

Fiscal Year 2012 Annual Report

The Arizona Commission of Indian Affairs



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INTRODUCTION

The Commission was established by the adoption of A.R.S. § 41-541 in 1953 by the 21st Legislature to consider and study conditions among the Indians residing within the State of Arizona.

Pursuant to A.R.S. § 41-542, the Commission shall assist and support state and federal agencies in assisting Indians and tribal councils in this state to develop mutual goals, to design projects for achieving goals and to implement their plans.

The Commission consists of 20 Commissioners, including seven American Indian and four at large members appointed by the Governor, and 9 Ex-Officio members who serve by the virtue of their office.

Appointed Membership:

Ms. Lucinda Hughes-Juan of the Tohono O'odham Nation, Chair
Mr. Cedric Kuwaninvaya of the Hopi Tribe, Vice Chair
Ms. Cora Maxx Phillips of the Navajo Nation
Ms. GinaMarie Scarpa – Member at Large, Secretary
Mr. Paul Nosie Jr. of the San Carlos Apache Tribe
Mr. Billie Spurlin – Member at Large (new)
Mr. Dave Castillo – Member at Large (new)
Mr. Derreck Wheeler of the White Mountain Apache Tribe (new)
Mr. Nathan Pryor of the Navajo Nation (new)
Mr. Buddy Rocha, Jr., of the Yavapai-Apache Nation (new)
Mr. Dan Brooks, Member at Large (new)
Ms. Leah Hubbard Member at Large (new)

Ex-Officio Membership:

Ms. Maria Morlacci on behalf of The Honorable Tom Horne, AZ Attorney General
Ms. Debora Norris on behalf of The Hon. John Huppenthal, Superintendent of Public Instruction
Mr. Michael Allison on behalf of Director William Humble, AZ Department of Health Services
Mr. David Drennon on behalf of Director Don Cardon, AZ Commerce Authority
Ms. Dawn Melvin on behalf of Director Sherry Henry, AZ Office of Tourism
Ms. Misty Dayzie on behalf of Director John Halikowski, AZ Department of Transportation
Ms. Judith Fritsch on behalf of Director Clarence Carter, AZ Department of Economic Security

The Commission has created a five year state plan with goals and objectives which respond to and assess issues involving Tribal Relations. The plan addresses three primary areas:

- ❖ Assemble and make facts available
- ❖ Confer and Coordinate
- ❖ Work for Greater Understanding

The 2012 Annual Report describes the varied initiatives carried out by the Commission and continued its involvement with Arizona Tribal Leaders, state agencies, professionals and the tribal communities.

ASSEMBLE AND MAKE FACTS AVAILABLE

The Commission serves the tribal community as an information clearinghouse and reference desk. Designed to be visually appealing and user friendly, the website has become the centerpiece of our communication model which has increased the number of internet visitors and access to useable information.

The Commission annually processes more than 500 inquiries ranging in interest from duplicating the Arizona State-Tribal relations model to requesting presentations on cultural sensitivity.

In addition to this, we enhance growth and development among low income and minority populations by reaching out to community organizations and individuals to disseminate information regarding employment opportunities and vacancies on state boards and commissions. As members of the American Indian Chamber of Commerce of Arizona, we provide information regarding state contracting opportunities, referrals to the state procurement office and ADOT Disadvantaged Business Enterprise (DBE) program.

The Commission has created a newsletter to share pertinent information to tribes and tribal community members on a consistent basis and provide assistance in identifying resources that meet individual needs.

In cooperation with the Tribes and Indian Nations, the Commission produces a state-tribal resource directory which contains contact information for tribal governments, tribal community organizations and state agencies.

Pursuant to A.R.S. § 41-844(D), the Director of the State Museum is required to give notice to this office upon the discovery of American Indian human remains, funerary objects, sacred ceremonial objects or objects of cultural patrimony. For FY12, five instances were reported.

CONFER AND COORDINATE

The Tribal Economic Development Task Force (TEDTF) formed as a result of the *Growing Economies in Indian Country Workshop* hosted by the U.S. Treasury on June 28, 2011 in Phoenix. The first meeting, identified the need to better coordinate tribal economic development efforts statewide. Collaborative partners included: state and federal agencies, Tribal Elected Officials, Tribal Economic Development Directors, Tribal Planners, and private sector organizations focused on economic development.

The Commission housed the TEDTF to assist in evaluating available resources with the intent to complete a Tribal Economic Development Needs Assessment and facilitate a final discussion with tribal community partners to plan the next steps. The overall purpose is to figure out how Community Development Finance Institutions may contribute to economic development efforts within tribal communities.

The TEDTF created a Tribal Economic Development Resource Directory and Services Matrix and continued with a plan to provide information sessions on resources available through public entities. These workshops were funded through the in-kind support of the collaborative partners. The first information session was provided September 20, 2011 and hosted by Kitchell. Some 59 participants

were in attendance and 6 tribes were represented. The second information session was provided December 2, 2011 and hosted by Carpenter's Union Training Center. Some 40 participants were in attendance and 10 tribes were represented.

WORK FOR GREATER UNDERSTANDING

During the year, the Executive Director and Commission Members host meetings and attend events to establish a presence and remain involved in current issues. In addition to these efforts, Governor Brewer and more than 30 state agencies ensured state services and resources are accessible to all eligible state citizens residing in Arizona Tribal Communities.

Pursuant to Executive Order 2006-14 *Consultation and Cooperation with Arizona Tribes* each executive branch agency is required to assign a Tribal Liaison as a point of contact for tribal issues. The Liaison will assume responsibility for the agency's implementation of a tribal consultation policy with an annual report related to tribal activities.

This collaborative effort is facilitated by the Commission, who compiles the annual reports and distributes them to Tribal Leadership. In addition to this, regular meetings are held with designated agency Tribal Liaisons to share ideas, success stories, and brainstorm innovative strategies to serve the tribal community and their members. By request, the Commission will also work with state agencies to develop a tribal outreach model or customized training for their workforce.

The Commission serves an integral role to Governor Brewer in the planning and implementation of biannual meetings with Tribal Leadership to discuss issues of mutual interest and concern. Traditionally hosted by the Governor's Office, each tribe is invited to join the Governor in a private roundtable discussion to address issues impacting tribal community members.

LEGISLATIVE HIGHLIGHTS

During the 50th Legislature, 2nd Regular Session, two bills of tribal interest were passed:

- 1) HR2492 White Mountain Apache Tribe Water Settlement
Rep. Jones introduced HR2492 that appropriated \$2 million from the general fund in FY12-FY13 to the Department of Administration to comply with the state's obligation in the settlement of the White Mountain Apache Tribe's water rights claim.
- 2) SB1483 Shared Revenue; Navajo Technical College
Sen. Jackson introduced SB1483 to allow the maximum amount of transaction privilege tax collected on a reservation that may be directed to a community college is increased with respect to an additional technical college located on the same reservation by \$875,000 or five percent of TPT revenues.

As a state agency, the Commission of Indian Affairs respects the sovereign status of each of the 22 Indian tribes and nations. To advance government-to-government relationships with the Legislature, we host an Annual Indian Nations and Tribes Legislative Day and connect Tribal Leaders with their elected State Representative(s) during the year.

17th ANNUAL INDIAN NATIONS AND TRIBES LEGISLATIVE DAY

In cooperation with the Legislature, Tribal Leaders, and Inter Tribal Council of Arizona, the Commission hosted the 17th Annual Indian Nations and Tribes Legislative Day (INTLD) Tuesday, January 17, 2012. The primary objective is to discuss issues of mutual interest; and pay tribute to American Indian people and their contributions to the history, prosperity, and cultural diversity of the United States.

In attendance were more than 468 tribal leaders, state legislators, and other interested constituents. Beginning with a joint protocol session held in the Senate, we were honored to have a posting of the colors by the Tohono O'odham Color Guard. This year's featured speakers included Vice-Chairman of the Fort Mojave Indian Tribe, Mr. Shan Lewis, Governor Gregory Mendoza of the Gila River Indian Tribe, and President Ben Shelley of the Navajo Nation. Some 12 tribes were represented.

Following the joint session, guests enjoyed a catered luncheon prepared and provided by the Classic Cooking Academy. During the lunch hour, guests had the opportunity to network with entities that specialize in various areas of economic and community development.

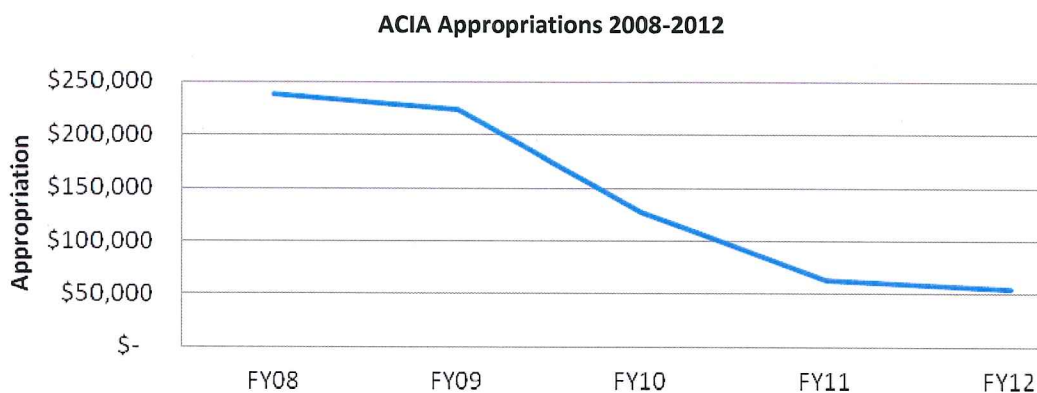
The day concluded with an information session on Indian education provided by select state agencies in the Capitol Museum, Old Senate Room that was attended by 60 attendees including legislators.

Workshop presentations were provided by:

- Mr. Jacob Moore, State Board of Education
- Ms. Beverly Russell, First Things First
- Ms. Debora Norris, Office of Indian Education
- Ms. Luann Leonard, Regent, Arizona Board of Regents
- Ms. Karen Francis Begay, University of Arizona

MEETINGS OF THE PUBLIC BODY – FY12 SUMMARY

The Commission held five meetings of the public body and welcomed seven new members over the year. The FY12 appropriation from the general fund \$54,300.



To ensure the continuity and organization of the public meeting, Mr. Charles Grube was invited to present on Open Meeting Law and confirmed appointed members do not represent tribal leadership, even if they are a member of tribal council or other tribal official.

The Commission's review of the draft FY11 annual report occasioned inquiries on statutes governing ACIA, the current ACIA conduct and expectations document and a request to have the annual report match statutory authority regarding activities reported.

The Attorney General's office in coordination with the ACIA Executive Director developed a functional procedures supplement to provide guidelines on the role of members, activities of the Commission, and to identify the process to report possible conflicts of interests.

The following information should guide future efforts pursued by the Commission:

As indicated by title, 41-542: where a majority of the powers and duties of the commission exist. It is important to note the words 'shall' and 'may'. *Shall* denotes something that must be done, it is a directive and mandatory to complete. *May* means that a commission or member has the power to do so but it is within their discretion to take action. This particular section begins '*the commission shall assist and support state and federal agencies in assisting Indians and tribal councils in this state to develop mutual goals, to design projects for achieving goals and implementing their plans*' which should be considered the motto of the commission. The commission shall also '*Assemble and make available facts needed by tribal, state and federal agencies to work together effectively*'.

In reading 41-542 (A) it is best to consider the first section as a primary interest, all items listed in this section are significant in that *shall* is an imperative. As a state commission serving a state government created by a state legislature the primary objective is to fulfill the statute. As appointed members of the commission, members have no duties as tribal members. However, this statute allows the commission to confer and coordinate to address tribal concerns. It also allows members to act independent of what the legislature may want to do. The statute indicates a requirement to confer and coordinate but that does not mean the commission acts on the wishes of the legislature. The commission does have the authority to use their discretion on how to proceed on a particular issue. However, if that issue is political in nature and a tribal council is not satisfied with a particular outcome the members are exposing themselves to the possibility of being removed from the commission. The Arizona Court of Appeals has made clear that if there is "some evidence" that a state appointee has engaged in unethical behavior, the Governor may have cause to remove the appointee. *Johnson v. Mofford*, 193 Ariz. 540, 544, 975 P.2d 130, 134 (App. 1998). Rather than take on a strong advocacy role, it is advisable to focus on collecting and disseminating information.

The most powerful of all duties listed in A.R.S 41-542 is '*assemble and make available facts needed by tribal, state and federal agencies to work together effectively*'. Under this, the Commission may work with various agencies to encourage clearinghouses of information. The Commission has the expressed power to make *recommendations to the governor and the legislature* (usually leadership). These recommendations would require a formal vote. In combination with assembling facts, the Commission could make formal recommendations for legislation (including citizen initiatives).

The Commission has the power to: *Confer and coordinate* with officials and agencies of other governmental units; and have an ability to '*Work for greater understanding and improved relationships between Indians and non-Indians by creating an awareness of the legal, social and*

economic needs of Indians in this state' this is particularly significant as no other single body has authority to do this. The Commission is in a position to create a bridge for communication.

On request, 'State and local public officers shall furnish the commission with information that it may require for its purposes.' This is imperative, as the Commission has the ability to obtain information to help bridge gaps in the fact finding process. *'The commission shall make a written annual report to the governor and the legislature and ay submit such recommendations to the legislature in the form of proposed legislation.'*

In addition to this, there was clarification on specific activities that the Commission may not participate in:

- The Commission does not have the authority to sue or go to court or otherwise participate in litigation. This is significant as many tribal issues end up going to court.
- The Commission cannot conduct hearings
- The Commission may not delegate responsibility to any member and must draft any form of recommendations during an open meeting. For example, the legislature may request a training curriculum for new members. The Commission may create the training program but must do it during an open meeting or a better situation would be to coordinate this activity with a state agency already performing this service. The Commission may only act as "the Commission" during open a meeting and no individual member has the authority to act as the Commission.

INDIAN EDUCATION

In reviewing statutory obligations, it was found that the Commission shall also assist in evaluating, consolidating, and coordinating all activities relating to the education of Native American Pupils. Mr. Jacob Moore, State Board of Education has expressed interest in attending a future Commission meeting to discuss existing opportunities in education. Moving forward, we should collaborate with the Office of Indian Education to determine how this statute is fulfilled, what activities are taking place, and what role we may be able to serve.

The State Board of Education agrees on the development of a forum to advance Indian education. Areas for practicality include pursuing funding opportunities, developing standards that are similar across the states, and developing a longitudinal data system (or universal electronic process to monitor student and teacher performance). The State Board and other interested stakeholders have expressed interest in a collaborative conference to bring the tribes to the table although the actual programming is still being discussed.

LETTERS OF SUPPORT

On behalf of First Things First, the Commission submitted a letter of support to Governor Brewer promoting school readiness for young children residing on Indian Lands for the Race to the Top Early Learning Challenge.

The Commission declined a request from the Havasupai Nation for a letter of support to appoint a federal negotiations team to resolve water rights for the tribe. The consensus was the Commission should remain neutral regarding tribal water settlements and defer to the Arizona Department of Water Resources.

Native American human remains reported to the Arizona State Museum in FY12.

Case Number	Date of Discovery	Burial Type	Number	Discovery Site	Lead Claimant
09-08	6/12/2012	Inhumation	1	AZ P:8:65(ASM)	Hopi
09-08	5/30/2012	Inhumation	1	AZ P:8:65(ASM)	Hopi
2011-036	10/22/2011	Cremation	1	AZ BB:5:47(ASM)	TO Nation
2011-040	10/31/2011	Cremation	1	AZ T:12:73(ASM)	Salt River
2012-001	2/27/2012	Inhumation	1	AZ U:9:165(ASM)	Salt River

Arizona Commission of Indian Affairs Functional Procedures

The commission has interpreted the Open Meeting Law Statute as such to serve in an advisory role to the State of Arizona working under policies adopted by the State and Federal Governments with a limited operations budget and staff. As a state commission, this body only functions when assembled. The information provided here is intended to provide the commission with an overview of open meeting law, statutory requirements, and your responsibility as members of a public body.

OPEN MEETING LAW

A meeting is defined as "the gathering," in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action." A.R.S. 38-431(4). This is important to note, discussion with the majority, whether individually or as a whole, be email, social media on any matter involving legal action is "splintering the quorum," error on the side of caution and hold discussion until the public body is assembled.

1. Public notice of a meeting of the Commission is required (within 24 hours of the meeting).
2. Items for discussion and/or action must be on the agenda and fairly described.
3. Each meeting shall be open to the public which includes physical access to enter the meeting room and open participation by members of the public to attend by phone. If the audio quality is perceived by the phone participants to be poor, this could be a violation.
4. Written minutes or audio recording(s) must be made available within three business days of the conclusion of a meeting.
5. Anyone may record meetings as long as it is not disruptive.
6. Each member should review Open Meeting Laws in the Arizona Agency Handbook found at http://www.azag.gov/Agency_Handbook/Agency_Handbook.html
7. 50% plus 1 of current appointed membership is required to establish quorum. 11 appointments on the Commission, 6 members must be in attendance at all times. Members who have termed out but continue to serve until a successor is named may count toward quorum.
8. Members who miss three consecutive meetings will be considered resigned
9. Appointed members must attend meetings in person. Ex-Officio's may send a delegate on their behalf.
10. Executive Sessions may be called for limited purposes defined by statute (i.e., to review legal advice, personnel issues, sensitive data). A special meeting public meeting notice must be sent. Also, minutes from the Executive Session should be sealed and housed separate from the public meeting record. No voting may take place during an executive session. Appointed members are the only authorized participants of an executive session.
11. Reports by the executive director; anything may be reported and reporting items are not required to be listed on the agenda.
12. Calls to public; members are not permitted to respond to criticism.
13. Allows the Attorney General to conduct open investigations into possible violations of the open meeting law.
14. Make suggestions for future items during a public meeting.

COMMON PITFALLS FOR OPEN MEETING LAW VIOLATIONS:

1. Making comments immediately following a meeting, in casual discussions outside the meeting room or in public and/or common areas, by electronic mail, or social media that relate to commission activities.
2. Do not act as a sergeant at arms to remove members of the public who may be disrupting a public meeting. Contact local law enforcement.
3. Lining up votes in advance of a meeting.
4. Contacting appointed members individually to discuss a possible issue before the Commission.
5. "Hub and Spoke" or using a central person to collect feedback on a potential agenda item.
6. Answering "reply to all" on email responses and social media (text messages, Facebook, blogs).
7. Discussion of anything that is not on the agenda.
8. Overreaction to public criticism.
9. Proceeding without a quorum. Avoid chatting after a meeting.
10. Starting early or "hanging out" after meetings.
11. Calling an executive session for unqualified matters.
12. Disclosing contents of an executive session.
13. Failure to post advance meeting notice. (twenty-four hours minimum)
14. Failure to post signs on meeting location if changed at the last minute is a barrier to entry.
15. Any perceived violations of open meeting law should be placed on the next agenda to repeat the discussion in a public setting.

PENALTIES FOR VIOLATION:

1. Any violation voids all business action items (items which are not on the agenda are void).
2. Civil sanction per individual per violation. Individual members are responsible for this expense. ADOA risk management would consider this a punitive fine.
3. Appointed members may be removed from office.
4. Sanctioned individual(s) may also be held liable for Attorney and other related Legal fees.

CONFLICT OF INTEREST

Where there is a conflict of interest, this should be mentioned at a public meeting and confirmed in writing to the Director of the Commission of Indian Affairs. An explanation of the conflict is requested and kept on file. The member should leave the room and is prohibited from engaging in discussion which includes stating an individual position and offering details regarding the subject matter of the conflict. As such, a recusal will impact quorum. Conflicts of interest may also include participation on municipal boards and/or commissions.

Members of the Arizona Commission of Indian Affairs are referred to the "State Conflict of Interest Law" Arizona Revised Statutes Title 38, Article 8, A.R.S. Section 38-501 through 38-511. Commissioners may call the Attorney General's Office with any concerns they may have regarding possible conflict of interest. Currently, Charles Grube is the attorney assigned to the Arizona Commission of Indian Affairs. Mr. Grube may be reached at 602-542-8341 or email charles.grube@azag.gov

POWERS AUTHORIZED BY STATUTE

A.R.S. 41-541: Commission of Indian Affairs; members; term; compensation; officers; meetings; duties

- Only the (11) appointed members may vote

- 6 of 11 appointed members must be present to establish quorum and must be maintained throughout the meeting. Any member leaving the room or dropping off the conference call results in a break in quorum and the meeting must not proceed until quorum is reestablished.
- All members serve at the pleasure of the Governor. The Governor can appoint or remove appointed members at any time, as compared to other commissions, doing so does not include involvement by the legislature

*Appointed members do not represent tribal leadership, even if they are member of tribal council or other tribal official.

A.R.S. 41-542: Powers and duties; information; report; director; appointment; personnel; limitation; fees; directory

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A.R.S. 41-543: Indian affairs commission publications fund

The commission may create, produce and distribute publications for a fee. Without this particular section, the commission would not be able charge a fee.

A.R.S. 41-544: Indian nations and tribes legislative day

In cooperation with representatives from the State's Indian Nations, shall annually facilitate an Indian Nations and Tribes Legislative Day on Tuesday of the second week of each regular legislative session. This is not a legal holiday

A.R.S. 41-545: Indian town hall fund

This statute creates a public fund to allow the commission to charge a fee to defray the costs associated with the town hall.

A.R.S. 15-244 (C): Arizona Department of Education, Office of Indian Education

At least once each year, representatives from all Indian Nations, members of the state board, the governor's office, the Arizona Commission of Indian Affairs, the Inter Tribal Council of Arizona, the legislature, the superintendent of public instruction and the Indian Education Advisory Council shall meet to assist in evaluating, consolidating and coordinating all activities relating to the education of Native American Pupils.

A.R.S. 41-844 (D): Duty to report discoveries; disposition of discoveries; definitions

The Director of the Arizona State Museum must notify the commission when American Indian human remains, funerary objects, sacred ceremonial objects or objects of cultural patrimony are discovered during excavation or construction.

COMMISSION DUTY UNDER EXECUTIVE ORDER 2006-14

The Governor has the power to issue orders to executive branch agencies and is considered state policy for state employees. In the instance of non-compliance, only the Governor of Arizona can enforce an executive order. The governor has limited authority over elected offices like the Attorney General or Superintendent of Education. This is an obligation to create tribal consultation policy at all executive branch agencies, report annual activities to the governor and provide a copy to the Commission of Indian Affairs for distribution to the tribes.

UNAUTHORIZED POWERS

- The commission does not have the authority to sue or go to court or otherwise participate in litigation. This is significant as many tribal issues end up going to court.
- The commission cannot conduct hearings
- The commission may not delegate responsibility to any member and must draft any form of recommendations during an open meeting. For example, the legislature may request a training

curriculum for new members. The Commission may create the training program but must do it during an open meeting or a better situation would be to coordinate this activity with a state agency already performing this service. The Commission may only act as "the commission" during open a meeting and no individual member has the authority to act as the commission.

ANNUAL WORK PLAN

The commission will defer to statute requirements. The annual work plan is available for viewing at the Commission office, 1700 W. Washington, Suite 430, Phoenix, Arizona during normal business hours.

STRUCTURE OF THE COMMISSION

The ACIA shall consist of the following ex-officio members (or their designee), who serve by virtue of their office:

- Governor
- Attorney General
- Superintendent of Public Instruction
- Director, Department of Health Services
- Director, Department of Transportation
- Director, Department of Economic Security
- Director, Arizona Commerce Authority
- Director, Department of Tourism
- Director, Department of Gaming

Ex-Officio members of the board serve at the pleasure of the Governor. The duty of the ex-officio is to support the Commission; and to provide assistance within their agencies area of expertise. Ex-Officio members may not vote.

The Governor shall appoint eleven members to serve on the board of commissioners:

- (4) At-Large members, one of whom must represent a non-profit
- (7) Indian Members; each member shall be a member of an Arizona Indian Tribe. Each tribe or tribal council may submit names of members of its tribe to be considered for appointment; and a member may be removed at the request of a tribe or tribal council if the member was previously nominated by that tribe or tribal council.

The term of office for commission members appointed by the governor shall be three years. The term of office shall expire on the first Monday of January. Members who fail to attend three consecutive Commission meetings without sufficient cause shall be considered to have resigned. Each expired term member shall hold office until a successor is appointed and qualifies. Appointments to fill a commission vacancy during the normal term of office shall be for the unexpired portion of the term. The duty of the commission member is to support the commission.

Members of the Commission serving by virtue of their office (ex-officio) shall serve without compensation. Appointed members are eligible to receive compensation as determined by A.R.S. Section 38-611 for each day of attendance at meetings.

Elected Officers

The Commission shall hold elections for Chairperson and Vice Chairperson during the first meeting of July. Each Officer shall be an appointed member.

Duties of the CHAIRPERSON:

- Conduct and preside over commission meetings
- Develop meeting agendas in collaboration with the ACIA Executive Director.
- Act as the spokesperson for the commission in collaboration with the ACIA Executive Director

Duties of the VICE CHAIRPERSON:

- Conduct and preside over commission meetings in the absence of the chairperson
- Review minutes of the previous meeting before distribution to the body of the commission. Once approved, the vice chairperson will forward copies to the chairperson and ACIA Executive Director for dissemination
- Assumes the role of the chairperson, if the chairperson resigns or otherwise vacates the position

Commission Staff Selection Process

The Governor shall appoint an Executive Director of the Commission pursuant to A.R.S. Section 38-211; the executive director may not be a member of the Commission. The director is eligible to receive compensation pursuant to AR.S. Section 38-611. The commission may employ clerical, professional and technical personnel subject to appropriated funds and shall prescribe their duties and determine their compensation.

Meetings

- The Commission will meet not less than once per quarter on the second Thursday of the first month of each calendar quarter.
- Meetings will be publicly posted 24 hours in advance, in accordance with the Open Meeting Law.
- Additional meetings may be scheduled by the Chairperson. A minimum of 48 hours advance notice must be provided to board members.
- All meetings will be open to the public, with the exception of executive sessions, in accordance with the Open Meeting Law, A.R.S. Section 38-431 to 38-431.09.
- A meeting is a gathering in person or through technological devices of a quorum of a public body at which they discuss, propose or take legal action, including deliberations A.R.S. Section 38-431(4). This includes telephone and email communication.

Rules of Conduct

- Roll call shall be taken by the Chairperson or Vice-Chairperson and a quorum (or lack of quorum) established
- Minutes shall be taken for each public meeting. The original copy of the minutes and any supporting documentation including handouts shall be filed with the Arizona Commission of Indian Affairs and shall be available for public inspection.
- The Chairperson shall conduct and preside over Commission meetings
- Amendments to the meeting agenda shall be submitted to the Chairperson and ACIA Executive Director no less than 72 hours in advance of Commission meeting. Revised agendas will be distributed no less than 24 hours in advance of a Commission meeting
- A verbatim explanation on any board member's vote on a roll call may be included in the minutes. The member shall submit the remarks in writing to the Commission Secretary within 24 hours after the vote
- All Commission members, Ex-officio's, staff and members of the public in attendance shall observe Robert's Rules of Order as a guide, and extend courtesy and respect to each other

Agendas

- Agendas for Commission meetings will be developed by the Chairperson and ACIA Executive Director
- Commission members may submit agenda items for consideration to the Chairperson and ACIA Executive Director
- No items may be discussed which are not included in the agenda. Any new areas of interest identified during the current meeting will be placed on the future agenda.
- Items may be dropped from the agenda during a meeting, but no new items may be added.
- The agenda for Commission meetings will be posted on the ACIA website at www.azcia.gov

Quorum

- A majority of the existing appointed members of the Commission shall constitute a quorum for the transaction of business. A quorum is defined as one-half plus one of appointed memberships. Participation by phone counts toward quorum.
- Meetings may be cancelled if a quorum is not established within 24 hours of scheduled time.

Attendance

- All Commission members have an obligation to attend each meeting
- All Commission members are expected to actively participate in activities of the Commission
- Sign-in sheets will be maintained for public record at each meeting. However, members of the public do not have to disclose their identity unless they choose to address the Commission
- Members who fail to attend three consecutive Commission meetings shall be considered to have resigned.
- Each member shall hold office until a successor is appointed and qualifies.

Voting

- Each appointed Commission Member who is present will have one vote
- All decisions will be made by a simple majority vote
- Absentee voting will not be allowed
- In the case of close votes, numerical breakdown of all votes will be reflected in the minutes (EX: 3 in favor, 4 against, 2 abstain)

QUESTIONS AND ANSWERS

'Shall assist and support state and support federal agencies' implies that the commission take direction from state and federal agencies meaning that the first obligation is to provide support as requested. In an instance of a state or federal agency is not working with tribes, does that mean we sit on our hands? Mr. Grube offered some tools that may be necessary to interpret statute:

1. Always use the plain dictionary meaning of words unless a specific definition is included in statute
2. Figure out what the legislature meant by focusing out the real words
 - a. Never interpret that the result is ridiculous.
 - b. Look at legislative history
3. How does it fit into all the statute? It should all fit together and work harmoniously rather than cancel each other out

Mr. Grube suggested that the commission avoid a split between proactive or reactive use and facilitate the mobilization of resources to resolve a particular situation. He offered the example of, a snowfall that trapped cattle in the wilderness and the circumstances required that hay had to be flown in. Within

the statute, the commission has the power mobilize resources by informing the Governor, the Air National Guard, or contact tribes to offer assistance. However, the commission does not have the authority to charter a helicopter and deliver hay. The commission has a role to facilitate this process. Keep in mind that the composition of appointed members will influence the commission on how to proceed or avoid a particular activity. For example, the appointed members of an Indian tribe may not want the commission to engage in activities that interfere with practices that are normally addressed by tribal councils.

The authority provided by 41-542 is vague and allows for the use of discretion. In an instance, where an entity is seeking support, how do we gauge the cause to determine if relevant issue can be supported without seeking advice from our legal counsel? There is no requirement that supporting a particular cause must be approved by the Office of the Attorney General. As long as the request is in alignment with the statute of the commission, then the issue is open for further consideration. However, the commission may not send out any information or declarations on behalf of the state of Arizona that one program or cause is superior over another. The commission may only speak on the behalf of the Commission.

How the commission should approach requests for an official AG opinion if one was needed? It would have to be included on the agenda, involve discussion and then a vote. Less formal requests may be transmitted or process through the executive director.



ARIZONA COMMISSION OF INDIAN AFFAIRS

JANICE K. BREWER
GOVERNOR

KRISTINE FIRETHUNDER
EXECUTIVE DIRECTOR

October 13, 2011

The Honorable Janice K. Brewer
Governor of Arizona
1700 West Washington, 9th Floor
Phoenix, Arizona 85007

Dear Governor Brewer:

In accordance with A.R.S. 15-244, the Arizona Commission of Indian Affairs has a vested interest in activities relating to the education of Native American Pupils. Based on the limited resources available to promote school readiness for young children residing on Indian Lands, we request that you and your office support First Things First in their pursuit of the Race to the Top Early Learning Challenge application.

The Commission of Indian Affairs appreciates your commitment to support investments in early childhood education and excellence in key areas as a crucial component to strengthening the state education system. By developing a strong state system with measurable goals, we are able to ensure high quality programs for our children and create a strong early childhood education workforce. Arizona's vision for ensuring that all children have a solid foundation for success in school and life is clearly reflected in the state's application to the Early Learning Challenge.

Fulfilling our commitment to our young children means more than simply funding programs and services. It includes a collective and dedicated commitment to realize a shared vision on what tools are needed to actually be prepared for kindergarten. The Early Learning Challenge grant can help Arizona build on the strengths of our early childhood system, acknowledge and appreciate differences in programs and services, reduce inefficiency, improve quality, and ultimately deliver a coordinated set of services and experiences that support success in school and life for young children.

If the Early Learning Challenge application is successful, the Commission of Indian Affairs recommends that 5% of total award received by the state should be dedicated to programs for children living on tribal lands. This percentage is proportionate to the population and demonstrates the state's responsibilities to Indians and tribes.

You may count the Commission of Indian Affairs as one of those who support school readiness and want to see young children succeed. We offer our assistance in evaluating, consolidating and coordinating strategies presented in the Early Learning Challenge application.

Respectfully,

A handwritten signature in black ink, appearing to read "Lucinda Hughes-Juan". The signature is fluid and cursive.

Lucinda Hughes-Juan
Chairperson, AZ Commission of Indian Affairs

2012 - 2015 ARIZONA MASTER LIST OF STATE GOVERNMENT PROGRAMS

IAA 0.0	Agency Summary
COMMISSION OF INDIAN AFFAIRS	
Kristine M. FireThunder, Executive Director	
Arizona Commission of Indian Affairs (602) 542-4421	
A.R.S. §§ 41-541 to 41-545	

Mission:

To enhance communication and build sustainable relationships between tribal entities and the State of Arizona.

Description:

The Arizona Commission of Indian Affairs (ACIA) has a legislative mandate to assist and support state and federal agencies in assisting Indians and Tribal councils to develop mutual goals; design projects for achieving goals and implement their plans; encourage a spirit of cooperation to guide the continuing government-to-government relationship between the State of Arizona and Tribal Nations and communities located in Arizona; ensure meaningful and timely consultation with Tribal Leaders to facilitate better understanding, informed decision making, and intergovernmental cooperation; establish a spirit of cooperation and collaboration among state agency tribal liaisons in order to share ideas, address needs and effectively implement the mandates outlined in EO 2006-14 and; ensure that state services and resources are available to all eligible citizens residing in Arizona tribal communities to the same extent that such services are available to all other eligible citizens.

◆ **Goal 1** To Facilitate communication between tribal entities (both public and private), elected state officials, and other state agencies

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Number of meetings facilitated between stakeholders, tribal officials and state officials to communicate and/or collaborate on administrative and legislative issues	23	20	20	20

Explanation:

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Issue an annual report describing Commission activities to state policymakers	1	1	1	1

Explanation: Required by A.R.S. 41-542 C

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Conduct 10 meetings with the Tribal Liaisons and subcommittees per fiscal year	7	10	7	7

Explanation:

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Number of projects and activities of each Tribal Liaison subcommittee advertised/publicized	7	8	7	7

Explanation:

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Number of legislative bills tracked related to Education, Health, Transportation, Economic Security, Commerce and Tourism	21	20	21	21

Explanation:

◆ **Goal 2** To establish and maintain relationships between the State of Arizona and the 22 Indian Tribes

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Number of structured visits with each tribe on their respective tribal communities to obtain tribal input about state activities.	0	6	0	0

Explanation: Based on invitations received from tribal communities 6 visits will be planned annually

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Plan and implement Indian Nations and Tribes Legislative Day	1	1	1	1

Explanation: Required by A.R.S. 41-544

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Plan and Implement AZ Indian Town Hall	1	1	1	1

Explanation: Required by A.R.S. 41-541 G, and A.R.S. 41-545

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Electronic annual reports distributed to tribal leaders	1	1	1	1

Explanation: Distributed per Executive Order 2006-14

◆ **Goal 3** To act as an informational clearinghouse and reference desk

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Number of website updates. Update the website at least once a month to ensure relevant data is consistently available.	54	12	45	45

Explanation: The website enables ACIA to obtain, retain, and share information about: state and federal policies that impact tribes; grants (and other monies available for tribal use) and national Indian issues

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Distribute a Newsletter 4 times a year which highlight tribal-state initiatives	0	4	0	0

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Phone, walk-in, email and standard mail inquiries processed	593	500	500	500

◆ **Goal 4** To enhance growth and development among low income and minority populations

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Number of community organizations and individuals contacted to join the state government workforce by contacting community organizations and individuals to help facilitate the dissemination of information regarding employment opportunities and vacancies on state boards/commissions	105	8	105	105

Explanation:

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Number of minority/women-owned businesses contacted to provide information regarding state contracting opportunities and referral to the state procurement office and ADOT DBE program	294	250	250	250

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
In partnership with the Commerce Authority, provide 2 annual workshops to supply technical assistance, training and/or education	0	2	2	2

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Establish 2 partnerships to support Military/Veteran employment for tribal members	2	2	2	2

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
Attend 2 meetings of the Nineteen Tribal Nations Workforce Investment Board	0	2	2	2

Performance Measures	FY 2012 Actual	FY 2013 Estimate	FY 2014 Estimate	FY 2015 Estimate
In partnership with the Department of Education and Inter Tribal Council of Arizona, attend one workshop to assist in evaluating, consolidating and coordinating all activities relating to the education of native American Pupils	1	1	1	1

Explanation: Required by A.R.S. 15-244

Executive Order 2006-14
Consultation and Cooperation with Arizona Tribes

WHEREAS, Arizona is home to 22 federally-recognized American Indian Tribes ("Tribes") who have existed since time immemorial, long before the formation of the United States and the entry of the State of Arizona into the union; and

WHEREAS, the land of these 22 Tribes comprises approximately 28% of Arizona's land base; and

WHEREAS, these tribal members are citizens of our great State, possess all the rights and privileges afforded by Arizona to its citizens, and, along with other American Indians, comprise approximately five percent of Arizona's population; and

WHEREAS, the State of Arizona recognizes and supports the right of these 22 tribal governments to exercise sovereign authority, as defined by federal law, over their members and their territory; and

WHEREAS, it benefits the State of Arizona to partner with tribal governments on issues affecting all of Arizona as well as to ensure that state services and resources are available to all eligible state citizens residing in Arizona tribal communities to the same extent that such services are available to all other eligible state citizens; and

WHEREAS, a spirit of cooperation should guide the continuing government-to-government relationships between the State of Arizona and the Tribes that call Arizona home; and

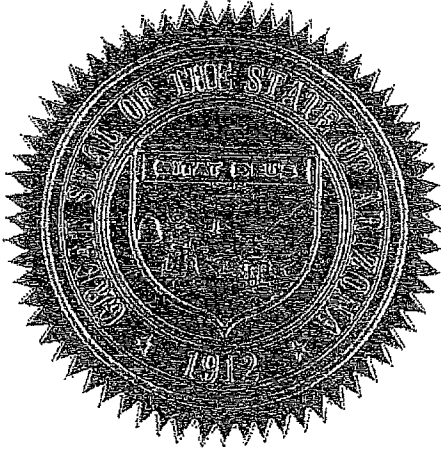
WHEREAS, meaningful and timely consultation with Arizona's Tribal leaders will facilitate better understanding and informed decision making.

NOW, THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and the laws of this State, hereby order and direct as follows:

1. All Executive Branch agencies shall develop and implement tribal consultation policies to guide their work and interaction with federally-recognized Tribes in Arizona. Consultation requires that to the extent practicable and permitted by law, state agencies and offices shall seek input from appropriate elected or appointed tribal officials before undertaking any action or policy that will, or is reasonably believed to, have the potential to affect a tribal community or its members. Further, state agencies and offices shall, to the fullest extent possible and to the best of their ability, integrate the input generated from tribal consultation into their decision-making processes to achieve mutually acceptable solutions.
2. All Executive Branch agencies shall designate a member of their staff to assume responsibility for the agency's implementation of the tribal consultation policy and to act as the principle point of contact for tribal issues.

3. All Executive Branch agencies shall review their tribal consultation policies each year and submit an electronic report to the Governor and the Legislature to describe all action undertaken as a result of the implementation of these policies. Electronic copies of these annual reports shall be provided to the Arizona Commission of Indian Affairs, which will make them available to Arizona's tribal leaders.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.



Janet Napolitano
GOVERNOR

DONE at the Capitol in Phoenix on this 14th day of September in the Year Two Thousand and Six and of the Independence of the United States of America the Two Hundred and Thirty-First.

ATTEST:

Janice K. Brewer
SECRETARY OF STATE

State of Arizona Tribal Liaisons

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE			
Education, Dept of	Debora Norris, Indian Education Program Director debora.norris@azed.gov	P 602.542.2784	Fax 602.542.3100
Equal Opportunity, Governor's Office of	Carolyn Pitre Wright, Executive Director cpwright@az.gov	P 602.542.3716	Fax 602.542.3712
Energy Policy, Governor's Office of	Olivia Doherty, Research Specialist oliviad@az.gov	P 602.771.1167	Fax 602.771.1203
First Things First	Beverly Russell, Tribal Liaison brussell@aztf.gov	P 602.510.3240	Fax 602.274.6351
Housing, Dept of	Karia Lee Basta, Tribal Liaison Karia.Basta@azhousing.gov	P 602.771.1085	Fax 602.542.1002
Indian Affairs, AZ Commission of	*Kristine FireThunder, Executive Director kfirethunder@az.gov	P 602.542.4421	Fax 602.542.3712
Library, Archives and Public Records	Mary Villegas, Tribal Library Consultant mvillegas@lib.az.us	P 602.926.3600	Fax 602.256.2834
Tourism, Office of	Dawn Melvin, Tribal Tourism Relations Manager dmelvin@azot.gov	P 602.364.3707	Fax 602.364.3702
Transportation, Dept of	Don Sneed, Sr. Planner/Tribal Coordinator dsneed@azdot.gov	P 602.712.6736	Fax 602.712.3046
Transportation, Dept of	Misty Klann, Tribal Planner MKlann@azdot.gov	P 602.712.7029	Fax 602.712.3046
ENVIRONMENTAL RESOURCES			
Environmental Quality, Dept of	*Ian Bingham, Ombudsman and Tribal Liaison idb@azdeq.gov	P 602.771.4322	
Game and Fish Department	Bob Broscheid, Deputy Director bbroscheid@azgfd.gov	P 623.236.7276	Fax 623.236.7299
Land Department	Steve Ross, Cultural Resources Mgr/Archaeologist sross@land.az.gov	P 602.542.2767	Fax 602.542.3507
Parks, Arizona State	Jim Garrison, State Historic Preservation Officer jgarrison@azstateparks.gov	P 602.542.7135	Fax 602.542.4180
Water Resources, Dept of	Gerry Walker, Statewide Strategic Planning and Tribal Liaison glwalker@azwater.gov	P 602.771.8511	Fax 602.771.8689
HUMAN SERVICES			
AHCCCS	Bonnie Talakte, Tribal Relations Liaison Bonnie.Talakte@azahcccs.gov	P 602.417.4610	Fax 602.256.6756
Indian Health Care, AZ Advisory Council on	Fred Hubbard, Executive Director Fred.Hubbard@azahcccs.gov	P 602.374.2575	Fax 602.626.7217
AZ Developmental Disabilities Planning Council	Larry Clausen, Executive Director Lclausen@azdes.gov	P 602.542.8977	Fax 602.542.8978
Economic Security, Dept of	** DESTribalRelations@azdes.gov		
Health Services, Dept of	Michael Allison, Native American Liaison allison@azdhs.gov	P 602.364.1041	Fax 602.542.1062
Health Services, Dept of - Behavioral Health	Lydia Hubbard-Pourier, TRBHA Contract Administrator hubbarl@azdhs.gov	P 602.542.1745	Fax 602.364.4762
Veterans' Services, Dept of	Mike Klier, Assistant Deputy Director mklier@azdvs.gov	P 602.255.3373	Fax 602.255.1265
PUBLIC SAFETY			
Agriculture, Dept of	Doug Marsh, State Agriculture Laboratory Director dmarsh@azsal.gov	P 602.744.4924	Fax 602.542.6109
Corrections, Dept of	Jacqueline Mattingly, Corrections Officer II, ASPC - Winslow jmatting@azcorrections.gov	P 928.289.9551x6108	Fax 928.289.2951
Corrections, Dept of	Leticia Smith, Investigator III lsmith2@azcorrections.gov	P 602.542.1212	Fax 602.542.3222
Emergency and Military Affairs, Dept of	*Josh Allan, Tribal Liaison Joshua.Allan@azdema.gov	P 602.464.6516	Fax 602.464.6501
Fire, Building, and Life Safety, Dept of	Bob Barger, State Fire Marshal robert.barger@dfbls.az.gov	P 602.364.1085	Fax 602.364.1052
Fire, Building, and Life Safety, Dept of	Debra Blake, Deputy Director debra.blake@dfbls.az.gov	P 602.364.1022	Fax 602.364.1052
Forester, Office of the State	Phillip Huebner, Tribal Outreach Coordinator philhuebner@azsf.gov	C 602.540.1095	Fax 602.771.1421
Health Services, Dept of	Luke Johnson, Contracted Tribal Preparedness Coordinator lukejohnson@fortmojave.com	P 760.326.9650	Fax 760.326.9652
Health Services, Dept of	Teresa Ehnert, Bureau Chief Public Health Emergency Preparedness teresa.ehnert@azdhs.gov	P 602.725.2881	
Homeland Security, Dept of	Fernando Reyes, Border and Tribal Liaison freyes@azdohs.gov	P 602.542.7008	Fax 602.364.1521
Juvenile Corrections, Dept of	Marie Bahe, AA/ADA/EEO Coordinator mbahe@azdjv.gov	P 602.542.4354	Fax 602.542.5607
Liquor Licenses and Control, Dept of	Joe Vernier, Deputy Director joe.vernier@azliquor.gov	P 602.542.9076	
Public Safety, Dept of	Larry Scarber, Commander of Southern Patrol lscarber@azdps.gov	P 520.746.4506	Fax 520.746.4511
Public Safety, Dept of	George Anderson ganderson@azdps.gov	P 928.503.9415	
Registrar of Contractors	Wilma Dengavi, Assistant Director and Tribal Liaison wilmah@azroc.gov	P 602.771.6893	Fax 602.542.1526
School Facilities Board	Ron Passarelli, Government and Tribal Liaison, Special Projects rpassarelli@azsfb.gov	P 602.542.6667	Fax 602.542.6529

*Team Lead **Revised

Revised 6/19/2012