

# TENNESSEE COMMISSION ON INDIAN AFFAIRS PUBLIC MEETING

Saturday, March 17, 2007  
TDOT REGION 3 OFFICE BUILDING  
6601 Centennial Blvd.  
Nashville, Tennessee 37243

Present were: Evangeline "Van" Lynch, Vice Chair, Secretary/Treasurer Ruth Knight Allen, Vice Chair Kippy Vaughn, Niles Aseret, Tom Kunesh, Jimmy Reedy, and General Council Ed Harris. A quorum of Commissioners was present.  
Absent was Jeanie Walkingstick King

**\*\*Note:** Due to the distance between some of the speakers and the microphones in the tape recorders, some comments were inaudible.

MEETING CALLED TO ORDER by:

**Chair Van Lynch** at 10:10 a.m. and reminded anyone wishing to speak to sign the register. Commissioner Chair Lynch introduced **Rev. Duane Tyus**, who will serve as parliamentarian for the meeting and **Mr. Gerald Ingram**, TDEC representative.

**Opening prayer** was by **David Teat**, ACTIA Chairman

## REVIEW OF AGENDA:

**Agenda Chair Lynch** moved to approve the agenda

**Commissioner Kunesh** moved to approve subject to changes.

**Commissioner Kunesh** led discussion of position of items on the agenda and additions to the agenda. The proposed Tribal Application Form and Legislative Review were additional items **Commissioner Kunesh** discussed among others he wished to add. He stated that he would add others under "Commissioner Reports".

**TCIA Chair Lynch** called for the vote on the Agenda as amended. **Commissioner Kunesh** stated other items he would like to address during the meeting. **Chair Lynch** asked that he hold off on them now.

### Motion #1

**Commissioner Kunesh** moved to approve the Agenda as amended to include Review of all proposed legislation and Discussion on Proposed Tribal Recognition Application Form. **Seconded by Commissioner Aseret. Motion Carried.**

## MINUTES OF THE DECEMBER 2, 2006 MEETING.

**Secretary/Treasurer Allen** asked permission to read the final draft of the Minutes. **Commissioner Kunesh** suggested dispensing with the reading of the Minutes as Minutes have been posted on Internet and Commissioners have copies.

At this point, **Ms Tamera Hicks** called attention to the fact that the Minutes posted by **Commissioner Kunesh** contained misstatements pertaining to the Native American Indian License Plate issue she presented at the December meeting. **Commissioner Kunesh** posted unapproved Minutes on websites when he received the first draft, February 28, meant only for Commissioners to review and make corrections. Since the posted Minutes and the Final Draft were different, **Ms Hicks** accused **Commissioner Kunesh** of changing the copy of the Minutes he posted. The following discussions lasted several minutes and included a break given to discuss the situation and include audience information.

**Rev. Duane Tyus**, serving as Parliamentarian, stated that the Secretary of the Commission is the keeper of the Minutes and only those are the official Minutes. She is to present them and move for approval. **Secretary/Treasurer Allen** began to read the Final Draft of the Minutes. **Rev. Tyus**, Parliamentarian, instructed to read through the part of the Minutes under question and that reading of the remainder of the Minutes could be voted on to dispense. **Commissioner Vaughn** requested a break

### Motion #2

**Commissioner Kunesh** moved to take a five-minute break. **Seconded by Commissioner Vaughn. Motion Carried.**

**Commissioner Kunesh** asked that approval of the minutes be tabled until the allegations and the discrepancies in the Secretary's Minutes be investigated. Discussion followed. The Parliamentarian reminded that there was a motion to accept the Minutes as read and presented.

**Chair Lynch** called for the vote.

**Motion #3**

**Commissioner Kunesh** moved to table the approval of the Minutes. **Seconded by Commissioner Aseret. Vote: Commissioner Allen-No; Commissioner Reedy-No; Commissioner Vaughn-No; Commissioner Kunesh-table; Commissioner Aseret-table. Motion to table failed.**

**Motion #4**

**Commissioner Allen** moved to approve the Minutes as read and presented. **Seconded by Commissioner Vaughn. Vote: Commissioner Reedy-Yes; Commissioner Aseret-Yes; Commissioner Vaughn-Yes; Secretary/Treasurer Allen-Yes; Commissioner Kunesh-Reject. Motion Carried.**

**Secretary Allen** stated that she would look back into her records and posts to Commissioners to try to determine problems with corrections to the Minutes Commissioner Kunesh received after February 28.

**Motion #5**

**Commissioner Kunesh** moved investigate how the Minutes were changed between February 28 and March 17. **Seconded by Commissioner Aseret. (see vote after discussion)**

**Chair Lynch** asked for a time frame. **Commissioner Kunesh** said by the next meeting. **Commissioner Reedy** asked how an investigation would happen. **Commissioner Vaughn**, also, questioned and suggested asking General Council Harris for guidance. **Commissioner Kunesh** suggested nominating somebody. **Commissioner Kunesh** said that the Mail Server for the Secretary's Computer could be asked to respond. There was much discussion. (Persons in the audience gave input – inaudible on tape.) **Chair Lynch** stated that, as Chair, she would select a committee on the condition that she was not asked who were on the Committee. The Parliamentarian restated Chair Lynch's conditions. **Vote on Motion #5: All Commissioners voted for. Motion carried.**

**Motion #6**

**Commissioner Kunesh** Moved that proposed Minutes be distributed at least 14 days prior to meetings. **Motion died with no second.**

**Commissioner Vaughn** commented that no unapproved minutes should be put out to the public. **Commissioner Kunesh** contended that they were working public documents and should be posted.

**TREASURER'S REPORT:**

**Secretary/Treasurer Allen** distributed copies and explained items. She said she had not received an updating email from Tom Eck, TDEC financial contact, on the Commission line item. Balance as of 3/17/07: \$228.56.

**Motion #7**

**Secretary/Treasurer Allen** moved for approval of the Treasurer's Report. **Commissioner Kunesh** questioned the Item of Business Card charges. **Commissioner Kunesh** amended the motion to include checking on Business Card charge to be Van Lynch's Cards. **Seconded by Commissioner Vaughn. Motion carried.**

**COMMUNICATIONS:**

**Chair Lynch** reported on a request from **Mr. Joe White** of the Lawrence County Cherokee organization for a Recognition Criteria Application Form. His request gave the Commission 30 days to comply. **Chair Lynch** mailed **Mr. White** a reply that there is not a Recognition Criteria Application Form available, at this time, to send him.

**Commissioner Allen** requested permission to address the Commission. **Commissioner Allen** read from a prepared document on her position as Secretary and Commissioner in response to recent circumstances of the Commission business: **"March 17, 2007 TCIA MEETING RESPONSE TO**

**ATTACKS:**

Most of the people in this room have known me for a long time. I am strong and passionate in my beliefs that the business of the Tennessee commission of Indian Affairs should be, and **must be, out in the open**

for all to see. I keep detailed records, almost to a fault, with large amounts of back up paperwork. I tape the meetings for accuracy in transcribing minutes.

I will address the new Commissioner, now, in front of the people gathered here. I deliberately have not entered into email exchanges with him because his demands and accusations were aimed **at me, personally**, and not to the Agenda Committee. The situation **he** has created is on **his** part – not mine.

The position of **Secretary/Treasurer** of the Tennessee Commission of Indian Affairs is to serve the **Commission**. The new Commissioner's requests for complete changes in the Commission Agenda format came more as **demands** than requests. The new Commissioner has known from the beginning that the Commission has an Agenda Committee. Commission Chair, Van Lynch, is also Chair of the Agenda Committee. Commissioner Kippy Vaughn serves on the Agenda Committee, and I am on the Committee. He should know that his suggestions are to be addressed to the Committee. He should know that the Secretary/Treasurer does not do the agenda alone. The format of the agenda has been an issue with the new commissioner since the TCIA has been reinstated. The Agenda Committee has tried to keep the draft agenda brief for posting and emailed (or mailed) to the Commissioners prior to each meeting, for additional items. After the first meeting, and all other meetings, any items that did not get covered or finished folded onto the next agenda. Commissioners are requested to email, call, or mail suggestions for additions or changes – **to the Agenda Committee**. Any communications Chair Lynch, Commissioner Vaughn, or I receive are shared among the three of us. **Chair Lynch** directs the Secretary/Treasurer to make changes to the draft agenda. The agenda may require several drafts before the final agenda is sent to Paula Slack, Debbie Ownby, and General Counsel Ed Harris for posting to the TDEC web. At the scheduled TCIA meeting, the Agenda is reviewed again for changes before approval. **The New Commissioner knows that this is true.** The extensive agenda he emailed was not addressed to the Agenda Committee, though the Agenda Committee viewed it. Chair Lynch did not direct that the draft format be changed.

Commissioner Kunesh, attacks on the character and reputation anyone who does not do your bidding is a poor way of representing the Tennessee Commission of Indian Affairs and the people you are appointed to serve. You should not try to take over more than is your right as one of the Commissioners. You do not speak for all the Commission unless the Commission directs you to do so.

We have all witnessed the power struggles and sneaky and underhanded actions by individuals to pump up their personal egos. It will be the downfall and failing of the work of the Commission if it allowed to continue. The Commission cannot do its work until these kinds of actions are stopped. Having to do damage control and fight fires has the Commission handicapped and takes focus from the issues affecting our people.

On the previous TCIA, I served as secretary, and guided the process of the Recognition Criteria of groups and individuals. I have pressed for the recognition of Native American Indians as individuals and worked with groups to establish organizations with high standards. I will continue to do so. There are people who are counting on the Commissioners to do the work for which they have been chosen. My ability to continue depends on how this particular scenario plays out. The "Silent Majority" must be willing to take a part in its own defense of right and wrong.

Be reasonable in expectations and not blow with the strongest wind.

Will the Native American Indian people stand up for those of us who are trying to work for them?

Ruth Knight Allen" (A copy of the document is attached for the Commission Records.)

**Commissioner Kunesh** spoke on a letter he received from the Warden of a prison requesting information regarding the ban on the use of tobacco at the prison effect on Native American Indians. **Chair Lynch** stated that the Commission should be working on a response to such questions.

#### **COMMISSIONER REPORTS:**

**Commissioner/Chair Lynch** Presented a written report. She spoke of her attendance at the Civil Rights Conference held in February at UTM in Martin, TN. **Commissioner Kunesh** was keynote speaker. She sought sponsors for the Historic Tribes Resolution and has been in contact and dialog with the House Committee on Health. She stated that she is working on Standing Rules and Bylaws and could use some help. Both received awards.

**Commissioner Vaughn** presented a written report. She reported that she was working with Pat Cummins on vendors at flea markets selling Native American Indian artifacts. She is working with Boy Scouts and with colleges on education projects. She found in meetings with Rockwood and Harriman Counties Housing Authority that there are no special provisions for Native American Indians in their procedures.

**Commissioner Aseret.** No written report. He said that he had been traveling and had not been available in Tennessee much since the last meeting.

**Commissioner Reedy.** No written report. He reported on his attendance and duties as Arena Director at powwows. He said that he received The Eagle Award at the recent banquet and how proud he is to have been chosen to receive one. He has had two deaths in his family and his sister has a new baby. He has been active in repatriation meetings.

**Commissioner Kunesh.** No written report. He reported on his presentation of the Mascot Resolution to the Human Rights Commission. He attended a Native American Indian Association meeting and the Archeological Advisory Council meeting. He was a speaker at the Civil Rights Conference held at UTM in February.

**Commissioner Aseret** reported that he is working on an issue to promote a national holiday for Native American Indians. He stated that if Martin Luther King can have a special national holiday, the Native American Indian should have one, possibly in honor of the Native American Indian Code Talkers. He said they have never been honored for their contribution to our freedom during the wars.

**Chair Lynch** mentioned that during World War I, her relative Choctaws were the first Code Talkers.

**Commissioner Allen** presented a written report. She stated that she, too, had a death in her family. She assisted her older brother and his family during his illness and death in Alabama. His burial was in Memphis. She attended meetings of American Indian Association of Millington and the Far Away Cherokee/Native American Intertribal Association. She, also, is proud to have received The Eagle Award this year. Her Special General Grand Chapter Order of the Eastern Star Appointment "Friend of the Feather" allows her to travel to meetings and be recognized for her heritage. The Most Worthy Grand Matron, Barbara Benton, enrolled Oklahoma Choctaw, gave her the four-year appointment.

#### **OLD BUSINESS:**

**Presentation by Mr. Gerald Ingram of the Comments and Responses Summary (Rulemaking Hearing 10/28/2006) New Rule Chapter 0785-1 Recognition Criteria For Native American Indians and Draft of the Rulemaking Hearing Rules Document.**

**Mr. Ingram** distributed copies and read with details the items of the documents. He explained that the items are not numbered at the direction of the legal department. Upon adoption by roll call vote, the documents would be the official documents of the Commission. They would be taken forward with signatures for legal review by the OGC and AG Office; then filed with the Secretary of State. He pledged to keep the Commission updated on progress. **Mr. Ingram** read the Attorney General's responses to the Cherokee Nation of Oklahoma's document regarding Tennessee's authority to establish a Recognition Criteria.

#### **Motion #8**

**Commissioner Kunesh** moved adoption of the two documents: **Comments and Responses Summary and Recognition Criteria For Native American Indian Nations, Tribes or Communities. Seconded by Commissioner Allen. Roll Call Vote:**

**Commissioner Reedy-Object; Commissioner Aseret-Yes; Commissioner Kunesh-Yes; Commissioner Vaughn-Yes; Commissioner Allen-Yes; and Commissioner Lynch-Yes. Motion Carried.**

**Commissioner Allen** asked **Mr. Ingram** when it would be appropriate to submit the balance of the Criteria document, which includes individual, groups, and organizations, to the Attorney General for consideration? This part of the original document would make the Recognition Criteria a complete document with the Rules just adopted. **Mr. Ingram** responded that it was for the Commission to decide.

#### **Motion #9 (Not voted on)**

**Commissioner Allen** moved to submit the remainder of the Recognition Criteria document, which includes Individual, Groups, and Organizations to the AG for consideration to complete the Recognition Criteria for Native American Indians. **Seconded by Commissioner Vaughn.**

Discussion. **Mr. Ingram** stated that the motion needed a date. **Commissioner Allen** proposed that the Commissioners review the other parts of the Recognition document and be ready to submit a document at the June meeting. **Commissioner Kunesh** stated that he was concerned that this is introducing something that the Commissioners do not have documents on. **Commissioner Allen** assured that there

was a complete document submitted June 2006 on which the Rulemaking hearings were conducted and that the Nations, Tribes, and Communities was the only part that was selected for revisions by legal and the Indian communities. The complete document was available to all. **Commissioner Kunesh** suggested that the document be put on the agenda for June. (Motion #9 to become Motion #10)

#### **New Motion #9**

**Commissioner Kunesh moved to recess for lunch. Seconded by Commissioner Vaughn. Motion Carried.**

More discussion on the remainder of the Recognition Criteria document:

**Commissioner Reedy** asked if the proposed submission of the remainder of the Recognition document would require another Rules Hearing. **General Council Harris** did not return to the meeting after the lunch break to respond to this question. **Commissioner Allen** stated that the entire original document was submitted to the AG for Rules Hearings and consideration and that the only part singled out by the Indian communities was the part just passed. She said that she believes the document reviewed, prior to the vote for withdrawal of all the rules, should pass again. **Commissioner Kunesh** asked for clarification of which document was reviewed. **Commissioner Allen** said that she believed it was the one **Mr. Ingram** submitted to the Commission and that she would have copies available for the June meeting. She stated that the Commission might need to review all versions again for the final copy to submit for Rulemaking. **Commissioner Kunesh** asked how that would be done. **Commissioner Allen** replied that all the versions are available (on line) and each Commissioner could work independently before the June meeting and refine the document at the June meeting. Further work could postpone submission of a document for Rulemaking. **Commissioner Kunesh** recommended using the ACTIA Committee to review the document. **Commissioner Allen** reminded **Commissioner Kunesh** that the Commission is the Committee to handle the project and that The Commission could meet as a Committee of the Whole as has been done before. Discussion on processes resulted in the decision to meet as a Committee of the Whole.

#### **Motion #10**

**Commissioner Allen moved that the Commission meet as A Committee of the Whole before the June meeting to work on the remainder of the Recognition Criteria. Seconded by Commissioner Vaughn. Vote: Commissioner Reedy-No; Commissioner Aseret-Yes; Commissioner Kunesh-No; Commissioner Vaughn-Yes; Commissioner Allen-Yes. Motion Carried.**

**Discussion: Recognition Criteria Draft Application Form created by Commissioner Kunesh.** **Commissioner Kunesh** distributed copies and stated that the document had been emailed to the Commissioners prior to the meeting. He explained the draft and the changes needed due to today's Rules adopted. Discussion.

#### **Motion #11**

**Commissioner Allen moved that the Draft Recognition Criteria Application Form be tabled until the June meeting. Seconded by Commissioner Vaughn. Vote: Commissioner Reedy-Yes; Commissioner Aseret-Yes; Commissioner Kunesh-No; Commissioner Vaughn-Yes; Commissioner Allen-Yes. Motion Carried.**

**Commissioner Vaughn** asked how many had input in creating the application draft? **Commissioner Kunesh** said that there were four. **Commissioner Kunesh** reminded that the Rules just passed would possibly go into effect before the next meeting and there will be requests for applications. **Commissioner Allen** recommended that the Commission have an official State printed document of the Criteria in hand before designing an application.

#### **COMMITTEE REPORTS:**

**Housing: Commissioner Vaughn** said she had stated in her Commissioner Report that she had met with counties in her area in regard to housing opportunities for Native American Indians and found no procedures for specific ethnic groups. Housing is provided by income and situations.

**Education: Commissioner Kunesh** explained a project that he is working on is a Native American Indian music CD that he hopes to be able to provide to school music departments. He would also

recommend Commission support for developing a Native American Indian Tourism Map for placing at Visitor Centers.

**Commissioner Kunesh** commented on the use of the term "Committees" for Commission members. When committees do not meet regularly outside of the scheduled quarterly Commission meetings, what is the point of having committees? There was discussion of existing Commission Committees and

suggestions on when meetings could be reasonably held. Public notices would have to be posted. A suggestion was for Committees to meet two hours before a scheduled quarterly meeting.

**Repatriation: Commissioner Kunesh** reported on volume of Native American Indian remains being held in storage boxes on campuses and the need to identify the tribes for repatriation. He will submit a report to the Repatriation Committee at the June meeting. **Chair Lynch** remarked that a relative of hers serves on the Archeological Council.

#### **Motion #12**

**Commissioner Vaughn** moved that the Commission go on record, as hearing the problem of remains being held in storage and that there is a solution Initiative in Colorado already started. **Seconded by Commissioner Aseret. Motion Carried.**

**Chair Lynch** reported that she sought sponsors for the Historic Tribes Resolution among the Legislators she knew, but did not have success. She stated that she would keep trying with those from her area. She led discussion on guidelines on what Commissioners should speak out on to educate the public on elements of the Commission Legislative Bill. The Commission has seven purposes and ten goals. **Commissioner Kunesh** stated that he did not see in the Minutes where these were voted on. The dates of the voting were given to him.

**Chair Lynch** stated that there were no new items for the Bylaws as they are a work in progress. It takes a long time to work up Bylaws. It takes an amendment and three readings to change them and a 2/3 vote to amend. There has been one reading. Two items for consideration are: 1. When and where may the Commission use the State Seal and where reproduced? and 2. What are the dates of our fiscal year – June or January?

**Chair Lynch** spoke on additions to the Standing Rules regarding items for agenda. She said that those wishing to place items on an agenda are to submit them 30 days prior to a meeting. **Commissioner Allen** explained that a basic agenda format is usually sent out 15-20 days prior to a meeting for input from Commissioners. Responses are sent to the Agenda Committee (Chair Lynch, Vice Chair Vaughn, and Secretary Allen). As additions and deletions are received, amendments to the basic agenda are made. Any items under agenda topics, which are left over from a previous meeting, are on the basic agenda unless they are changed. A final draft of the agenda is placed on the TDEC Website as many days prior as amendments allow. The posted agenda is subject to changes at the scheduled quarterly meeting. She stated that the TDEC Website Manager has asked that the Agenda be brief and amendments kept to a minimum. There was further discussion on submitting agenda items and the duties of the Agenda Committee.

#### **Motion # 13**

**Commissioner Kunesh** moved that the decisions on Agenda Procedures be tabled until the June meeting. **Seconded by Commissioner Aseret. Motion carried.**

#### **Motion #14**

**Commissioner Kunesh** moved that, for the June meeting, all agenda items to be sent to Chair of the Commission/Chair of the Agenda Committee Lynch and be forwarded to all the Commissioners. **Seconded by Commissioner Reedy. Motion carried.**

**Chair Lynch** asked the NAIA speaker, **Bill Wells**, about his topic of SB1371. **Mr. Wells** remarked that he only wanted the Commission aware of the issue, but was asking that it be passed over until another time. **Chair Lynch** commented on the mandate of the Commission to review Legislative Bills that might impact Native American Indians in Tennessee. **Commissioner Reedy** spoke on the meeting with the Human Rights Committee on the Mascot Bill #162. There were Commissioner and public comments on the Bill.

#### **Motion #15**

**Commissioner Kunesh** moved that the TCIA go on record opposing Mascot Bill #162 as it singles out one minority group in conflict with the mandate of the Commission. As part of the motion, that the Chair write and send a letter to this effect to the Legislature. **Seconded by Commissioner Reedy. Motion Carried.**

**The Native American Indian License Plate Project.** Commissioners and the audience discussed the license plate issue at length.

**Ms Vicky Garland** explained her information on the status of the Bill in the Legislature. **Ms Tammera Hicks** explained her position and outlined the organization she had formed to administer the project.

**Ms Hicks** introduced **Ms Shelley Allen** as one of the board members present and named **Mr. Harley Grant** and **Mr. Cubert Bell, Sr.** as the other two board members. The organization is The Native American Services of Tennessee. She displayed posters of the logo design of the license plates from previous years. She stated that, at the December Commission meeting, she was informing the Commission of her intentions to pursue the license plate project. She reminded the Commissioners that the Commission mandate that is to preview and make recommendations; not to intervene in someone else's legislation. She had not intended that the Commission be responsible for the project. **Ms Hicks** related that the previous Commission undertook the project, but it was not successful. Discussion continued.

**Motion # 16**

**Commissioner Vaughn** moved that the Native American Services of Tennessee keep the project and that the Commission not be involved. **Seconded by Commissioner Allen. Vote: Commissioner Reedy-No; Commissioner Aseret-No; Commissioner Kunesh-No; Commissioner Vaughn-Yes; Commissioner Allen-Yes. Motion failed.**

**Mr. Bill Wells** explained the impact that Bill # 1371 would have on the Native American Indian Communities, but asked that the Commission take no action, at this time. Not all comments audible for transcribing.

**Motion #17**

**Commissioner Reedy** moved to table action on Bill #1371/1303 brought up by NAIA Representative, **Mr. Bill Wells**. **Seconded by Commissioner Aseret. Motion carried.**

Bill #1681 request by the CWC for Legislative recognition was discussed by **Attorney Joe McCaleb**. He explained that the Bill would probably fail without sponsors, but that it is in conflict with the statutory objectives of the Commission of Indian Affairs. He recommended that the Commission oppose the Bill.

**Motion #18**

**Commissioner Reedy** moved that the TCIA be in opposition to Bill #1681 as it is in conflict with the Commissions statutory objectives. **Seconded by Commissioner Vaughn. Motion Carried.**

Bill # 2121 purpose is to extend the TCIA to 2011.

**Motion #19**

**Commissioner Aseret** moved that the TCIA support Bill #2121 proposed to extend the TCIA to 2011. **Seconded by Commissioner Reedy. Motion Carried.**

Commissioners discussed how Legislators would be notified of the Commission's actions.

**Motion #20**

**Commissioner Reedy** moved that the Chair, **Van Lynch**, draft the letters to Legislators involved in the Bills represented in the above motions. **Seconded by Commissioner Kunesh. Motion carried.**

**Commissioner Vaughn** stated concern that the motion actions were directing **Chair Van Lynch** to do correspondence that is usually done by the Secretary with the Chair's signature.

**Chair Lynch** recognized **Ms Valerie Ohle** who requested Commission support for one day observed annually as a Day of Healing for Native American Indians in Tennessee. **Chair Lynch** agreed to work with **Ms Ohle** on such a project.

**Motion #21**

**Commissioner Kunesh** moved that the Commission support the proposal of the annual day observed as a Day of Healing for Native American Indians in Tennessee to be on Columbus Day. **Seconded by Commissioner Reedy. Motion carried.**

**Chair Lynch** reported that she has drafted a letter to the Tennessee Health Committee on Native American Indian issues. **Commissioner Reedy's** comments on this subject were inaudible on the tapes. He mentioned the NAIA Powwow on October 19-21. **Ms Vicky Garland** reported that TNNAC is working

to update their Bylaws. She reminded those possible candidates for this year's elections in the three Grand Divisions need to get their paperwork in between March 1 and April 30.

**Ms Valerie Ohle** presented the Health Care Initiative Proposal. (Much of her presentation was inaudible due to the distance between her and the recorders.) **Commissioner Allen** stated that she agreed that the reason for the Initiative is needed, but she said that if the Commission allows this proposal to be a separate group to do this and to be able to write grants and propose to do the other things; then we are allowing them to do what we did not allow the license plate organization to do. This group would be performing with the support of the Commission with no Commission control. She suggested that the proposal be tabled until it can be reviewed further for the Commission liabilities would be. **Commissioner Kunesh** commented on the grant possibilities and named the people, including himself, involved in the organization. He stated that the proposal was emailed to the Commissioners for review.

#### **Motion #22**

**Commissioner Kunesh moved that the TCIA accept the Health Care Initiative proposal. Seconded by Commissioner Reedy. Vote: Commissioner Reedy-Yes; Commissioner Aseret-Yes; Commissioner Kunesh-Yes; Commissioner Vaughn-No; Commissioner Allen-No. Motion carried.**

The Commissioners discussed dates for the next meeting. The next meeting is to be in Chattanooga on June 9, 2007.

#### **Public Comment:**

**Mr. Billy Nuckles** requested **Chair Lynch** to address the concerns expressed in **Commissioner Allen's** written comments. **Chair Lynch** replied that she would appoint a committee and they would be addressed.

**Ms Vicky Garland** spoke on concerns regarding the events centered on people coming into Tennessee State Parks for Trail of Tears events and not including the local Trail of Tears Association.

#### **Motion #23**

**Commissioner Kunesh moved that Chair Lynch draft a letter informing the Parks Commission that the TCIA does exist. Seconded by Commissioner Aseret. Motion carried.**

**Ms Bonnie Nuckles, Chief Calmwaters, of the Lenape** (some statements inaudible on tapes.) She explained that the Lenape never received information of their lapsed status as a Native American Indian Organization. **Commissioner Allen** stated that there was an AG Opinion given and the Commissioners were copied on the notice. **Commissioner Kunesh** stated that he would send **Ms Nuckles** a copy.

#### **Motion #24**

**Commissioner Kunesh moved that Chair Lynch draft a letter to the Lenape regarding the AG Opinion and the status of the group. Seconded by Commissioner Aseret. Motion Carried.**

**Mr. Herstle Cross** further stated that he believed the Lenape were denied due process in not allowing them a means of updating their records during the Sunsetting and Wind down of the previous Commission. He believed that the State has left the previous Commission's records in such disarray that there is no way of verifying what records were available or are available now. **Commissioner Vaughn** said that the Commission has agreed to address their concerns.

**Attorney Joe McCaleb** stated that he has two comments. He had asked TDEC for a portable public address system for use at the Commission meeting. He said that he knows the department has such equipment available for use. If the State does not provide one, the Commission has two options: 1. Find someone to see how much one would cost and get someone to donate one. Or 2. Move the meetings to somewhere that an address system is already in place. He stated that the audience, as well as the Commissioners, needs to be able to hear what is being discussed. Second is: The State of Tennessee has Board Orientation under its authority. TDEC holds 1 or 2 per year and this Board badly needs Board Orientation. Board Orientation simply says this is what you do and this is how you treat each other. He said that there is wide misunderstanding on this and the law. He suggested asking **General Council Ed Harris** to notify each one of you when the next one is. As Chair, **Ms Van**, ask the Secretary to write to ask **Ed Harris** to request that you be notified of the next Board Orientation. **Attorney McCaleb** said he would like to make a comment on the Minutes: Draft Minutes should **never** be sent out other than to the Commissioners. Why? Exactly what happened today. There is a Secretary to do the Minutes. Every other Board works this way. Bound by the State rules, the Secretary is the official taker of the Minutes, audited in public. He spoke of the license plates issue. He said that the distribution of funds was not discussed at the December meeting for people to know the process. If that had been discussed then, a lot of this today could have been avoided. **Ms Hicks** restated the proposed distribution of funds. **Attorney McCaleb** stated that no other Board allows a member of the audience to come up and speak.

If the Chair allows a request to speak, Rules must be suspended to do so. You really should not have people popping up anytime they want to. Respectfully, that's just not the way to run a meeting.

**Commissioner Kunesh** asked to make a comment on that. He said that the Commission could pass a motion or he would take responsibility for having a sound system at the meeting in Chattanooga. He said that he would like to charge you (**Chair Lynch**) to write a letter asking for notification of the next Board Orientation. **Chair Lynch** said that if it costs her \$60.00 to rent one or the Commission can buy one. **Commissioner Kunesh** said that there was a motion to charge you (**Chair Lynch**) with sending a letter requesting notification of the next Board training orientation. **Chair Lynch** agreed.

#### **Motion # 25**

**Commissioner Kunesh** moved that **Chair Lynch** write a letter requesting notification of the next TDEC Board Orientation. **Seconded by Commissioner Aseret. Motion carried.**

**Mr. Lance "Otter" Davis** stating a take-off on what Attorney McCaleb said. He said group cooperation and compromise – a lot of folks boil it down to personalities. He said that he didn't see any reason why **Tammera** and **Val** and the Commissioners couldn't come together and find a middle ground. He said the license plate funds might be available for the Research Initiative would be a valid goal. He suggested using the Advisory Council to cut out a lot of this research, that they provided work on the Recognition Criteria. He believed it to be the most comprehensive and widely accepted until TDEC interjected themselves. He said that there is a tendency to reject the message if you don't like the messenger. He believes it behooves us to leave personal feelings at the door and come in with an open mind.

**Ms Valerie Ohle** invited everybody to Knoxville on April 7. (some comments inaudible) She said that if anyone wants to be a Watch Dog with the Initiative, call or write her.

**Ms Shelley Allen** thanked all of the audience, the ones who are here to support what we are trying to do with the Native American Services of Tennessee. She said that she appreciated **Tammera** for taking the lead. She said she knew we – **Tammera**, **Harley**, **Cubert** and myself – will be working to see this through. She said she saw a lot of things here today. She reminded that she was speaking for herself and not as the daughter of **Ruth Allen**. She said she wanted that specifically known because we see things differently and we still work together as well. She said that she saw a lot of animosity behind the scenes and in front of the scenes. She said that **Ruth Allen** is the Secretary of this board, just as **Joe** said. She said that **Ms Van** is the Chair and the Secretary is the one who takes care of the correspondence of the board. She said that **Ms Van** can ask **Ms Allen** to write the letters, but it's not **Ms Van's** responsibility to do the correspondence. She said the Secretary does the correspondence in the organization. **Ms Shelley Allen** said that as Administration Assistant in another organization, she takes care of the correspondence, as that is her job. She said that, as she has said every time she has spoken at a Commission meeting, we have to work together. She said that she knows it is hard and people can push each other's buttons. But leave your buttons at the door like **Lance** said. She said that she is not aiming her comments at anyone in particular. She said that nobody should try to take the lead and run with it – you are a team up there. She said that the Commissioners should not talk down to each other or to the audience. She said that they are the ones down here to support you all. As for funding, addressing **Attorney McCaleb**, she sees the tag as a good thing – a positive thing. She said that there is not a whole lot of positive out there. She said that she is hoping this will make funding available to every individual who applies.

**Ms Vicky Garland** asked **Chair Lynch** about the donated painting. **Ms Garland** said that if we are going to keep taking up money (donated on the painting), **Ms Van** needs to appoint a committee of people you can trust to take up the money. **Ms Garland** said she took up \$50.00 today. **Ms Garland** said she was told the painting is worth \$2000.00.

**Paul Vaughn** spoke on the items needed by the Commission – a PA system and laptops for the Commissioners. He spoke of the agency across the street from the TDEC offices where surplus items are stored. He said that items could be obtained by writing a request letter. **Commissioner Reedy** responded that requesting the items would be a little more complicated. He did mention that **Mr. Gerald Ingram** had a system during his presentation, but took it with him when he left. **Commissioner Reedy** spoke quite passionately about the responsibility of the positions of Commissioner, the Chair, and the Secretary.

**Chair Lynch** asked if her son, **Michael**, wished to speak. **Mr. Michael Lynch** stated that he had been following the affairs of the Indian communities for years with his mother. He said that he cares about

Page 10

each and every one of you (those present). He thanked every one. He said that he tried to do the things his mother asks him to do. (Some of his comments were inaudible from the back of the room.)

**Commissioner Allen** related some of the history of the previous Commission and her involvement. She stated her concern for the future of the present Commission.

**Closing Prayer: Rev. Duane Tyus**

**Motion #26 Commissioner Reedy moved to adjourn. Seconded by Commissioner Vaughn. Motion carried.**

**Meeting adjourned**

Ruth Knight Allen, Secretary/Treasurer