

NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS QUARTERLY
COMMISSION MEETING
NORTH RALEIGH HILTON
34TH ANNUAL NC INDIAN UNITY CONFERENCE
RALEIGH, NC
MARCH 5, 2009

Chairman Paul Brooks called the meeting to order at 9:05 a.m. and asked Commissioner Ray Maynor to offer the invocation in addition to requesting a moment of silence in honor of Chief Roscoe Jacobs.

ROLL CALL

MEMBERS PRESENT

President Pro Tem Appointee

Coharie Indian Tribe

Cumberland County Association for Indian People

Cumberland County Association for Indian People

Guilford Native American Association

Guilford Native American Association

Haliwa-Saponi Indian Tribe

Lumbee Indian Tribe of North Carolina

Lumbee Indian Tribe of North Carolina

Lumbee Indian Tribe of North Carolina

Metrolina Native American Association

Occaneechi Band of Saponi Nation

Triangle Native American Society

Waccamaw-Siouan Indian Tribe

Paul Brooks

Isabell Freeman Elliott

Barbara Melvin

Roy Maynor

Ruth Revels

Julia Phipps

Ruth Ealing

J. Garth Locklear

Furnie Lambert

Larece Hunt

Barbara Locklear

Sharn Jeffries

Brett Locklear

Lila Spaulding

MEMBERS ABSENT

Cherokee Indian Tribe

Coharie Indian Tribe

Haliwa-Saponi Indian Tribe

Lumbee Indian Tribe of North Carolina

Metrolina Native American Association

Sappony Indian Tribe

North Carolina Native American Student Organization

Patrick Lambert

Gene Faircloth

Barry Richardson

Ray Littleturtle

Earlene Stacks

Shelia Wilson

Olivia Richardson

STATE OFFICIALS

Department of Administration, Britt Cobb, Secretary

Designee: June Michaux

Employment Security Commission, Moses Carey, Jr., Chairman

Department of Health and Human Services, Lanier Cansler, Secretary
Designee: Maria Spaulding

Commissioner of Labor, Cherie K. Berry, Commissioner
Designee: Tina Morris-Anderson

Department of Administration, Christy Agner, Legislative Liaison

EX-OFFICIO MEMBER

Dr. Robin Cummings, Chair, Health Committee

REPRESENTING THE ATTORNEY GENERAL'S OFFICE

LeAnn Martin, Assistant Attorney General

STAFF PRESENT

Greg Richardson, Executive Director
Pam DeRensis, Special Assistant
Rebekah Revels Lowry, Administrative Assistant
Kimberly Hammonds, Director, Economic Development Program
Mickey Locklear, Director, Educational Talent Search Program
Missy Brayboy, Director, Health Initiative
Elk Richardson, Director, Workforce Investment Act Program
John Scott, Program Coordinator, N-O-T on Tobacco Program
Sadie Barbour, Director, Community Services Program
Consuela Richardson, Counselor, Educational Talent Search

APPROVAL OF THE MEETING MINUTES

Commission Roy Maynor made a motion, seconded by Commissioner Furnie Lambert, to accept the December 5, 2008 minutes. Motion carried

READING OF THE STANDARDS ETHICS STATEMENT— Greg Richardson, on behalf of Chairman Brooks.

The Commission membership received comments from Secretary Britt Cobb who brought greetings from Governor Purdue. Secretary Cobb also introduced his designee to the commission, June Michaux, Deputy Secretary, to the Commission membership. Secretary Cobb indicated that Deputy Secretary Michaux, will be an asset to the Commission because of her background and experience. Secretary Cobb also introduced Christy Agner, who is the Department's Legislative liaison. Secretary Cobb discussed the budgetary challenges that the state is facing and described the upcoming year as very difficult in reference to monetary means. Secretary Cobb informed the Commission that they had a voice in the Department of Administration and that he would work to assure that the goals of the commission is achieved during his tenure as Secretary.

Deputy Secretary June Michaux gave brief remarks and indicated that was a pleasure to be at the meeting and further described her background of working with the State Property's Office and in the Public Housing arena prior to being appointed Deputy Secretary. She indicated that she looks forward to learning about and working with the Commission in the future.

Deputy Secretary Maria Spaulding, with the Department of Health and Human Services, gave remarks on behalf of Secretary Lanier Cansle, of her department. She spoke of the longstanding relationships she had with Commission staff and looked forward to the new experiences that she will have. She spoke of funds that would be applicable to our communities and hopes that she will be able to make contributions through the Department of Health and Human Services.

Tina Morrison, Director of Research and Policy with the Department of Labor, also presented comments about the need to spreading the message of worker safety and spreading the message of working safely across the state of North Carolina, offering apprenticeship training, and use tribal monies to purchase homes, start a business, or go back to school.

Chairman Moses Carey, Jr., with the Employment Security Commission, spoke about the role of the security commission and the need to provide services to individuals who were displaced from employment. Chairman Carey spoke about the current unemployment status of many North Carolina citizens and indicated that he look forward to working with the Commission.

Representative Ronnie Sutton presented comments regarding state salary increases, indicated that there would probably not be any, adversities regarding the State Health Plan, discussed his views regarding the need for the tribes support the current American Indian License Plate, and discussed the 2009 Legislative Agenda. Representative Sutton commented that "this is the worst situation I've seen our state in since 1993." Representative Sutton shared that there would be no salary increases and substantial changes to the current State Health Plan.

Representative Sutton talked in depth about the American Indian License plate and commented that over 10,000 plates have been sold. Representative commented that it was the consensus at the time he sponsored the bill for the American Indian License Plate, that Indian leaders wanted a single state-wide American Indian license plate. It took two years to get the legislation passed through the general assembly.

He discussed problems associated with different groups wanting to get legislation to authorize separate license plates for their organization or tribe. He indicated that the problem lies within tribes and organizations wanting individual license plates and Representative Sutton wants to know if the Commission would like to maintain one American Indian plate and not have individual groups have their own license plate. Representative Sutton said that the license plate displays a show of unity among all

Indian tribes and that it would be his preference that only one Indian license plate be authorized by state legislation to represent all Indian tribes and organizations. Once you have one group go away from the mass with their own individual plate the concept of unity among the Indian tribes and the Indian groups, go out of the window.

Representative Sutton encouraged the Commission to indicate exactly what they wanted in relation to the license plate in the form of a resolution. Representative Sutton said that he relied on the Commission to let him know what American Indians around the state needed.

REPORT ON NC COMMISSION OF INDIAN AFFAIRS AGENCY BILLS—

Representative Ronnie Sutton, continued

Representative Sutton discussed the following bills: the American Indian Arts Institute Fund, the North Carolina Indian Economic Development Initiative, and Archeology Funding.

Representative Sutton reminded the audience that the NC Indian Economic Development Initiative (NCIEDI), is not a state agency and it's funding has been passed through the Department of Administration/NC Commission of Indian Affairs. Representative Sutton discussed the need to move them to the Department of Commerce and that he didn't think it would take legislation to move the Initiative, but he felt the need to ask for funding for the Initiative.

In relation to Archeology legislation, Representative Sutton mentioned the difficulties surrounding traditional burial grounds and the need for more research. Sutton indicated that the Department of Archeology at UNC can conduct certain research. Sutton commented that through this bill we will ask all institutions that does any archeological work centered around Indians and Indian land, that they provide a report to the Commission annually regarding such work.

The last two bills Representative Sutton discussed was to add two additional members to the Advisory Council on Indian Education. The person appointed by the Commission will serve until they are replaced.

Representative Sutton commented that the General Assembly both House and Senate would be recognizing the accomplishments and service of Chief Roscoe Jacobs in the very near future, in the form of a legislative Resolution, at the request of the commission.

Greg Richardson presented Resolution #001-09 to the commission, a resolution in honor of the late Chief Roscoe Jacobs. Commissioner Garth Locklear made a motion, seconded by Commissioner Larece Hunt, to adopt resolution #001-09. Motion carried.

Mr. Richardson asked the audience to stand in recognition of Chief Jacobs. Chairman Paul Brooks, indicated that this is a historic moment in time and a realization of what one man could do. He further stated, "Chief Roscoe Jacobs an impact on everyone's life in

this room and you probably don't even know it". He loved to demonstrate to the American people across the state, not just the American Indians, but every single person in this state. Thank you!"

Commissioner Elton Jacobs commented, on behalf of himself and the rest of his family he thanked the Commission for honoring his father. He also stated, "When his father stepped aside and opened the door from him to come on board at the Commission. He remembered when Mr. Lonnie Revels came to him and said you have large shoes to fill son and he said sir I don't think I can feel those shoes, but I'll do the best I can, with what he has taught me. Thank you."

Mary Beth Brayboy with NC Gives gave a presentation on the NC Gives Philanthropy in native communities. The groups created in the native communities are referred to as "giving circles" and can be comprised of youth, adults, college students, or an American Indian Circle of Leaders. (See attachment of more information)

EXECUTIVE DIRECTOR'S REPORT

Mr. Richardson welcomed the new members of the Commission and shared they would be taking an important role in the Indian politics in the state of North Carolina. He discussed the unique opportunity they would experience in taking part of the type of discussion offered by serving on the Commission of Indian Affairs.

Mr. Richardson discussed the many accomplishments of Chief Roscoe Jacobs's diligent work in the Waccamaw Siouan Tribe. He commented by Chief Jacobs made sure the Waccamaw Siouans had jobs with the CETA program along with LRDA in Robeson County. Richardson stated that many of the individuals in the room benefited from the Chief's work and the program that he worked in for many years.

Mr. Richardson also shared that the first American Indian to work for the NC Department of Justice, was Ms. Darlene Graham, a Waccamaw Siouan and that Chief Roscoe helped set the stage for that accomplishment. In addition to that, the first Waccamaw Siouan to join the NC Highway Patrol was a result of Chief Roscoe's hard work. The chief was a dedicated person who worked hard to assure that American Indians were included in all aspect of local and state efforts.

Mr. Richardson touched on the following subjects:

Martin Luther King Recognition Ceremony—the ceremony took place on January 16, 2009 and provided an opportunity for Mr. Richardson to introduce the Honorable Governor Beverly Purdue. He commented that the event was an honor for him and American Indian people in North Carolina.

Municipal Bonds for Indian Tribes—questions have been raised to the Secretary of State's office as to if and when can tribes participate in this particular program. Mr.

Richardson stated that this was an economic development item and that he would continue to question this matter.

High Speed Internet—Mr. Richardson discussed a national meeting that was taking place in Durham North Carolina to deal with Internet access in rural communities. He indicated that he will attend a meeting on Saturday on behalf of the commission .Mr. Richardson shared that in certain tribal communities there is an absence of high speed internet. Mr. Richardson further stated the importance for high speed internet versus dial up internet and that such access would increase the educational and economic development opportunities for the state's Indian communities.

2010 Census—Mr. Richardson stated the importance of being counted in the 2010 Census, because it is directly related to funding opportunities for programs for the next 10 years. Mr. Richardson discussed the tribal meetings held among the state recognized tribes, excluding the Cherokee tribe, to discuss and upgrade the geographic maps for each Indian community. Mr. Richardson stated that in the Coharie Tribe as well as the Lumbee Tribe changes needed to be made to the tribal areas and also indicated that the Cherokee Tribe came under a different effort since they are federally recognized.

Budget—Mr. Richardson shared that the Commission has to fill a \$35,000 hole in the budget and that it has had an adverse effect on the operation of the Commission. He indicated that the budget reduction was directed by the Governor and affects all state agencies.

Legislative Agenda—Mr. Richardson stated that the Legislative Agenda had already been addressed and referenced Representative Sutton's overview of the legislative agenda.

Meherrin Indian Tribe Court Case—Meherrin Tribe vs. The North Carolina Commission of Indian Affairs—LeAnn Martin, Assistant Attorney General, stated that there is an ongoing internal governance dispute within the Meherrin Tribe. Martin shared that both groups in the Meherrin Tribe has filed a contested case petition against the Commission. Both cases have been consolidated into one at the request of LeAnn Martin. Martin entered a motion to dismiss at the end of January.

Currently there is no ruling from the court and if there is a motion to deny the request entered by LeAnn Martin both cases will go forward. In addition there is a separate case pending between the two groups which has nothing to do with the Commission.

Ms. Martin stated that she was cautiously optimistic because both groups are speaking in relation to a mutual agreement on a representative to the Commission.

Mr. Richardson asked what level the case would reach if the court was to deny Ms. Martin's motion to dismiss and she stated the next level would be a trial of the issues that have been raised in the petitions.

Mr. Richardson stated it was a statutory duty of the Commission to appoint members to certain American Indian Organizations. He indicated that due to the Meherrin Court matter, the commission cannot make appointment on behalf of the tribe until the court matter is resolved. He noted a future vacancy on the North Carolina Indian Housing Authority Board, on the North Carolina Indian Cultural Center Board, Advisory Council on Indian Education etc.

Commission Appointments:

Mr. Richardson gave an overview of appointments that the commission will need to make at this time:

Commissioner Revels made a motion, seconded by Commission Larece Hunt, to approve the following appointments:

Indian Housing Authority: Thurman Lowery.

** Commissioner Barbara Melvin abstained from the vote.

NC Indian Cultural Center: Chief Don Carter of the Coharie Tribe and Ms. Wendy Moore Graham with the Lumbee Indian Tribe.

Commissioner Garth Locklear, seconded by Commissioner Roy Maynor, made a motion to get the names of appointees in advance of the June Commission meeting in order to submit the names in a timely manner. Motion carried.

Mr. Richardson reported that the Section 8 audit is complete and that a Corrective Action plan has been developed to address minor audit findings.

Mr. Richardson encouraged the Commission members to search the website for the winter 2009 newsletter. Mr. Richardson spoke about the economic stimulus package and noted that we are receiving information and allocation information associated with the American Recovery and Reinvestment Act.

Mr. Richardson shared that he is receiving phone calls asking when individuals can apply for the funds. Individuals cannot apply for the funds because everything is still in the planning stage. The plans are being developed and legislation may be required. The Governor has appointed Mr. Dempsey Benton, to man the Recovery Office and develop plans for the distribution of recovery funding.

Mr. Richardson also commented on the Memorandum of Agreement between the NC Commission of Indian Affairs, the American Indian Arts Institute in Sante Fe, New Mexico and Robeson Community College. He indicated that the Memorandum of Agreement has been executed and that it is a historic document.

Mr. Richardson also mentioned the illness of Commissioner Earlene Stacks, Commissioner Ray Littleturtle, and Ms. Glinda Bird and encouraged everyone to keep these individuals and their families in their thoughts and prayers.

STAFF REPORTS ARE ON FILE WITH THE COMMISSION AND WERE DISTRIBUTED TO THE MEMBERSHIP PRIOR TO THE MEETING

Community Services Program Quarterly Report
Economic Development Program Quarterly Report
Educational Talent Search Program Quarterly Report
Section 8 Housing Program Quarterly Report
Workforce Investment Act Program Quarterly Report

COMMITTEE REPORTS

Economic Development—Commissioner Ruth Revels along with Mr. W. A. Tony Hayes, Executive Director of the North Carolina Indian Economic Development Initiative gave an overview of the economic development status in our current American Indian communities. They both spoke of the expansion process of small businesses and urged everyone to contact the Initiative with any questions they may have.

Commissioner Revels reported on the upcoming move of the Initiative offices from Fayetteville to Raleigh, which will take place within the next month. The purpose of the move is mainly to bring the offices closer to the financial resources and the General Assembly.

Commissioner Revels discussed the recent collaboration of the Initiative and Lumbee Regional Development Association to house Nicole Taylor, an employee of the Initiative, in their offices located in Pembroke, North Carolina. Mr. Henry Lancaster, a registered lobbyist with the North Carolina General Assembly briefly spoke about his role in positioning the Initiative in a better place to get additional funding.

Health Committee—Dr. Robin Cummings introduced doctoral fellow at UNC-Chapel Hill Shelia Fleishchhacker. Dr. Cummings spoke about the numerous requests made by individuals to the health committee to conduct research on the tribes in North Carolina. Dr. Cummings spoke about the need for this research and that a newly established Indian Health Board would perhaps, oversee these studies and make sure the end results of the research were presented to the Commission membership, tribes and organizations.

Ms. Fleishchhacker spoke about possible research to be conducted in regards to food intakes and policies that help or hinder food activity and physical fitness activity. More specifically she spoke about visual mapping, access issues, and how to get the community involved, ethical review and culturally appropriate materials etc.

Dr. Cummings discussed the organization of the proposed North Carolina American Indian Health Board and how the board will serve as the recognized legitimate authority

on Indian Health in North Carolina. The board will serve as an advocate for Indian health in the state of North Carolina and follow the Indian health trends of American Indians and Indian Communities.

He indicated that invitations have been issued to seven individuals who have shown an interest in participating in American Indian Health Board activities and they are: Dr. Ronnie Bell, Dr. James Jones, Julia Phipps, Jan Lowery, Dr. Joey Bell, Dr. Linwood Watson, and Dr. Alice Ammermon with the School of Public Health at UNC-Chapel Hill. He indicated that others will be asked to participate in this activity.

Veterans/Ad Hoc Land Trust—Commissioner Furnie Lambert reported on Land Trust Committee. Commissioner Lambert discussed that there had been no movement with the Lumbee Tribe in regards to placing land into trust. Commissioner Lambert discussed his visit to Washington, D.C, and the Executive session of the National Congress of American Indian and the decision made by the Bureau of Indian Affairs in regards to land trust.

Attorney Ed Brooks gave a brief overview about the land in trust issue facing American Indian Tribes across the United States. Mr. Brooks explained that the Naraganset gained federal recognition through the United States Supreme Court in 2004. The tribe wanted to place land into trust once their federal recognition was gained. The state of Rhode Island, where the tribe resides, requested tax money on the land in question.

The state of Rhode Island took the BIA to court because the BIA was the original trustee of the land. The court ruled in favor of the state due to the 1934 Reorganization Act. The Naraganset Tribes was not protected by this act because they did not receive federal recognition until 2004. Mr. Brooks further stated that between 30 and 40 tribes will be affected by this ruling. Mr. Brooks advised the Commission to research how to put a “fix” into place to put land into trust and maintain tax authority.

Mr. Brooks spoke about the effects this occurrence will have on Lumbee recognition in regards to the Lumbee tribe going through the BIA process of being recognized because the tribe will not have the ability to put land into trust nor will they be recognized by state statute.

Mr. Brooks discussed the language of G.S. 71a which gives state recognized tribes the authority and the responsibility rights of citizens of the State of North Carolina but because of how the statute is written we are not given the same rights as American Indians. Because of the ambiguity of the language causes non-Indian attorneys to say that we are not sovereign we are just state recognized.

Mr. Brooks asked the Commission to look at the statutes and see if they can change the language to make it more readily apparent to the state of North Carolina, the legislature, and the Commission recognizes the tribes in the state of North Carolina as sovereign.

Elk Richardson, staff with the Commission, asked Mr. Brooks how we can move toward modifying the legislation while still giving Indian citizens of our tribes the rights they enjoy as citizens of the state. Mr. Brooks commented that in the state of North Carolina American Indians are citizens of the state but are also citizen of the tribe in which you identify. If you look at the language at all of the tribes within the statute all the tribes have the same language except the Haliwa Saponi and the language goes back to the first recognition act. Mr. Brooks explained that the language needed to be explicit because instances such as placing land into trust will require that we interpret these cases in light of sovereignty of the tribe.

Mr. Richardson asked are we saying now that statute 71a needs to be discussed with the legislative committee since the legislature is in town now if there is a need for some change the Commission might want to pursue that while the legislation is in session. Mr. Richardson said that although the item was not on the legislative agenda that it would be appropriate to add the item.

Mr. Brooks commented that in light of the way the court systems are now the sooner we get everything in place the better its going to be in light of any upcoming litigation. Chairman Brooks asked Representative Ronnie Sutton what process the Commission should take in reference to possible language change of statute 71a. Representative Sutton recommended the Commission create a draft of exactly what they wanted he would get his staff to file request.

Mr. Brooks pointed out that the Haliwa Saponi Tribe has specific language in the statute to make them eligible for granting purposes and whatever was drafted needed to serve all purposes. Commissioner Ruth Ealing asked that the Haliwa Saponi Tribal Council be made aware before any action was taken in regards to statute 71a.

Elk Richardson asked if the change would include making the language the same for all tribes named in the statute and Mr. Brooks stated that the Commission and each tribe would need to make that decision.

Chairman Brooks asked for a motion to be made to specify what Mr. Brooks was supposed to do. Commissioner Ealing said that without the documents in front of them she could not speak for the tribe without first discussing it with the tribe. Mr. Brooks cautioned the Commissioner on rushing the language but did encourage them to act quickly. Commissioner Ealing said they she would contact the tribe to be placed on the agenda for Monday night at the scheduled tribal council meeting of the Haliwa Saponi Tribe.

Representative Ronnie Sutton recommended the Commission develop a subcommittee to work on the language of the statute in order to involve all tribes and present that during the short session of the General Assembly.

Chairman Brooks asked Commission Roy Maynor to decide within the legislative committee how he wanted to handle the issue of the language of G.S. 71a and present those findings at the next commission meeting.

Mr. Harold Hunt, the Lumbee Tribe Veteran's Services Officer shared information about his meeting with the Administration in the Virginia Health Care System in Fayetteville. Mr. Hunt reported that he was asking all tribes to submit a name for clergy on call at the local facility in Fayetteville on a contract basis for spiritual guidance for our veterans.

Mr. Harold Hunt also discussed the need to have one American Indian on staff at the Fayetteville Veterans Hospital, to ensure that American Indian veterans are receiving job advertisements, and receiving key information for job security.

Commissioner Lambert reported that while he was attending the National Congress of American Indian Conference Mr. Larry Townsend was appointed co-chair of the veterans committee.

Mr. Harold Hunt suggested the Commission appoint a committee to find all WWII Veterans through the current veterans committee chaired by Commissioner Furnie Lambert.

Norm Marti, Public Health Minority Outreach Consultant with the Division of Public Health, presented information about children's health insurance and the importance of having updated information pertaining specifically to American Indian children.

Cultural/Religion—Eric Locklear, board member with the North Carolina Indian Cultural Center, gave a brief overview of the current status of the North Carolina Indian Cultural Center and projects for the future.

Education— Mickey Locklear, Educational Talent Search Program Director, recognized Miss NCNAYO at the beginning of her presentation. Ms. Locklear discussed the recommendation of Dr. Olivia Holmes Oxendine, a professor at UNC-Pembroke, to the State Advisory Council on Indian Education.

Commissioner Furnie Lambert made a motion, seconded by Commissioner Barbara Locklear, to recommend the appointment of Dr. Olivia Holmes Oxendine to the State Advisory Council on Indian Education. Motion carried.

Dr. Stanley Knick, director and curator of the Museum of the Native American Resource Center at the University of North Carolina at Pembroke, presented the documentary "Our People, The Lumbee" before the Commission.

Commissioner Larece Hunt made a motion, seconded by Commissioner Garth Locklear, that the documentary "Our People, The Lumbee" be accepted as the Lumbee tribal video. Motion carried.

OTHER ITEMS DISCUSSED

Commissioner Brett Locklear reported that NC State University is exploring the creation of a new certificate program or master's program in Tribal Leadership and Government at the University. The commission is being asked to endorse the program and help determine if there is a need for a program as such for tribes and organizations. Further, the commission is being asked to facilitate communication with the tribes and organizations to complete a needs assessment.

The Lumbee spring powwow will take place May 1-3, 2009 in Lumberton North Carolina.

The Haliwa Saponi powwow will take place the 3rd weekend in April.

The meeting adjourned at 1:14 p.m.

Lila Spaulding, Secretary