliation project report (the "Andersen reports"), required by Section 304 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. § 4044). Under the general federal six year statute of limitations, this law effectively set a deadline of December 31, 2005 for Tribes to file lawsuits on the adequacy and sufficiency of the Andersen reports. During 2005, ITMA spearheaded the effort to secure a six-year extension of the statute of limitations. DOJ objected to the extension and Congress issued only a one-year extension (P.L. 109-138) to Dec. 30, 2005. ITMA has requested that Congress provide an additional extension of the statute of limitations to provide a continuing opportunity for out-of-court settlements and to ensure the ability for negotiated settlements between Tribes and the United States to take place. ITMA strongly recommended that Congress provide additional direction requiring the Department of the Interior to fully and properly consult with Indian Tribes on the effect of the expiration language, as well as to

provide Congress a substantive report on its consultation outreach to the Tribes and recommendations for equitably resolving these claims and has provided proposed language to meet these objectives. Alternatives for Tribes will be discussed at this session.

.....**Shenan Atcitty, Esq., ITMA Legal Consultant
Holland & Knight, LLP**

3:30 p.m. ITMA TRIBAL TRUST FUND SETTLEMENT PROJECT

At the directive of tribal leaders, ITMA has continued working with the Department of Interior on a voluntary tribal settlement proposal. Staff will report on the efforts over the past year and describe the concepts of the near agreed upon two-phased initiative. It is acknowledged that ITMA does not represent the interests of any particular Tribe and is not authorized to actually settle any claims. Many Tribes are awaiting the outcome to determine whether they should file lawsuits. The continued progress of ITMA's project and the prospect for other settlement approaches could be jeopardized if Congress does not continue to toll the statute of limitations on the filing of tribal trust fund claims. ITMA will discuss the impact of the DOI proposed regulations on this project.

4:30 p.m. RULE 408 OF THE FEDERAL RULES OF CIVIL PROCEDURE

Rule 408 protects any agreements or admissions made by litigating parties from later use in litigation should the settlement discussions break down. The rule is a critical component to meaningful settlement discussions and Tribes should be fully aware of the impacts of any discussions with DOI regarding settlement. Several options to address this concern will be explored. These options include negotiating a Rule 408 type protection with DOI before proceeding and/or encouraging and assisting Tribes with filing lawsuits. The relation of Rule 408 and the ITMA Tribal Settlement Project will be discussed that will guide ITMA's Tribal Settlement initiatives.

.....**Brian Gunn, Esq.
Gardner Carton & Douglas**

5:00 p.m. CONFERENCE RECESS & ITMA Membership Business Meeting



WEDNESDAY, October 25, 2006

5:00 p.m. – 6:00 p.m.

ITMA GENERAL MEMBERSHIP BUSINESS MEETING

Meeting Room: Belair Ballroom (Same Meeting Room)

ITMA GENERAL MEMBERSHIP MEETING
AGENDA

CALL TO ORDER.....Chairman Jim Gray

TRIBAL MEMBER ROLL CALL.....Secretary Scott Russell

AGENDA ITEMS

- Election of FY 2007 ITMA Board of Directors
 - Six Board Positions

- Only ITMA Tribal members in good standing are allowed to participate in the voting process.

- Only official Tribal leaders or Delegates on file with ITMA are eligible to nominate and vote
 - The Board seat belongs to the Tribe who designates its representative
 - Six seats expire at the October 2006 Conference (other current seated Tribes serve thru 2007)
 - Tribe nominated **MUST BE PRESENT** to accept nomination
 - Newly elected Board Member serves 2-year term; beginning Oct '06 ending Oct '08

Six Board Member terms ENDING AT OCTOBER 2006 Annual Conference. Elections to be conducted for the following seats:

- | | |
|------------------------------------|--|
| 1. Oneida Tribe of Wisconsin | 5. Confederated Tribes of Warm Springs |
| 2. Tohono O'odham Nation | 6. Crow Tribe |
| 3. Central Council Tlingit & Haida | |
| 4. Shoshone Bannock Tribes | |

Current ITMA Board of Directors Members SERVING THROUGH 2007 Annual Conference:

- | | |
|------------------------------------|-------------------------------|
| 1. Osage Tribe | 5. Nez Perce Tribe |
| 2. Three Affiliated Tribes | 6. Chippewa Cree Tribe |
| 3. Blackfeet Tribe | 7. Association Representative |
| 4. Confederated Tribes of Colville | |

Immediately Following Board Member Elections:
ITMA FY'07 BOARD OF DIRECTORS MEETING

ITMA Board of Directors Meeting AGENDA

- Election of FY '07 Board Officers
 - Chairman
 - Vice Chairman
 - Secretary
 - Treasurer

THURSDAY– October 26, 2007

Room: Belair

8:30 a.m.

CONTINENTAL BREAKFAST

9:00 a.m. RECONVENE GENERAL ASSEMBLY

INVOCATION.....

**Councilwoman Betty Cooper
Blackfeet Tribe**

ANNOUNCEMENTS.....ITMA Executive Director

9:15 a.m. OFFICE OF THE SPECIAL TRUSTEE REPORT

Update of OST trust reform activities and

.....**Donna Erwin
OST Deputy Principal Special Trustee**

**10:00 a.m. ITMA ANALYSIS AND TRIBAL DISCUSSION OF DOI REGULATORY INITIATIVE
-- PROBATE RELATED SECTIONS**

The DOI conducted regional consultation meetings on the initial December 2005 draft regulations pertaining to the areas of: probate; probate hearings and appeals; tribal probate codes; life estates and future interests in Indian land; Indian land title of record; and, conveyances of trust or restricted land. In August 2005, DOI released the second draft of the probate-related regulations for tribal comment and the October 10 deadline for submission of comments to the redraft has been extended. ITMA will conduct a section-by-section overview of the draft regulations and focus discussion on key elements of concern as presented by tribes. Issues deriving from this session will be presented to DOI representatives in a follow up session during the Conference. ITMA will formalized comments for submission to DOI as its official comment on behalf of our membership.

.....**Majel Russell, Esq., ITMA Legal Consultant
Elk River Law Office**

**11:45 p.m. - ITMA 15th ANNUAL LUNCHEON
& Silent Auction**
Room: Augusta Ballroom

**1:30 p.m. ITMA ANALYSIS AND TRIBAL DISCUSSION OF DOI REGULATORY INITIATIVE
-- PART 112 - TRUST FUNDS AND ACCOUNTING APPEALS**

This session will provide an overview of the major provisions contained within the second draft version of the DOI regulation released on June 29, 2006 entitled "Tribal Trust Fund Accounting and Appeals". Discusses will center on its potential impact on existing tribal trust fund claims and ITMA's tribal trust fund settlement project. The scope of the proposed rules would essentially affect every tribe that has or has had an interest in any tribal trust fund account administered by the Department. Specifically, the draft rules establish a framework under which an tribe would first undergo a consultation meeting with the Department to review its reconciliation report prepared by Arthur Andersen & Company (Arthur Andersen), as well as any subsequent "reconciliation efforts." Next, the tribe would be given a choice to select one of three processes to undergo for the ultimate resolution of trust fund accounting and "funds-related claims"; an "expedited settlement proposal," a "negotiated tribal accounting plan," and a "historical statement of account." In it's official comments to the Department, ITMA stated "that the Department should withdraw the draft Part 112 regulations given the substantial adverse impact they will have on national policies as expressed in laws duly enacted by the Congress and on the federal government's long-recognized fiduciary duties to Indian tribes and peoples."

.....**Shenan Atcitty, Esq., ITMA Legal Consultant
Holland & Knight, LLP**

2:30 p.m. DOI Regulation Initiative – Presentation of Tribal Discussion to DOI

ITMA will present to DOI an overview of the tribal issues presented during the tribal representatives discussion on the DOI Regulatory Initiative. This overview will form the basis of ITMA's official comments to the proposed regulations.

..... **Michelle Singer, DOI (Invited)**

3:00 p.m. NATIONAL CONGRESS OF AMERICAN INDIANS CONFERENCE REPORT

An overview of the October 2006 NCAI National Conference and priorities for the coming year. A report on the National Budget process for the Department of Interior.

.....**Honorable Governor Joe Garcia
National Congress of American Indians (President)**

3:30 p.m. BREAK

3:45 p.m. PANEL DISCUSSION – TRUST RELATED LITIGATION

The panelists will provide a report on recent court rulings relating to tribal trust lawsuits. The attorneys for the Crow Tribe, Confederated Tribes of Warm Springs, and the Osage Tribe will provide a brief overview of their cases. Also, an update on the status of the Cobell lawsuit (individual IIM) will be provided by their attorney.

5:00 p.m. Conference Recess

FRIDAY - October 27, 2006

Room: Belair

8:30 a.m.

CONTINENTAL BREAKFAST

9:00 a.m. RECONVENE GENERAL ASSEMBLY

Invocation.....ITMA Tribal Member Representatives

Announcements.....ITMA Executive Director

9:05 a.m. ENERGY RIGHTS OF WAY STUDY REPORT

Under Section 1813 of the Energy Policy Act of 2005, Congress mandated the Department of Interior and Department of Energy (Departments) to conduct a study of energy rights of way (ROW) on Indian lands and submit their findings in a report to Congress by August 7, 2006. The industry requested Congress to provide a legislative "fix" that would enable the Secretary of Interior to issue a right of way, over tribal objections, for energy transportation. The Departments initiated the process with a series of national scoping meetings where concerns from Indian Country and the industry were received. The Departments issued a draft report and held four consultation sessions. An overview of the report and tribal, ITMA and other organizational comments will be presented during the session.

9:45 a.m. DOJ JUDGEMENT FUND

An overview of what the Judgment Fund is. The Judgment Fund continues to be mentioned as a method of payment of potential settlements and lawsuits for the Plaintiff individuals and tribes. This session will focus on informing participants on what government department oversees the Judgment Fund and the statutory basis for the Judgment Fund and how any settlement or lawsuit award be distributed through the Judgment Fund.

.....**Steve McHugh, Esq. (Invited)**
Holland & Knight, LLP

TRIBAL LEADERS AND REPRESENTATIVES

Discussion and strategy development of FY'06 directives to the Intertribal Monitoring Association on Indian Trust Funds staff on trust-related issues.

12:00 p.m. Recess