NEVADA INDIAN COMMISSION
BOARD MEETING MINUTES

Tuesday, November 17, 2009 - 1:00pm–5:00pm

Circus Circus Hotel and Casino, Mandalay 3
500 North Sierra St., Reno, NV 89503

Commissioners Present:
Theodore Quasula, Chairman
Richard Arnold, Vice-Chairman
Sharon Frederick, Commissioner
Teresa Sprouse, Commissioner
William Oliver, Commissioner

Staff Present:
Sherry L. Rupert, Executive Director
Chris Gibbons, Administrative Assistant

Guests Present:
Wayne Howle, Solicitor General, Attorney General's Office
Cristi Walker, Council Member, Duck Valley Shoshone Paiute Tribe
Sandra Jones, Council Member, Duck Valley Shoshone Paiute Tribe
Cassandra Darrough, Tribal Youth Suicide Prevention Coordinator, Nevada Office of Suicide Prevention
Misty Allen, Suicide Prevention Coordinator, Nevada Office of Suicide Prevention
Mara Thiessen-Jones, Architectural Historian, State Historic Preservation Office
Dena Paddy, Educator, Navajo
Lorrie Carpenter, Council Member, Battle Mountain Band Council and Te-Moak Tribal Council
Delton Holley, Council Member, Battle Mountain Band Council and Te-Moak Tribal Council
Davis Gonzales, Council Member, Elko Band Council
Merlyn Dixon, Fallon Paiute Shoshone Tribe Senior Center
Buck Sampson, Reno Sparks Indian Colony
Monty Williams, Executive Director, Inter-Tribal Council of Nevada, Statewide Native American Coalition
Herman Dixon, Council Member, Fallon Paiute Shoshone Tribe
Aletha Tom, Stewart Alumni and Moapa Band of Paiutes Tribal Member
Pam Abercrombie, Education Director, Yerington Paiute Tribe
Chad Williams, Tribal Liaison, State of Nevada Health Division
Gerald Temoke, Chairman, Elko Band Council
Margaret Harjo, Reno Sparks Indian Colony Tribal Member
Robert Desoto Holguin, Reno Sparks Indian Colony
Fredina Drye-Romero, Indian Education Consultant, Nevada Department of Education
Debbie Barlese, Health Clinic, Pyramid Lake Paiute Tribe
Bryan Cassadore, Chairman, Te-Moak Shoshone Tribe
David Leonard, Senior Area Manager Tribal Rep., Small Business Administration
Tansey Smith, Tribal Environmental Liaison, Inter-Tribal Council of Nevada
Anthony Sampson, Higher Education Coordinator, Pyramid Lake Paiute Tribe

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I. Convene Meeting & Roll Call

Chairman Quasula convened the meeting at 1:10 p.m. and asked Sherry to take roll. Five Commissioners were present, establishing a quorum.

II. Invocation

Chairman Quasula provided the invocation.

III. Welcome and Introductions

Chairman Quasula asked all those present to introduce themselves and thanked everyone for attending the meeting.

IV. Approval of Meeting Minutes of July 30, 2009

Commissioner Oliver motioned to approve the July 30, 2009 minutes, seconded by Commissioner Frederick. The motion passed with a vote of 5 for, 0 against, 0 abstentions (0 absent).

Chairman Quasula commented that the meeting minutes were very detailed and thanked Sherry for working so hard on them.

V. Chairman's Report

A. Nevada Indian Commission Reappointments

Chairman Quasula reported that both he and Commissioner Frederick had been reappointed by the Governor to a 3-year term.

B. Report on the Attorney General's Interjurisdictional Law Enforcement Colloquium, Fallon, NV – September 14-15, 2009

Chairman Quasula reported that he and Sherry attended the September Colloquium that was held by Attorney General Catherine Cortez Masto. There was Sheriffs, county, state, tribal and federal representatives in attendance. The Colloquium was well organized, well attended and there was good dialogue. It was a good starting point to discuss coordination for law enforcement. It is assumed that there will be follow up.

Wayne Howle did not have details, but assured the group that there would be follow up. He shared that the Attorney General is very interested in tribal issues and they just met with Duckwater last month. This will not be just a one time thing. The Attorney General was very thankful for the collaboration that took place to make the Colloquium happen and Mr. Howle thanked the Commission and Sherry for their assistance.

Chairman Quasula provided a brief background of how the Colloquium got started. It began with the Governor's Meth Task Force. Chairman Quasula was fortunate to be on the Task Force with Attorney General Masto. At that time, it was obvious that the tribes were not included on the statewide law enforcement initiative. The Attorney General made sure that the recommendations to the Governor included starting a formal dialogue with off-reservation law enforcement and on-reservation law enforcement. Chairman Quasula asked Mr. Howle to extend thanks to the Attorney General for her commitment.

Chairman Quasula briefly described SB 797 in the Senate. The bill was initiated in the Senate Indian Affairs Committee and has some good provisions that would positively affect tribes. It also has authorization for resources. If approved, this could be a giant step for the criminal justice system in Indian Country. The whole thing came about because resources are not there on Indian lands. This bill is really important as the last legislation came out in 1990 (Indian Law Enforcement Reform Act). The Obama Administration made specific mention at his meeting with the Tribal Leaders that his administration would sign off and support SB 797 as soon as it makes it through Congress. The Senate has completed its review and it is now moving over to the House. It should make it to the President's desk shortly. He stated that statistics show that American Indians experience per capita rates of violence more than twice the national average, rates of violence in every age group are higher among American Indians than that of all races, domestic and sexual violence against American Indian/Alaska Native women has reached epidemic proportions, 34% of all American Indian /Alaska Native women will be raped in their lifetimes, 39% of American Indian/Alaska Native women will be subject to domestic violence. It is refreshing that Congress finally realizes this and is getting ready to pass a law that will mean a lot to Indian country. Chairman Quasula testified in June on this bill and stated that funding must be appropriated; they need to provide the resources.

Chairman Quasula stated that much of the discussion at the Colloquium focused on the need for written formal agreements between on and off reservation law enforcement. He shared that there is a provision in SB 797 that talks about incentives for state, tribal and local law enforcement if they enter into cooperative agreements. They will even provide hiring assistance.

Mr. Howle confirmed that this is one of the things that came out of the Colloquium and that he is working on a template for an agreement. Chairman Quasula commented that there are agreements out there with Washoe, Carson City and Las Vegas Paiute that could be looked at.

Chairman Quasula ended by saying that the bill provides for protection of violence against women and providing resources that law enforcement needs to curb the violence.

C. Report on the Tribal Nations Listening Session and Tribal Nations Conference, Washington DC – November 5, 2009

Chairman Quasula attended the Tribal Nations Listening Session and Tribal Nations Conference on November 5, 2009 and noted that the President was in attendance well over an hour and then came back at the end of the day for questions and answers for another 15 minutes. This was significant for the tribes.

Eric Holder, Attorney General for the United States, held a listening conference in Minneapolis in October. It was a really good session and about 400 were in attendance. Chairman Quasula explained that when violent crimes occur on Indian lands, the federal government has to prosecute. This meeting was educational for the Attorney General and his staff. The Tribal leaders gave a number of recommendations including the fact that there are not enough law enforcement officers and not enough jails, that other jails are needed and need something centralized and that the Department of Justice grant process needs to be streamlined. It is remarkable to see the Obama Administration reaching out to the tribes.

D. Follow up on Feasibility Study for a Tribal Detention Facility in Nevada

Chairman Quasula explained that Senator Reid's key staff person, who is no longer there, was contacted for funding a feasibility study for an adult detention facility in Nevada for Indian tribes. Chairman Quasula stated that when he was in Washington that he reminded the Senate staff that Nevada needs funding for a feasibility study. He checked with Chairmen Moyle and Melendez before he made the request. He also shared that SB 797 does have a provision that talks about how a consortium of tribes can get together and ask the Department of Justice to consider a detention facility.

Buck Sampson asked about the possibility of having a boot camp for American Indians like other states do. Mr. Sampson has spoken with Indian Springs Correctional Center. Chairman Quasula commented that a number of states had them and are doing away with them. Chairman Quasula likes the idea and will discuss this possibility with Mr. Skolnik, Director, Nevada Department of Corrections.

Commissioner Sprouse thought that the decision to have a boot camp might hinge on the number of American Indians in the system. Sherry can find out how many American Indian adults are in Nevada's correctional facilities.

Chairman Quasula questioned whether the Nevada Department of Corrections already had this in place. It was thought that they did not. Mr. Howle suggested that he and Sherry could talk with the Nevada Department of Corrections counsel about the possibility.

Monty Williams commented that the Tribal Police Chief's Association discussed detention facilities with Mr. Onchondo with the Bureau of Indian Affairs, but nothing ever happened. Among other issues, they talked about the prices that are charged for detention services (housing) and how they are paid. Mr. Williams requested the Nevada Indian Commission talk with Congressional representatives and Senator Reid's office about this. Chairman Quasula can get in touch with Richard Varner, President, Tribal Police Chief's Association, to get together a position paper so everyone is on the same page. Putting people in jail is very expensive. Chairman Quasula and Sherry will help.

Christi Walker from Duck Valley explained that they have a similar situation going on with the BIA in Duck Valley. They have experienced a lack of response by the BIA with their juvenile detention facility.

Commissioner Sprouse added that the facility in Duck Valley was not built to detention facility standards. Nobody ever picked up on this until after it was built; there was not sufficient oversight. Nothing has been done with this very nice and expensive facility. It will cost more money.

Christi reported that they are working on making this a half juvenile detention and half behavioral health and substance abuse site. The construction was contracted out and the BIA was to have oversight.

Commissioner Sprouse stated that the building was never inspected during the construction. She believes that nothing has ever been done to the building because it was such a glaring error that if the public knew, heads would roll.

Christi confirmed that there are a couple of BIA staff still in the building. Commissioner Sprouse commented that if this fact were widely known it would be upsetting as these people are still in a building that can't be used and getting paid for years to do it. Those officers that were trained for juvenile detention have since been transferred out.

Pam Abercrombie inquired about Nevada Skies at Wadsworth as she has been hearing conflicting stories. Sherry reported that she heard an update from Nevada Skies at the ITCN Executive Board meeting the day prior. She and Monty Williams reported that Nevada Skies had 6 clients that have graduated. They had enough staff to accommodate 6 clients, but to add more clients they would have to hire more staff. They are waiting for additional security clearances for these staff. They will not be opening the facility to more clients until January and in the meantime are training staff and assessing what they've done in the last 90 days.

Chairman Quasula commented on the meeting with Vincent Onchondo of the BIA. Onchondo probably said that the BIA sets up the contracts with several jails here, they pay the bills and tribal law enforcement just books the prisoner. This sounds good, but this has not happened as Chairman Quasula has heard this from several tribes. BIA has the money right now for detention services, so they could do this. The problem with this is that most jails are currently filled even if you could pay the fees and some Sheriffs just don't want to rent the space. The long term solution is to build something that all tribes are reasonably happy with, that is on tribal lands, and operated as a Nevada Indian jail. This is what the Justice Department is talking about; building facilities for tribes, going out 20-30 years with sufficient staffing. This is also what the Attorney General said is a long term solution.

Commissioner Sprouse inquired where the tribes would request funds for this type of program. Chairman Quasula replied that this would be under construction. The BIA builds schools and jails. Not every tribe needs a jail, but they need detention services. Commissioner Sprouse wanted to know where a tribe would then request detention services. Chairman Quasula said that the process used to be that a formula would be released and if a tribe met the formula they could apply for a detention facility. Duck Valley applied and when funding became available they received funding for their facility. He also commented that this is such a high ticket item that it would be impractical to build a jail for each tribe. He suggests that all the tribes get together and request a jail be built for everybody.

Commissioner Sprouse suggested that if all of the tribes were to ask for more funding for detention services, then somebody would notice the increase in requests in this area and that this was very expensive and the cost could be diminished if a facility was built.

Fredina Drye-Romero asked if this is where the position paper would come in place. Chairman Quasula replied that it would.

Chairman Quasula reiterated that detention services were a top item at the colloquium as well as violence against women. These batterers need to go to jail, but we have no jail and if there is access to a jail via a contract with the county, it is expensive. The Attorney General was very aware of the issues discussed here. SB 797 provides for a separate pot of money for this. Jails are very expensive to operate, but if this is done collectively, the tribes have a much better chance. This would be a consortium and a tribal consortium is eligible to apply for funding. Chairman Quasula reminded everyone that there is a tremendous amount of planning that goes into building a jail that will be effective.

Davis Gonzales agreed that planning a jail takes some time. He briefly outlined the steps that need to be taken. Also, a tribe would need to be identified that would be willing to take this on.

Chairman Quasula stated that there is a science to building a jail and suggests that Nevada do a feasibility study to see what best fits in Nevada and before the study is completed, <u>every tribe</u> should have their input.

Mr. Sampson suggested that a jail doesn't have to be put on a reservation. It could be put on land from BLM or US Forest Service. They have a lot of land that could be used and this would eliminate all the problems that we have today in the prisons. This is what Buck would like to see.

Chairman Quasula stated that the feasibility study should address all possible issues and angles. Legislative language and dollars are forthcoming. The Nevada Indian Commission is willing to work with all the tribes to make something happen not only for adults, but also juveniles.

Mr. Gonzales commented that the best way to do this is to contact the other 3-4 tribes in the nation that have been approved for facilities.

Chairman Quasula stated that the Department of Justice is not funding any tribe for a facility that doesn't have a feasibility study. He also stated that during his testimony to the U.S. Attorney General, he reiterated that they should not build a facility without funding the staffing.

VI. Commissioner Reports

Commissioner Frederick spoke with the Executive Director of a Nevada charter school who would like to present a proposal to promote Native American graduation. They would work with them until they turned 21 years of age. He is associated with the UNLV School of Social Work and has access to their interns. He will be sending information to the Commissioners to pass along to the Indian Education Advisory Committee. Commissioner Frederick stated that the only downside she sees is access to computers. This charter school has a very high graduation rate.

Commissioner Frederick reported that her former student, Tyrell Manajaka (mentioned at the last meeting), is doing very well and is now a Purple Heart recipient. She thanked everyone for all their good thoughts.

VII. Executive Director Report – Sherry L. Rupert

A. Review of Budget Status Report (for Current Funding Year)

Sherry directed the Commissioners to the handouts provided in their packets and provided a brief overview of the balances in the Commission's budget and gift accounts. She explained that the NIC has been conservative on spending as she is preparing for impending budget cuts. She further explained that the NIC gift account is for the Stewart Indian Cultural Center and is currently being used to pay for power to Building #1 and the monthly service fee for the Stewart Indian School Trail.

Commissioner Frederick inquired of the NIC computer system and its inability to network. Sherry explained that the Commission is still on dial up and she will request additional funding in the next Legislative Session to upgrade the system. Other state agencies at the Stewart Complex have opted to purchase a T-1 line, but the Commission currently does not have the funding to do this. The main issue is the $100 a month service charge for the line.

B. Update on Discussions with the Governor's Office on a Statewide Tribal Consultation Policy and Annual Meetings with the Tribes.

Sherry explained that this discussion has come up various times with the tribes, most recently at the Region IX Federal Interagency meeting in September. It was voiced by the tribes that they would like to see a statewide tribal consultation policy and an Executive Order by the Governor directing all state departments to consult with the tribes when there will be policy change that affect the tribes and the tribal membership. Sherry and Chairman Waldo Walker, Washoe Tribe of Nevada and California have met with the Governor's Chief of Staff, Robin Reedy, in regard to this issue. She is open to the discussion and has proposed that a Working Group of 5-7 members be developed to work on this issue. She would like the names of these members by the end of the month and the group would begin meeting in January. The Chief of Staff would also recommend to the Governor that he meet with the tribes on an annual basis. They are looking at having an annual Summit with the tribes. The Working Group will work on goals and a timeline as she would like to have an outcome at the end of the Summit. The outcome of the Summit could be the consultation policy or the Executive Order.

C. Nevada Magazine's 75th Anniversary and Plans to Dedicate the Nov/Dec 2011 Issue to Indian Territory

Sherry explained that she and Chris are part of the Indian Territory, a marketing arm of the Nevada Commission on Tourism. She stated that the mission of the Indian Territory is to promote tourism throughout Indian Country in Nevada. The Nevada Magazine is coming up on its 75th Anniversary and is dedicating the Nov/Dec 2011 issue to Indian Territory. This will be a great opportunity for Nevada Indian Country to promote cultural

events, activities and areas on tribal lands to the rest of the world. Once completed this will be a really nice marketing tool for Indian Country.

D. Sherry reported that she participated in the following:
   1. Children's Justice Act Task Force, Indian Child Welfare Subcommittee Meeting, Carson City, NV – August 18, 2009
   2. Stewart Landscape Preservation Project Open House, Carson City, NV – August 21, 2009
   3. Region IX Federal Interagency Tribal Conference, Sparks, NV – September 1-2, 2009
   4. Indian Health Board of Nevada Meeting, Sparks, NV – September 3, 2009
   5. American Indian Alaska Native Tourism Conference, Santa Fe, NM – September 21-23, 2009
   6. Nevada Broadband Task Force, Carson City, NV – October 12, 2009
   7. College of Southern Nevada Native American Heritage Month Presentation, Las Vegas, NV – November 12, 2009
   8. Inter-Tribal Council of Nevada Annual Convention, Reno, NV – November 9-12, 2009

E. The following upcoming meetings/conferences/events were shared with the Board:
   1. Community Anti-Drug Coalitions for America, National Harbor, MD - February 8-11, 2010
   2. National Congress of American Indians Winter Session, Washington DC – March 1-3, 2010
   3. Nevada Indian Education Summit, Reno, NV – March 22-23, 2010
   4. Rural Roundup, Winnemucca, NV – March 24-26, 2010
   5. Nevada Tribal Tourism Conference, Reno, NV – April 22-23, 2010

VIII. * Introduction of the New Tribal Youth Suicide Prevention Coordinator and an Informational Presentation on the Preserving Life Program through the Office of Suicide Prevention

Sherry introduced Cassandra Darrough, Tribal Youth Suicide Prevention Coordinator, to the Commissioners and asked her to explain the program and her vision for the program. Cassandra explained that she works for the Office of Suicide Prevention and is a subcontractor under the Preserving Life Program, housed under the Indian Health Board of Nevada. She further explained that her role is to be in the communities providing training to the communities. She was hired mid August and has been working in the area of domestic violence, child abuse, and suicide prevention for the last 6 years and is a survivor of all of them and a survivor of a suicide attempt. She commented that in our communities there is still a lot of stigma, judgment and pain associated with suicide. The Office of Suicide Prevention is working really hard at bringing in the cultural component to their trainings. She has been working closely with Sherry. They have attended tribal council meetings to introduce the program and her position. They are in the process of identifying tribal communities that are ready to move forward. There needs to be a conversation first, before training is provided. It does not work well when you jump right into training. Cassie tries to incorporate the culture (Washoe, Paiute and Shoshone) into the program. The second item they are working on is forming youth and adult councils for each of the tribes. She has reached a conclusion that the youth and adult councils will be instrumental in institutionalizing the program. Each tribe is unique and one approach may not work for other tribes. She has been in 11 communities so far in Nevada and in every single community, suicide is an issue. It is a deeply emotional issue for the community members. The statistics that we have in Nevada show that we are third across the nation for suicides. Through IHS we were able to document suicide completions in just 2 of our communities and for that year, compared to the same age group, it put us at 25% higher risk rate than the entire rest of the state. This is one of the reasons we were able to get this grant. One of the goals is to develop a statewide surveillance system (recording tool) to document the number of attempts and completions as this has not been done. Cassandra reported that they are also working on developing a strategic plan for the State of Nevada for all tribes. A Cultural Committee is also being established to provide input into training materials that the State Office of Suicide Prevention utilizes in their trainings.

Chairman Quasula inquired if it is a goal that Cassie would visit all the tribal communities. Cassie's reply was "yes." She has been focusing her efforts on making connections and Sherry is assisting her in this area. Her first visit was made with the Moapa Band of Paiutes. Since the visit she has been able to take their message to other communities and begin the connections. They eventually would like to have a statewide council, so they have also been working with other entities (IHBN and ITCN) so they do not recreate the wheel, but build upon what already exists.

Commissioner Frederick inquired what would be done with the statistics and how often they would be compiled. Cassandra stated that the statistics have not been compiled yet and that they continue to work on the form. The form is new and has not been done across the nation for Indian communities. This is raising some "national eyebrows." Cassandra replied that when the statistics are compiled that they would probably come out annually.

Chairman Quasula thanked Cassandra for her presentation and commended her for her courage and the great job she is doing.

Fredina Drye-Romero commented that she has heard Cassandra describe the services for suicide prevention, but inquired if there was treatment for those after a suicide attempt or a completion. Cassandra replied that the way we treat postvention is just as important as prevention and they do have training materials for postvention available.

Commissioner Frederick asked the age range that would be focused on. Cassandra replied that they are focusing on the ages of 15-25 years of age, but stressed that they would not specifically focus their activities on just that age range because in order to prevent youth suicide, everyone around them must be educated, so the whole community.

The Chairman called for a 10 minute break at this time.

IX. STEWART

A. Update on the Status of the 2008 and 2009 Commission for Cultural Affairs Grants

1. Commission for Cultural Affairs Decision to Redistribute 2008 Grant Award Funds

Sherry started out by explaining that the Nevada Indian Commission (NIC) was awarded a Commission for Cultural Affairs (CCA) grant in the 2008 grant cycle in the amount of $150,000 to go toward rehabilitation of Building #1. Through several meetings with the State Historic Preservation Office (SHPO), CCA grant managers, it was recommended that the NIC move forward with hiring an historic architect to provide a report that would tell us more about the building. At that time it was also recommended that the NIC contact the State Public Works Board (SPWB) to see if they had an architect on staff with experience working on historic structures.

During meetings with the SPWB and SHPO, the SPWB established that because Building #1 is a state-owned building and according to their statute, NRS 341, that any construction to the building had to be done by their agency and that any work done by their agency would require administrative fees as they would become the Project Manager. The SPWB further stated that before they would approve/issue a Certificate of Occupancy for Building #1 that a structural report of the building would be required and seismic retrofit of the building would have to be completed.

The SHPO expressed their concern that the SPWB was taking over the project and that their agreement was with the NIC. They further stated that they have not been involved nor funded a SPWB managed project and that the CCA has not traditionally given funding which allows administration fees to be collected.

During one of the meetings, SHPO stated that they would recommend to their Board at their next scheduled meeting of Monday, October 26, 2009 to redistribute the remaining funds of the 2008 grant award ($143,020) to another CCA project that could expend the remaining funds by December 31, 2009 and also to terminate the 2009 grant award ($130,000) and redistribute those funds at their March 2010 grant meeting.

The CCA met on Monday, October 26, 2009 to discuss the Nevada Indian Commission 2008 and 2009 grant awards. The NIC had about 20 supporters in attendance of which about half testified in support of rehabilitation of Building #1 and of retaining the funds for the project. The CCA board members pledged to assist on their own time to see if it would be possible to move forward with use of the 2009 funds. The 2008 funds though, because the dollars had to be expended by the end of the year, December 31, 2009, were redistributed to other CCA projects that could expend the money by the deadline. The CCA also decided that they would table any decision on the 2009 funds until their March 2010 meeting. This would give the NIC time to meet with the other state agencies to determine what seismic work needs to be completed on the building prior to occupancy and what that cost would be as well as what the administrative fees for the SPWB would be. Michael Fischer, Director, Department of Cultural Affairs, stated that he would like to facilitate these meetings.

Sherry read an e-mail sent to her by Mr. Fischer telling her that a structural report of Building #1 is needed and that outside funds would need to be raised to pay for the SPWB administrative fees if the 2009 funds were to be saved.

Sherry explained that there was also a question of who should provide the structural report. There are two engineers that have been discussed and a decision needs to be made on whom should be utilized as SHPO would prefer one of the engineers and SPWB prefers the other.

Sherry reported that the NIC does have some money in the NIC gift account that could cover the cost of the report, estimated at $3,200. She was concerned that some of the funding in the gift account is used to pay the power in Building #1 and to pay the $200 per month Stewart Indian School Trail fee.

Commissioner Frederick commented that the state has restored other historic buildings and inquired if they had encountered this conflict before. Sherry replied that she did bring up the point that there are other buildings at Stewart that are occupied and don't have seismic retrofit. She was told that SPWB policies have changed and that if an agency were to request a remodel of an existing building they would now have to meet the current code.

Chairman Quasula inquired if SPWB would approve Mr. Green to complete the report. Sherry stated that she was confused on this point because in meetings the SPWB was adamant that they would use Hyytinen Engineering and she received an e-mail from SPWB saying to go with Mr. Green.

Mara Thiessen-Jones reported that Mr. Green is an internationally known historic preservation engineer/architect and is on the SPWB list of approved engineers. Mr. Green had done a preliminary report for Sheila Abbie, but has not been on site since and does now know what has or hasn't been done.

Sherry was concerned that the SPWB may not accept the structural report if Mr. Green were chosen. Mara stated that she could not speak for the SPWB, but she does know that Mr. Green is currently working on projects for the SPWB.

Dena Paddy inquired if the SPWB was the only one that could do this type of work or could the NIC go outside. Sherry stated that according to the NRS the SPWB has to do the work on the building.

Sherry stated that she would continue to work with the SPWB and the SHPO, but wanted to know if the Commissioners had any input on this issue.

Commissioner Arnold asked when this needed to be resolved. Sherry replied that this really needs to be resolved by March when the CCA will meet again. Commissioner Arnold suggested requesting an estimate from Mr. Green. Then, if we have the money we should get this done right away as we only have a 90-day period to work with. Commissioner Arnold inquired of the time it would take to get the structural report. It was mentioned that it may take 20-45 days.

Chairman Quasula suggested getting a hold of Mr. Green to see if he is even willing to do the report.

B. Update on Stewart Indian School Trail

Sherry reported that the last portion of the Trail to complete was the kiosk. The kiosk was installed this week and they are just waiting for the stone mason to come in and finish up the 2 sides. There are also a few other minor items to complete for the SPWB permit.

C. Report on the Nevada Day Parade Entry for Stewart

Sherry reported that the float committee had been meeting since June to plan and design the float for the Nevada Day Parade. Joe Sam was the designer for the float headdress and did a wonderful job. Sherry stated that the purpose of the float was to bring attention to Stewart and to honor the Stewart alumni. JoAnne Peden came out and filmed the making of the float as well as the float on the parade route for her documentary on Stewart. The entry did not win, but served its intended purpose.

D. Honor the Elders Fundraiser for the Stewart Indian Cultural Center

Sherry explained that there wasn't enough time this year to plan a successful event, so the committee decided to reschedule for American Indian Day in 2010. This event will now be a very important fundraiser for the Cultural Center and will require the assistance of the Commissioners in the process.

X. EDUCATION

A. Update on NIC Indian Education Advisory Committee (IEAC) Activities

Pam Abercrombie reported that the Committee is now holding bi-monthly meetings as opposed to monthly meetings. Sierra Nevada College increased their Native American scholarships to 10. We recruited for 5 open

scholarships. The Committee received 5 applications and recommended the college award 3 that qualified under the scholarship criteria. The recruitment was left open for 2 more scholarships. We received an additional application and recommended its award and the President awarded the fifth scholarship. There are now 9 students we recommended and one the President recommended attending the college. The Committee has collaborated with the Children's Museum of Northern Nevada to outreach to the American Indian community. The goal is to draw more Native American families into the museum. The museum is offering free admission to tribal members and their families.

We are beginning the conversation with the Nevada System of Higher Education for in-state tuition for American Indians enrolled in bordering tribes. There are a lot of colleges across the nation that do this (i.e. University of Oregon will recognize <u>any</u> Paiute from neighboring states and charge them in-state tuition). This began with Southern Nevada, so we will begin with them and spread out across the state.

Another issue the Committee has been discussing is how to help Native American high school students to retain their high school credits while in youth treatment facilities or youth detention. The Yerington Paiute Tribe currently uses Hawthorne Detention Center as it is the only detention center available. They do not have an accredited school there, so if the students are there more than 10 days, the school is required to withdraw them. Sometimes, the students are placed at the detention center for 2-4 weeks and are not enrolled anywhere and are losing their credits. The Committee is looking at how to address this issue.

Commissioner Frederick commented that Southern Nevada did have the in-state tuition program (the Good Neighbor Policy) in the 1980's and then discontinued that. Pam commented that it would be great to move the whole state toward that kind of policy.

Commissioner Frederick asked if the scholarship that was awarded by the Sierra Nevada College President was a "Presidential Scholarship." Pam stated that this was one of the 10 Native American scholarships that historically the NIC makes recommendations on. His award was not per the Committee's recommendation as he did not meet the eligibility criteria, but awarded directly by the President. This is the first time the President overruled the recommendations provided by the Committee. Pam commented that the Committee didn't want to come across too strong, but wanted to preserve the remaining 9 students currently attending.

Chairman Quasula inquired of the progress of the students. Sherry reported that she had seen some of the students at a meeting and they are doing great. They have their Native American Student Organization up and running and participated in a coat and blanket drive that delivered approximately 93 coats and 70 blankets to the Lovelock Paiute Tribe. They have been very active with their organization and in educating their college community.

B. Update on Current Indian Education Consultant Activities

Fredina handed out a draft of her curriculum framework. The Nevada Department of Education is working with and supporting the Nevada Indian Commission's strategic plan on Indian Education. A part of the strategic plan talks about curriculum. There is curriculum and resources all over, but nothing is in a central location. Fredina has compiled a listing of these resources and is trying to centralize the resources. She has brought together a Task Force made up of district representatives to improve student achievement. Fredina referenced the NRS where it addresses curriculum. She noted that the Nevada Department of Education does not develop curriculum and that we are very fortunate that she has been given the go ahead to put the Task Force together to develop the framework for the districts. The Task Force has been working on developing a curriculum framework (handout) that would align with the state social studies standards. It is important for her to have the school district representatives work on this Task Force as she really wants the districts to feel that they had a hand in building this framework. She feels that when the frameworks goes to the districts for approval that it will have buy in and will be more easily adopted and utilized by the districts. Other curriculum has been developed without district input and it just sits on a shelf. She does not want this to happen this time around. Once the framework is complete the Task Force will begin to work with the Indian Education Advisory Committee.

Buck wanted to know if the University of Nevada Reno has an American Indian History class. Fredina replied that they currently do not, but that they are working on this. It is difficult for Nevada because we don't have any scholars in this area. States like Montana have an "Indian Education for All" program.

It was asked when Fredina plans on getting the tribes involved with the curriculum. Fredina replied that it would probably be early in the new year.

Fredina continues to work on planning for the American Indian/Alaska Native Education Summit coming up March 22nd and 23rd. The theme this year is "Weaving an Educational Foundation for our Students through Language, Culture and History." Language, culture and history was incorporated into the theme because it is important to the learning of our students. This is the third year and they expect about 120 attendees.

Chairman Quasula asked if there was any state doing anything perfect. Fredina replied that the states of Montana, South Dakota, Washington and Utah are doing great things. Fredina commented that this is why attending the National Indian Education Association conference is so important, because it allows her to see what other states are doing across the country.

Fredina commented that the history of American Indians is very sad, but it is important for our students to know. She would like the students to be proud of where they came from and to take advantage of the educational system. They need education to move into the technology world of today, but they should take their culture and history along with them. If they don't know the culture and history of their people (where they come from), they are lost souls.

Pam made the comment that the social studies standards say that people need to be taught where they came from and the current educational system does not teach where everyone came from, it teaches where the white men came from. She feels Fredina is making a lot of headway.

Monty asked if the credit issue had been resolved in Churchill County. Fredina stated that the issue had been resolved at the district level, but that Dr. Rheault has stated he wants to make this statewide.

Monty stated that students should not lose their high school education credits if they are trying to help themselves by seeking treatment. He also asked if it was a policy change within the district. Fredina stated that everyone talked within their circle, but that it was more of a bandage. Monty inquired what will happen next time. Fredina replied that the Department is trying to make it so it is permanent and will not occur again.

XI. *Review and Discussion of Draft Recommendations to Nevada Department of Corrections Administrative Regulation 810 – Religious Faith Group Activities and Programs

Sherry reminded the Commissioners of the discussion that occurred at the last NIC Board meeting in regard to this issue. At that time she had reported that the Director of the Nevada Department of Corrections had left it to the Nevada Indian Commission to decide who would be eligible to participate in the sweatlodge ceremonies within the Nevada correctional institutions. She asked the Commissioners to turn their attention to their packets where she listed the original AR 810 recommendations the NIC had originally forwarded to the NDOC, recommended revisions from the Advisory Committee and the policy that the Federal Bureau of Prisons utilizes.

Commissioner Frederick asked Solicitor General Howle if litigation should occur could the sponsors or the NIC be sued or would it be the Nevada Department of Corrections (NDOC). Mr. Howle replied that a plaintiff can sue anyone. Commissioner Frederick is concerned about the individual sponsors being sued. Mr. Howle commented that any involvement at all creates some kind of exposure.

Sherry explained that the Commission requested the Advisory Committee meet and come up with a recommendation and then the Commission would discuss and possibly meet with NDOC and their counsel. Chairman Quasula commented that he thought it was fairly clear at the last meeting that the Nevada Indian Commission should not be making the determination for the NDOC on who would and would not be allowed to participate in the sweatlodges.

Commissioner Arnold stated that he is still unclear of NDOC's process for this determination and feels that the NIC is dabbling in an area that it shouldn't. Also, the Nevada Indian Commission has limited resources and what happens if there are 100 inmates, for example, that want to participate. We would not have the staff to handle the requests and the Board only meets so many times per year. The NIC would also have to consider what the process for the determination would be. He further commented that it still seems very abstract and the NIC is still not that much farther ahead than the last meeting.

Commissioner Sprouse commented that the NIC participating in this is way, is way outside the scope of its duties.

Commissioner Arnold commented that the Commission is investigatory by nature and it can look at the issues and make suggestions on what people should do. With this issue we are becoming an authority or a determining party in the process. Commissioner Sprouse restated that the NIC can investigate issues, not people.

Commissioner Frederick expressed her concern that the sponsors could be sued. Further, she feels NDOC is trying to shirk their responsibility.

Commissioner Oliver stated that it seems as though they are putting this responsibility on our backs. It is their responsibility, not the NIC's.

Mr. Howle commented that it occurred to him that the NDOC may feel that it is natural to look at the NIC to consult with on these particular issues. It is possibly going too far to consider individual cases. The NDOC Director may need to consult with the NIC on the issues and not individuals cases.

Buck Sampson stated that Mr. Skolnik just assume do away with the sweatlodges. He explained that the inmates have to self identify when they go into the prisons and that the inmates are really the ones who decide who goes into the sweatlodge.

Anthony Sampson shared that he has been to Lovelock Correctional Center to minister. It would be discriminatory if the NDOC did not allow the sweatlodge; it would be discriminating against religion. Further research needs to be done by the Attorney General's Office on lawsuits that have arisen nationwide in regard to this issue.

Commissioner Sprouse commented that it does not seem to be that the religion itself is problematic, but it's the practice; the various practices present safety issues. This is why NDOC goes through all this.

Commissioner Arnold stated that we are all in agreement that the inmates do have rights. We need to research this some more and get more facts before we can determine what exactly we need to do. This is not an easy thing to solve. We want to make sure that inmate rights are not being infringed upon.

Chairman Quasula stated that the NIC did not want to be put in the position of making the determination of who could participate in the sweatlodge. If the inmates are already determining (through their hierarchy) who can go into the sweatlodge, then let the inmates make the determination.

Commissioner Frederick agreed that the inmates know better and could make the recommendation to the NDOC.

Buck Sampson stated that the NDOC is waiting for the NIC to say who can go in.

Sherry asked what the Commission would like her to do as she has a meeting scheduled with the Advisory Committee the following week.

Chairman Quasula said to let the NDOC know that the NIC will not make the decision on who can and who cannot participate on an individual basis.

Sherry stated that she felt the NIC was right on with their original recommendation to the NDOC pointing out the issue that this is discriminatory and that they shouldn't do what they're doing. They wanted to take it a step farther and have the NIC tell them how to solve it, but we don't want to do that, they need to come up with the solution.

Commissioner Sprouse stated that she thought that they need to make it very clear to the NDOC that the NIC is an investigatory body and do not investigate individual people.

Commissioner Frederick asked if Wayne knew the Attorney General for the NDOC. Chairman asked Wayne to pass on to the NDOC counsel that the NIC would not make this decision.

Wayne confirmed that he would speak with the NDOC counsel.

Commissioner Frederick motioned that the NDOC should be notified that the Nevada Indian Commission is an investigatory body and will not get involved in the determination of individual cases, however fully support freedom of religion in all NDOC facilities, seconded by Commissioner Sprouse. The motion passed with a vote of 5 for, 0 against, 0 abstentions (0 absent).

XII. *Update on a Tribal Appointment to the Homeland Security Commission

Sherry briefly reported that the Department of Homeland Security has been absorbed with the Department of Public Safety and is now housed within the Division of Emergency Management. Mr. Rick Eaton was the Director for the Department of

Homeland Security and has resigned. He was an advocate for a tribal representative on the Homeland Security Commission. Sherry believes that without him, the tribes are back to square one in their efforts to secure the seat.

She also stated that the Inter-Tribal Emergency Response Commission (ITERC) has been given erroneous information by Mr. Terry Bohl in regard to the NIC's participation in the process. Sherry is concerned that the ITERC members think that the NIC is not in support of tribal representation on the Homeland Security Commission and that we are not assisting the tribes in that area. Sherry plans to attend their meeting tomorrow to try and clear up the misunderstanding. Sherry is not sure how the relationship went wrong. She does know that Mr. Bohl attended the last Homeland Security Commission meeting because she received phone calls complaining about his testimony. The Homeland Security Commission was so offended by Mr. Bohl's testimony that they sent an audio and written transcript of the testimony to the NIC. Sherry stated that she feels that it is going to be an uphill battle, even more so now, to get the tribes representation on this commission.

Commissioner Sprouse feels that it is crucial that Indian Country have representation on that commission. She inquired if the NIC could draft a response to that, given the limited time.

Chairman Quasula recommended that the NIC goes on record, in writing, if necessary, that the NIC fully supports a permanent tribal appointment to the Homeland Security Commission. Commissioner Frederick asked if the minutes of our last meeting could be sent to the ITERC. Sherry replied that she could send the minutes and/or provide a letter for the upcoming ITERC meeting.

XIII. Agenda Items for Future Meetings

Suggestions for future agenda items included: NIC strategic plan, NIC newsletter and update on AR 810. Chairman Quasula stated that if any of the Commissioners had agenda items to forward them to Sherry.

XIV. Scheduling and Location of Next NIC Meeting

The next Nevada Indian Commission Board meeting is tentatively set to take place in February 2010. Sherry will contact the Commissioners to decide on a date. The next meeting will be videoconferenced and it was requested that Elko be added as a videoconference site.

XV. Public Comments

Buck Sampson asked if President Obama included anything in his recent speech about Indian religion. Chairman Quasula provided Mr. Sampson with a copy of the transcript of President Obama's speech.

XVI. Adjournment

Commissioner Frederick motioned to adjourn the meeting, seconded by Commissioner Arnold. The motion carried with a vote of 5 for, 0 against, 0 abstentions (0 absent). Meeting was adjourned at 4:40 pm.

CERTIFICATION

It is hereby certified that these Meeting Minutes were approved at a meeting of the Nevada Indian Commission with a vote of 3 for, 0 against, 0 abstentions, 2 absent, at a meeting duly held on February 25, 2010.

Certified by:

Sherry L. Rupert

Sherry L. Rupert, Executive Director
Nevada Indian Commission