

**Best Western KwaTaqNuk Resort & Casino  
Polson, Montana  
August 9, 2007**

**Opening Prayer**

Welcome from Chairman Steele

**Roll Call**

**Opening Remarks**

Governor Arturo Senclair

Our responsibility is to hold the DOI accountable – not to beg but to hold them accountable. We are the voice for the other tribes that we represent.

President Garcia

He thanked everyone for attending. He went over how we sometimes need technical changes and sometimes we need to address sensitive topics. He suggested we take a look at our own schedules and make the most of our meetings. The critical meetings are the ones here.

Carl Artman

He thanked the tribal chairs for their comments. He wanted to say he views the relationship between tribes and the BIA to be a bilateral one. This is a cooperative process. Ross Swimmer has been waylaid with the Department of Justice.

**Staffing Realignments**

Majel Russell is the principal deputy assistant secretary. DOI has an executive resources board, which approves or disapproves moves in the organization. The final staffing changes aren't done. Pat Ragsdale will help out with law enforcement. Chris has done an excellent job, but we need more help in OLES. The non-280 states, the impact is felt very deeply. Jerry Gidner will take on director of the BIA. Chris will take on an SES role.

**Approval of the Agenda**

The tribal caucus had some discussion on whether Carl Artman would be at the meeting. Ron Allen noted in the realignment: over the last few years, people have moved around a lot. That doesn't lend itself to stability. That is cause for concern. Tribal leaders are also concerned that the key decision-maker will not be at the meeting for a significant amount

of time. Re: agenda – what are we going to accomplish? Protocol and data management charter.

Carl Artman said there is a crisis situation with fire seasons. We're spending about \$25 million suppressing these fires. Carl Artman said he will stay – and how often does this happen.

Move up education update and 477 update to Thursday. Data management at lunch with Carl Artman. Agenda changes approved.

### **Modernization Discussion**

40% of the BIA will be eligible for retirement in the coming years. Carl Artman wants to begin to plan for the future. This is the first place to talk about this. BIA would like to open a consultation process on how to do this. We can't avoid these questions – it would be a disservice to tribes and BIA. Carl would like to begin this process with a consultation process with Indian Country. He'd like to do this sooner rather than later. Majel Russell along with Bob Middleton will work on the initial report. Some of the ideas: a lot of regions have many responsibilities. The same responsibilities are duplicated around the nation 12 times. A tribal rep asked for jobs and economic development in Indian Country. Ron Allen said this is an interesting topic. Tribes have the ability to carry out federal functions for the BIA. A lot of things can be contracted out. Data gathering is an example. There can be other vehicles to actually do the gathering. You can outsource to Indian Country. Tribes can offer extremely good opportunities. Tribal members can work on their own reservations. Customer service is very important and Carl wants to make sure BIA offers that. Customer service at BIA is not very great.

Mr. Seki said he's amazed the AS-IA is asking how to address the dwindling workforce. Arch Super said it would be helpful to contract out the services to the tribes.

Navajo said modernization would be good for all of Indian country, especially considering infrastructure needs with housing, water, sanitation, schools, roads, and others. Joe Garcia said we'd need to know how this would affect the budgets. We'd need to help the personnel who may be resistant to change. Governor Senclair said it's important to know if we are meeting the needs of the people. The best approach is to ask Indian Country through these consultations. Ron Allen said this is a longer term agenda. He asked Carl Artman to put together a working group of tribal leaders. It's important to keep a running dialogue with tribal leaders. Many people in Indian Country don't know how the BIA works. BIA has a bad image. OST sends out a monthly newsletter, for instance. So does IHS. This would be good for BIA to do. It's an image issue. BIA does need to be more modern and more effective. Lt. Governor for Zuni said we're losing talented tribal young people to the private sector and other areas. She's glad we're seeing increases in law enforcement. She used to work for BIA. It's frustrating that BIA can't communicate with tribes. Customer service desperately needs improvement.

Modernization: some tribes are still trying to install fiber optics. Government to government – is a phone call gov to gov? Customer service does need to be improved.

Carl said a dear tribal leader letter will be sent out. September will be the month for consultations.

### **Protocol Discussion**

Ron and Art mentioned that the documents produced and drafts related should have a date the version was revised to help us track the various documents.

Motion and seconded. Protocol is approved as amended.

### **FY 2010 Priorities Discussion**

We need to be very flexible about what the priorities, as discussed in the tribal caucus. Mary Jane said the regions will be going out to tribes in developing the FY2010 priorities. When we don't have priorities, it's more difficult when we don't have these set. Mary Jane said this meeting is the best time to do that.

Richard Gay said this task should be given to the budget subcommittee. We need to look at the politics, the current appropriations action – we need to take all of this into consideration. Mary Jane said it won't help the regions later in the year. Suggestion was made that we work with the four current priorities. The priorities haven't changed that much because the needs haven't been met.

**Public safety, education, economic/community development, natural resources.**

How do we address these priorities and not lose other funding. Mary Jane said OMB wants to know how scholarships will fund students which will contribute to economic development. Ron Allen said that's very helpful. We need the devil's advocate here to make our strategy. MJM said we should have another meeting with OMB. They don't like how the dollars are distributed. They don't like the pro rata share. The secretary has put his mark on pushing our priorities. We want to be able to do better at crafting an initiative and taking that forward to whomever the secretary is when the FY2010 goes forward.

**Robert Smith made a motion made that tribal governments don't change the structure in the distribution of Tribal Priority Allocations. Seconded by Arch Super. Motion carries.**

MJM said at least OMB went out to Indian Country this summer. Ron Allen said this concept of means testing was overwhelmingly rejected by Indian Country. The US doesn't take away funds from states because it's doing well.

FY 2006 Sweep (\$4M)  
Recommendations from May

\$1.98 M – Direct Contract Support  
\$1 M – Bennett Freeze  
\$250 K – TBAC support  
\$250K – Data Management Support  
\$520K – Scholarships

Art Senclair said we could put the remainder of the \$250K could go to scholarships.

**FY 2008 Congressional Action**

A question was asked about repairing BIA schools. Art Senclair also asked a question about the land mobile radios, which was from a recent IG report that had been in the news. Pat Ragsdale and Carl Artman noted that many of the statement were incorrect or completely accurate. But BIA consistently asks for more than it receives as far as budget requests go. There's no student that walks into a building that should be condemned. Pat said BIA has hired a contractor to look at detention facilities. BIA is way behind in having the appropriate facilities for tribal members in custody. There are only 65 beds for all of Navajo Nation. The court systems can't do a whole lot with 65 beds at Navajo. There's also a problem with staffing.

Bob Middleton is looking at regional facilities to have more beds that are needed so that the facilities can bring cash into the tribes when the beds are rented out.

**FY 2009 Update**

Calendar presented in powerpoint

**Carryover Discussion**

\$1.98 M – Direct Contract Support  
\$1 M – Bennett Freeze  
\$250 K – TBAC support

Contract could be given to a tribe and the balance could be carried on to the scholarships. Jamestown S'Klallam could do the pass through contract. Lt. Governor mentioned it covers the transcriptions. Written docs should go out. Ron said initiate at \$100K. We'll keep track of how much the meetings cost. Ron said we'd get out the meeting notices. On a semi-annual basis, compare it up. Contracts are fairly easy to amend. We'll have to track this. It's for the whole council to observe. MJM said if we did it at \$150K on a contract, that extra unspent funding could extend to another year. It could go for another half a year. Mike Cook asked what would've happened

Richard Gay moved that \$150K go to TBAC support, meeting planning, and logistics and it be transferred through the compact process to Jamestown S'Klallam and the remaining \$100K go to scholarships.

\$250K – Data Management Support

\$620K – Scholarships

Motion by Ron Allen to approve the carryover funding and Indian Affairs will notify the tribal representatives when the carryover is finished. Tom Gamble seconded the motion. Ron asked how soon we will know when the carryover issue is final.

IRR – Transferring roads to funding agreements has been difficult.

**Action Item List should be approved this afternoon**

The subcommittee should be able to call this up. The subcommittee should meet at least twice to follow up on the action items. Subcommittee gets out the game plan to the full TBAC in preparation for the December meeting.

**Education Update**

Powerpoint

Carl Artman said principals are running corporations. A successful product is a well educated student. We need to churn out generations of learners and teachers. If education is a major initiative,

Grant schools perform better than BIE schools. Do we need to go in that direction? We need to think about right sizing our organization. Is everything done in the right proportion.

Kevin said each state has a different process for determining AYP. There are sub-categories as well.

Larry Rice Jr. said he's also a high school teacher. In Lincoln NE, there is a high Native population. There's a high mobility rate. Maybe we should work more closely with Department of Education. His district has a little over 5,000 teachers and he's one of 5 Native teachers. It's an issue. One of five school districts in the country that mandates teaching about tribal governments. The drop out rates are high and the grades are low. 80 to 90% of Native students are in public schools.

Discussion on Headstart. Joe Garcia said we should remember early education. Kevin said 60-70% of kindergarten children needed help. We need to collectively help our children.

Another comment: many kids are in the foster care system. Some of them when they're 16 can't read or write very well. We need some partnerships to address behavioral problems. Most Indian kids are off the reservation and most of the teachers are non-Indians. Many of our kids are test cases for Ritalin.

### **Public Safety Update**

A comment was made that locking up people is not a cultural or historical way that Indian dealt with troubled community members. It's important that we send them to rehab. But it's a financial issue: it's cheaper to lock up a kid than send him to rehab. Chris Chaney said we need to think about alternatives to incarceration. Pat said we need treatment, supervision, etc. We need to think of alternatives but we'll still need more jails.

Navajo said the elders would tell us to respect our clans. The council was recently considering whether to build new jails. Navajo thought the jails should've be too nice, because it would lose its power as a disincentive.

Mike Her Many Horses said Pine Ridge has had an incident where a young lady was convicted of running a large meth ring. She once posed with President Clinton for a photo op. He asked how we can work together maybe even immigration to address meth. There's no respect for Indian law enforcement. Rapid City is the rape capitol of the US. There's no dialogue on how to deal with those issues.

### **477 Update**

The problem is that the 477 funds, when they are put into the budget, they are transferred out to the tribes as TPA then have to go back to Bob's office. Bob Middleton would like to streamline this process to eliminate paper work. HHS TANF is part of the 477 program and has been reticent on the 477 program. Bob said his changes shouldn't affect the tribes who receive 477 from the OSG. Rick Gay said he'd like the Subcommittee to take a closer look at this issue.

### **Action Items:**

- 1.) Add approval of agenda to next agenda
- 2.) Consider working group of modernization initiative
- 3.) Add revision dates to documents
- 4.) Budget subcommittee will meet to define FY 2010 priorities
- 5.) Caucus will provide TBAC a resolution on redistribution of TPA
- 6.) TBAC will report carryover on or around Aug 30
- 7.) Issue list of action items within 3 weeks

- 8.) Subcommittee schedule meeting with OMB for educational purposes (subcommittee)
- 9.) 477 reviewed by subcommittee
- 10.) Follow up meetings with Data Management. Majel and Pam will work on charter and middle of September the co-chairs will receive a copy of the charter. Artman agreed to \$500K for OPDQ.
- 11.) TBAC Protocol signed.