

TN COMMISSION OF INDIAN AFFAIRS
Quarterly Meeting
Saturday, 17 January 2009, 10am, Memphis
Family Life Center, St Ann's Catholic Church, Bartlett

MINUTES

I. CALL TO ORDER

present Alice Henry Jimmie Thigpen James Meeks
 Val Ohle tom kunesh Bill Wells

absent Bill Wells (mother died) Jeanie Walkingstick (work)

meeting staff: Robert Rush, parliamentarian
 Mark James, TDEC attorney

II. INTRODUCTIONS & REPORTS

A. 1. Commissioners
reports from James Meeks, Jimmie Thigpen, Val Ohle - to send via email
secretary will submit reports to state webmaster.

B. Minutes (13 september Chattanooga) & financial report
approved as submitted - approved
treasurer's report ±\$299 - approved

C. Annual reports (kunesh)
2007 report - approved

D. Telephonic 'Round Tables' (Ohle)
chair's initiative, no january calls, december calls - "interesting"
will continue dependent on family situation

E. Future meeting dates and places
motion to delay item discussion - approved

F. Archaeology (kunesh)
proposed legislative TCA amendments (later this mtg)
should consider archaeological permits for the future

G. Special Reports
1. strategic planning for TCIA (Ohle)
no quorum, but discussed mission statement

Vision: obtain & provide information on Native American healthcare issues in Tennessee

educate TN's native population & TN healthcare networks about NA healthcare issues / specific to NAs,
and to provide information on healthcare issues,
and provide programs on NA healthcare issues in TN

Goals

1. assemble and provide information about NA-specific health issues to regional healthcare providers.
2. address community wish: "access to affordable health care and affordable health care insurance"
3. educate healthcare providers about NA health issues
4. obtain information on TN NA population healthcare issues (Research Initiative)
5. promote NA-focused wellness programs
6. advocate for NA health care in Tennessee in general and TennCare especially. (TN Department of Health Division of Minority Health and Disparity Elimination)

motion to table to next physical meeting - approved

2. other state commissioners/representatives (none)

3. status of Research Initiative - statistical study of state's NA population (Ohle)
no report - Marion Orrick moving data to be MS Vista-compatible
4. status of 2010 Census Commission Liaison (Ohle)
Marion Orrick - active & working, but no computer access over Christmas break
former commissioner Ruth Allen's status on census work?
Ohle - letter sent appointing Orrick, letter of invitation sent to Allen to work w/Orrick;
Orrick has Allen's contact information.
5. status of TCIA members with Indian Preference (kunessh)
TCIA is out of compliance w/TCA mandate that 5 of 7 members receive Indian Preference.
Meeks - state comment on state implementation of Indian Preference?
Henry - trying to get into compliance (obtain Indian Preference).
Ohle - obtained via TNNAC election process
motion to suspend rules to allow former TNNAC chairman John Smith to speak on question
of process of receiving Indian Preference - approved
Smith - any time there was a commissioner vacancy, a nominee could bring proof before
TNNAC committee.
James, TDEC attorney - "Indian Preference" requirement is an "empty statute", "preference"
understood liberally, but TNNAC interprets legalistically.
state would not wade in on the TNNAC electoral process.
Ohle - do we acknowledge to the state that we are out of compliance?
James - state will not wade in on the electoral process;
preference relates to electoral process - before appointment.
Meeks - TNNAC is the holder of the process
Henry - TNNAC election coming up - better to define process
James - have to remember who's appointing - no tally kept, no cross-reference made, none of
them keep track of who's appointing or being appointed or preference; control should be done at the
electoral stage.
no state process for preference; state won't get involved in process.
Meeks - Commission should advise members who want IP to apply to TNNAC.
Henry - state not interested, it's a moot point.
tom - issue of public trust, accountability of TNNAC and its nomination process.
Motion to advise all current Commission members who believe they could attain Indian
Preference to apply to TNNAC at the earliest possible time to attain such; and request that TNNAC
provide the process to all future candidates and possible appointees; and attempt, as they are able
based on the candidates available, to fill positions on the Board based on Indian preference.
Approved 2-1, secretary to send motion to TNNAC board

III. OLD BUSINESS

A. upcoming legislative session

1. status of Legislative Review Committee
Vicky Garland sent report: Just finished looking at 176 bills, none about Indians.
One possibility: HB0038 by Hardaway about artifacts in the Capitol.
2. status of TNNAC 2005 referendum splitting metros from grand (kunessh)
commission should ask TNNAC not to propose it as a bill this year due to potential political
danger of further legislative amendment.
Motion to request that the TNNAC board not propose the TNNAC 2005 referendum splitting
metros from grand this legislative session.
Approved 3-0-1

12.04 Hour break for lunch.

Ohle - received a calendar from Office of Hawaiian Affairs, which she sent as gift to Mr Rush for being parliamentarian.

recognized 3 former Memphis commissioners - Shelley Allen, Ruth Allen, Cubert Bell.

3. status of resolution re. Recognition of TN Historic Tribes (Meeks)

Motion to submit to the legislature to adopt the resolution on Recognition of TN Historic Tribes as here amended. Chair to seek legislative sponsors. Approved 3-1

B. Rules

1. Agenda Protocol (Ohle & Meeks) compilation

tabled for Meeks & kunesh to finalize form by 17 february - approved

C. Lobbying Disclosure Resolution (Ohle)

Concern about individual conflict of interest in a voting issue - individual commissioners in opposition to Commission's decision should recuse themselves so not to work against the agency's interest.

Motion to add standing rule: Commissioners shall disclose any personal intention to conduct and/or participate in lobbying or legislative efforts that do or may oppose the position of the majority vote of the Commission of Indian Affairs. Approved 3-0-0

D. Regional Coalitions proposal (Ohle)

tabled to may / Knoxville mtg.

IV. NEW BUSINESS

A. Rules Committee appointment, tasks, meeting schedule - tabled

B. Commission protocol with ACTIA - tabled

C. TNCIA compliance with TCA 4-34-104.b.3 - tabled

D. TNNAC Board neutrality in nomination process - tabled

E. legislative commendations - tabled

F. legislative resolutions (kunesh)

1. Motion to request that legislature declare 28 February "Annual Dragging Canoe Memorial Day".
Approved, unanimous

2. Motion to request that legislature declare 2010 Tanasi/Tennessee Native History Year statewide, with the following focus months:

a. Yuchi Education Month, january 2010

b. Muscogee Education Month, february 2010

c. Chickasaw Education Month, march 2010

d. Choctaw Education Month, april 2010

e. Shawnee Education Month, may 2010

f. Cherokee Education Month, september 2010 (TN NA day)

(Tennessee American Indian Month, october 2010)

12 October - Day of Healing

g. Trail of Tears Month, november 2010 (national NA month)

(no national NA day; other states have set their NA day on Columbus Day)

Approved, unanimous

3. extension of Commission to 2011

kunesh - opposed: Commission has served its purpose, too much conflict, won't pass legislature; recognition is a third-rail issue.

Meeks - Commission is not perfect, never has been; issues need Commission; recognition is a lightning-rod issue, wants the ability to speak and stand as a group, a voice to speak for them when nobody else is speaking for them.

Henry - TN still needs a commission to speak for all including federally-recognized Indians who have to live here; we're told that we don't exist, need to rally behind and support this Commission even with a lack of trust. We need medical care for federal people; we keep being told we don't exist.

"Culture clubs" - name is a real nasty issue.

Thigpen - we have to establish some kind of recognition.

Ohle - came on the Commission to serve indian people, not segregated by tribe, by status, by place of origin; people have migrated for millenia.

Motion to recommend to the legislature the extension of the Commission of Indian Affairs to 2011. Approved 4-0-1

4. Motion to recommend 4 amendments to Tennessee state law (TCA) for adoption by the state legislature to protect Native American burial items, as amended. (kunesch)
Approved, unanimous

5. promote reconciliation and return of expatriates to tribes, requires
TNCIA to initiate contact & dialogue with tribes, primarily Cherokee.
15.46

6. state tribal recognition requires sponsorship by an existing
federally- or state-legislatively-recognized tribe / adapting
the NCAI resolution on federal recognition for TN use
16.00 2-2-0 failed

7. Proposal to Fix Meeting dates of the Tennessee Commission
of Indian Affairs Quarterly

8. amend Resolution of Support and Commendation for Trail of Tears
Commemorative Events
- take out Moore County
tom, James - approve, unanimous

motion to adjourn & move to public comments - tom, James - unanimous

3:00 pm:

V. Public comments (4 mins. per person)

1 John Smith: whatever the Commission can do to get health care to indians in West TN/Memphis would be appreciated - one that has to go to Oklahoma for health care

2 Phillip Stevens: The Commission is our voice to the legislature, a different avenue than the common person, no collective voice, am in favor of the Commission continuing, at least on that avenue. Why were not all the commissioners communicated with, in building agenda, in compilation agenda, december agenda passed over to put on january agenda, some explanation why West TN delegates have been passed by in communication among commissioners.

Three commissioners being recognized by Indian Preference. current criteria in use - why couldn't same criteria be used by Commission? and not require special mtgs as such.

kunesch - all commissioners received the same information at the same time.

Meeks - proposal to extend agenda notification time

kunesch - agenda items were not proposed in full in the past, this advance notice is new, every commissioner was sent the same information, agenda, proposed meeting dates, etc.

3 Rod Sharp: You can see here who's telling the truth.

What the Commission is here for - it's recognition. If it's a third-rail issue, the honorable thing to do is to stand down. Phone meeting is problematic because we can't see who's lying, who's telling the truth. I support recognition, ... whether the Commission stays or dies.

4 Tamera Hicks: NAST org report, sponsored Longest Walk, educational programs, free CNO clay-mation videos, can provide for schools in TN; friends who are certified to teach Cherokee language classes; in december - procured two laptops from the Dell company for two students who maintained GPA. Working on Powwow on the River; working on grants section 170 charity.

5 Ed Vinson: Wants to see more Indians on the board, wants it to live forever, biggest problem is sunshine law.

6 Diane Christmas, secretary of Faraway Cherokee, started rant on a personal issue not related to the Commission. Commission secretary left meeting.

7 Norma Rogers
8 Joe McCaleb
9 Glen Reece
10 Ramona Reece
11 Lee Embry
12 Brenda Oliver

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