

**TENNESSEE COMMISSION ON INDIAN AFFAIRS
PUBLIC MEETING**

Saturday, June 10, 2006
Chattanooga Complex
540 McCallie
Chattanooga, Tennessee

Present were: Doris Trevino, Chair, Secretary/Treasurer Ruth Knight Allen, Niles Aseret, Jeanie Walkingstick King, and Jimmy Reedy and General Council Ed Harris. A quorum of Commissioners were present.

Absent were: Vice Chair, Evangeline Lynch: Doctor's orders not to travel.
Kippy Vaughn: Repairing storm damage to house.

Meeting Called to order by:

Chair Doris Trevino at 10:40 a.m. and reminded anyone wishing to speak to sign the register.

Opening prayer was by **David Teat**

Minutes of the March 4, 2006 were reviewed. **Secretary/Treasurer Allen** asked that the Minutes be approved.

Motion #1

Commissioner Reedy moved that the Minutes be approved. **Seconded by Commissioner Aseret.**
Motion carried.

Treasurer's Report was distributed and explained showing a balance of \$175.70. **Secretary/Treasurer Allen** asked that the Treasurer's Report be approved.

Motion #2

Commissioner King moved that the Treasurer's Report be approved. **Seconded by Commissioner Reedy.** **Motion carried.**

Chair Trevino introduced **Mr. Gerald Ingram**, Hearing Officer, and explained that he would present the Rulemaking Hearing Rules and Summary of Responses documents resulting from the Public Hearing of May 20, 2006 and the communication TDEC received on the subject of the Recognition Criteria.

Mr. Ingram explained that the documents distributed were compiled using the transcription of the Public Hearing tapes; the 1990 Criteria; ACTIA's recommendations; and responses received by mail, email, and calls. The responses described as Comments and Responses Summary were derived from comments, expected comments, and research for possible legal issues to the items included in the Rules document. He assured the Commissioners and attendees that any of the items were subject to approval, amendment, or deletion by the Commissioners. Mr. Ingram read each Rule making item and corresponding Response. Discussion was in detail and the Commissioners responded by majority agreement, amended, and/or approved. (Copies of the Rules and Responses documents are attached to these Minutes for the files and are available on the TCIA web and the TCIA Secretary/Treasurer has tapes of this meeting.) Mr. Ingram assured that the Commission could set future Rule Making sessions to further amend the Recognition Criteria as needs arise. He stated that it is essential that a basic document be submitted to legal by July 14, 2006 to be effective by October 1, 2006. His opinion is that the effective date for the Rules will be September 2, 2006. There were questions and comments from individual Commissioners during the reading of the Rules and Response documents and agreement, suggestions for changes, and requests for clarification in dialog with Mr. Ingram and General Council Harris.

Public Comment on Rules and Responses:

Donna Ashley: Stated that she is concerned about the security of documents presented for review. She does not believe the documents should be open for public review. She thanked everyone who worked on the criteria and the Commissioners for their dedication and said that changes can be made as needed. Ms Ashley said that this is one step forward and other steps will follow.

Tom Kunesh: Had a prepared statement in hand, but chose to speak. His concern was that everyone, even the Commissioners, had not seen the Rules and Responses prior to the meeting.

Mr. Kunesh said that those present and the Commissioners were asked to “do a rush job” of passing the Rules and agreeing with the Responses without another Public Hearing. He asked about the October 1, 2006 date decided by an outside party or parties. Mr. Kunesh said the Responses did not fully explain the content of the Rules. He feels that any meetings the “Review Committee/s” will have are subject to the Sunshine Law as are the regular meetings of the Commission. Mr. Kunesh said that some words that are in the new Rules are not in the Commission Bill and some that are in the Bill have been left out.

Dale Mitchell: Questioned the Rule regarding “adopted” applicants and suggested that the “adopted” applicant include biological parent/s information. He does not believe the “Review Committees” should be under the Sunshine Law because their duties are only to determine completeness of the application.

Ollie Speakman: Complimented a good job. He said that, “we are moving forward and will continue if we work together to get it done”. He commented that we can fill the loopholes, and that the individual recognition should take less time than the group recognition. Mr. Speakman questioned the open meetings requirement for the Review Committee. **General Council Harris** stated that any time deliberation takes place, it requires due notice and open meeting. Mr. Speakman asked where applications would be sent. **Chair Trevino** answered that the TDEC Nashville office was to be the address for applications. **Commissioner Allen** commented that the Review Committee would only be determining the completeness of the documents. **General Council Harris** and **Mr. Ingram** agreed that General Council Harris would research the Review Committee status.

Mary Speakman: Is concerned about sending documents to different addresses (TDEC office and to Review Committee/s) that they may get lost.

Deborah Kirk Rodriguez: Believes that groups previously recognized should update by current Rules. She believes that rather than dropping deceased or moved enrolled, note should be made by the names of the circumstances of removal.

Tom Kunesh: Stated that there is no complete list of previously recognized groups or individuals and that the Commission should not grandfather them in. **Commissioner Allen** said that reviewing the tapes of meetings of the previous Commission one revealed statements by Luvenia Butler, interim director, that she had handed out lists of eleven groups and 60 individuals to the Commissioners at that time. The tapes indicate the records were there at one time and should be somewhere in the state archives. Commissioner Allen recommended contacting these people and groups with the opportunity to update their records. Mr. Kunesh stated that all should re apply. **Mr. Ingram** explained that actions taken by the previous Commission carries over to this Commission automatically recognizing those previously recognized.

Chair Trevino introduced **Tammera Hicks** who had planned the lunch as a benefit for the Commission. Ms Hicks explained her offer to organize the lunch and introduced those who worked with her on the event. The lunch of soups, sandwiches, fruit, and drinks resulted in \$217.00 for the Commission and Ms Hicks challenged other areas where Commission meetings are held to consider providing benefit lunches. The prayer blessing was by **Mr. Tommy Veal**.

Chair Trevino asked for any other public comments on the Rules and Responses. There being no further comment she called for the Commission vote on the Rules and Responses.

Motion #3

Commissioner Allen moved the Tennessee Commission of Indian Affairs adopt the Proposed Recognition Criteria as amended and the Summary of Comments and Responses as amended. **Seconded by Commissioner Reedy.**

Commissioner King stated concern for the wording of enrolled, enrollment, registry and how issued. **Chair Trevino** stated that the recognition was to be state issued.

The vote was called:

Commissioner Jeanie Walkingstick King	Yes
Commissioner Ruth Knight Allen	Yes
Commissioner Niles Aseret	Yes
Commissioner Jimmy Reedy	No
Commission Chair Doris Tate Trevino	No tiebreaker vote needed
Commissioner Evangeline Lynch	Not present—illness
Commissioner Kippy Vaughn	Not present—storm damage at her home

Motion carried three to one

Announcements:

NAIA Powwow August 12-13, 2006

Public Comments:

Tom Kunesh gave a report on Pinson Mounds event. Mr. Kunesh was not close enough to the tape recorder mike to pick up all the words. He did mention that Mr. Mark Tolly was instrumental in the event.

Commissioner Allen reported on discovery of remains on a building site in north Shelby County. State Archeologist Nick Fielder joined her in resolving the situation.

Mr. Gerald Ingram thanked all for their patience and help working on the Rules and Responses.

Chair Trevino asked **Mr. Tommy Veal** to give a going home prayer.

Meeting adjourned 3:00 p.m.

Ruth Knight Allen, Secretary/Treasurer