

**MINUTES**  
**COUNCIL ON INDIAN AFFAIRS MEETING**  
**BEST WESTERN KOOTENAI RIVER INN, KTUNAXA ROOM**  
**BONNERS FERRY, IDAHO**  
**NOVEMBER 30, 2005**  
*(Subject to Approval by the Council)*

In attendance at the meeting were Gary Aitken, Sr., the Kootenai Tribe of Idaho representative; Nancy Murrillo, the Shoshone-Bannock Tribe representative; Chief J. Allan, the Coeur d'Alene Tribe representative; Lance Giles, the Office of the Governor representative; Senator Michael Jorgenson; Senator Bert Marley (by telephone for the opening remarks); Representative Joseph Cannon; and Representative George Saylor.

Present on behalf of the Nez Perce tribe was attorney David Kerrick and Darren Williams (by telephone for opening remarks). The Shoshone-Paiute tribes were not represented at the meeting. Legislative Services staff Paige Alan Parker attended.

Also present were Billy Barquin, representing the Kootenai Tribe of Idaho; Margaret A. St. John, representing the Coeur d'Alene tribe; Eric Van Orden, representing the Coeur d'Alene tribe; Quannah M. Spencer, representing the Coeur d'Alene tribe; David Trice of the Coeur d'Alene tribe; Amy Trice of the Coeur d'Alene tribe; Tom Turpin, the general manager of the Kootenai River Inn Casino & Spa; Jerry Jaeger of Hagadone Hospitality Co.; Mayor Darrell Kerby, representing the City of Bonners Ferry; and Lucy Dukes of the Bonners Ferry Herald.

Gary Aitken, Sr., as the representative of the hosting Kootenai Tribe of Idaho (KTOI), called the meeting to order at 9:30 a.m., welcoming all to the meeting and introducing his mother, Amy Trice, who gave the invocation. Mr. Aitken then gave opening remarks detailing the ongoing activities of the KTOI. A brochure was distributed to the Council members explaining the history of the Kootenai tribe and its programs. The US 95 underpass project is now close to completion. The underpass, which provides pedestrian access to and from the Kootenai River Inn from the City of Bonners Ferry, was undertaken as a cooperative effort of KTOI, the City of Bonners Ferry and Boundary County. Other cooperative efforts of these entities are a visitor's center and the revitalization of the City's downtown area.

KTOI has cooperated with the local school district in such matters as providing bus transportation to a high school playoff game in southern Idaho, loaning experts (e.g., engineers) to surrounding governmental entities, cooperating with the Idaho Transportation Department to improve highway safety, and donating monies to local school districts. A health clinic is operated by KTOI one day a week which is open to all. Just recently, KTOI expanded the Inn and Casino.

KTOI is participating in the Kootenai Valley Resource Committee in such projects as white sturgeon restoration and berba restoration. KTOI also has a grizzly bear committee.

Nominations were then opened for Council chair and vice chair. **Chairman of the Coeur d'Alene Tribe, Chief Allan nominated Sen. Mike Jorgenson to be chairman. Rep. Cannon seconded the nomination.** No other nominations were offered and the nominations were closed. **Sen. Jorgenson was elected as the chairman of the Council unanimously. Mr. Giles nominated Mr. Allan to be vice chair. Rep. Sayler seconded.** No other nominations were made and the nominations were closed. **Mr. Allan was elected vice-chair of the Council unanimously.**

Rep. Cannon expressed his appreciation for the past service provided to the Council by Nancy Murillo of the Shoshone-Bannock Tribes as vice chair and Representative Hilde Kellogg as chairwoman.

Chairman Jorgenson then presided over the remainder of the meeting. He began by thanking the Council members for selecting him as chairman and expressed appreciation for the election of Mr. Allan as vice chair, the diligence of Mr. Aitken and KTOI for arranging and hosting the meeting, and the efforts of Ms. Murrillo and Rep. Cannon for braving the adverse weather in traveling the long distance to the meeting. He expressed his belief that the Council will be meaningful and productive.

Chairman Jorgenson next asked David Kerrick to prepare a memorandum to the Governor and to the members of the Legislature, asking that proposed legislation that affects the tribes be sent to the tribes and the Council for review, investigation and possible recommendation. Mr. Kerrick agreed to do so. The memorandum will be circulated within the Council before being sent on. Mr. Allen volunteered the Coeur d'Alene tribe staff to assist in this project.

Chairman Jorgenson noted that the Council is unique in its composition with one-half of the members being composed of a representative of the Governor, two Senators and two Representatives, and one-half composed of the representatives of five Indian tribes, each with a different culture. The Council needs to develop good channels of communication. Chairman Jorgenson expressed the belief that the Council should be proactive in anticipating the needs, wants and desires of the Indian tribes, rather than being reactive to events which affect the tribes. He then asked the representatives sitting around the table to comment on what each would like to see the Council do.

Nancy Murillo began by noting that she has been on the Council for several years, and in her opinion the Council has not aggressively addressed such issues as gaming and taxation in the past. Each tribe is sovereign and needs to protect its sovereignty. She expressed the opinion that Public Law 280 should be lifted. The Shoshone-Bannock tribe has signed a Memorandum of Understanding with the surrounding governmental entities regarding law enforcement jurisdiction on the reservation but was unable to secure the signature of the State. Items Ms. Murillo would like the Council to address include: attempts by the State to tax fuels and tobacco, redrawing voter districts to permit greater Indian representation, land transfer facilitation, meeting No Child Left Behind requirements, and having an Indian representative in the State

Department of Education and on the State Board of Public Instruction.

Mr. Giles agreed with Chairman Jorgenson that the Council should be more proactive through the adoption of resolutions in its role in addressing proposed legislation through resolutions. He recognized that the Council is composed of the representatives of each of the five sovereign tribes, each with different needs.

Vice-chair Allan began by noting that he has been meeting with legislators ever since being selected as chairman of the Coeur d'Alene tribe six months ago. He would like to see the Council stop responding to crises at the last moment and become more proactive. He feels that the Council needs to be taken more seriously and that this can be done by having more meetings in Boise. He noted that the Coeur d'Alene tribe has responded to P.L. 280 by jumping through the hoops, including getting officers trained at POST and hiring a professional police chief.

Mr. Van Orden stated that the Council could be more successful if it was proactive. He believes that the issue of taxes will rear its head and that the Council needs to get out in front of this issue by working with the Legislature.

Mr. Kerrick sees the roles of the Council chairman and vice-chair as being in reality co-chairs. He apologized for the inability of the Nez Perce tribe representative Randall Minthorn and alternate Sammuell Penney to attend the meeting due to the weather. He agreed that the Council, by way of its composition, is unique. At its best, the Council can get out front by screening potential legislation that affects the tribes. This is a message that needs to be sent at the beginning of the legislative session and repeated in order to create a culture. The Council needs to be able to conduct hearings on, and investigate, such potential legislation before the legislation is considered by the Legislature (recognizing that the Legislature has no obligation to provide RS's prior to becoming a Bill). He will be happy to draft the memorandum that Chairman Jorgenson requested on this issue.

Rep. Cannon recognized that the Council members come from different cultures but often have common concerns such as health care and education. The Council members need to learn together and build a relationship of trust. With regard to education, he would like to see a system where children who graduate from high school have a legitimate chance to go to college. Rep. Cannon informed the Council members that he was personally opposed to gambling.

Mr. Aitken distinguished between the old tribal versus outside government relationship where a line was drawn in the sand with the new relationship characterized by a circle. The goal now is to bring people together. With scarce resources there is a reason to share and work together. KTOI has entered into service agreements with both the City of Bonners Ferry and Boundary County with regard to police and fire protection, since it is not big enough to provide these services by itself. The tribe and county have courts with separate jurisdictions. Education, drugs and alcohol are KTOI's biggest problems. He is personally opposed to the five day school week which is tied to State school funding formula, since it forces some back onto welfare and

results in less students being able to attend classes. Mr. Aitken noted that the Kootenai River Inn charges its own five percent tax, which is used for tribal purposes, so not to present an unfair advantage to local businesses. The tribe will do the same with regard to fuel and cigarettes if it gets into those. The tribe wants to be competitive with local businesses but does not want to undercut them. The Inn is the biggest generator of revenue in the county and KTOI is trying to find ways of supporting the local governments whose people have supported the casino. Mr. Aitken expressed his belief that all the tribes are different but share the same goals of helping people and protecting youth.

Representative Sayler stated that he is new to many of the issues being discussed around the table and will study them. He asked to be on the Council because he believes it to be important. He noted that three of the five tribes represented on the Council are located in northern Idaho. He promised to work together as equal sovereigns in the areas where this is true.

Chairman Jorgenson asked Mayor Kirby to address the Council. Mayor Kirby began by noting that the hosting of the Council by KTOI and Bonners Ferry was a historic event. The city, KTOI and other governmental entities have embraced a relationship that encourages differences. The resources that KTOI brings to the table are different than those of the city. As a result the community is stronger. It is a win-win situation.

Chairman Jorgenson then asked the Council members to identify agenda issues to be discussed at the Council's next meeting which he felt should be held near the start of the next legislative session in January 2006. After a discussion, the consensus of the Council members was that the next meeting should take place during the first week of the Legislative session, after the Governor has made his State-of-the-State address which will outline his legislative agenda and when bills will start to be introduced. **Rep. Cannon moved that the meeting be held on Wednesday, January 18<sup>th</sup>, at 5:00 p.m. in the Senate Majority Caucus Room. Ms. Murillo and Mr. Aitken seconded. The motion passed unanimously.**

Chairman Jorgenson next asked for agenda suggestions for the next meeting. He suggested that two items should be the review of proposed legislation affecting the tribes which is available at that point and the response that Mr. Kerrick has received regarding his memorandum.

Vice-chair Allan suggested that the proposal for an Office of Indian Affairs in the Department of Education be an agenda item. Mr. Giles observed that a recommendation from the Council on such a proposal would be more persuasive if each tribe drafted a letter of support. Ms. Murillo suggested that the chair of the Indian Education Association be invited to the meeting in order to coordinate efforts.

Rep. Cannon suggested that an agenda item should be the number of children failing to go on to college (where Idaho ranks in the mid 40's) or not finishing college (where Idaho ranks 49th). If the problem is an economic issue, then he would propose a needs-based scholarship

program. If the problem was not economic, then the Council should consider what it could recommend to address it. He suggested that each of the tribes report back to the Council what each believes to be the cause of these problems with the best data available. Vice-chair Allan observed that opinions will differ on this issue. His experience is that rural communities lose good teachers who get their initial training and experience in the rural school districts and then move on. The high schools are losing children, both Indian and non-Indian, at a fast rate. This is probably related to the economics of Idaho as a whole. Chairman Jorgenson stated that this is a serious topic and noted that the Lapwai school district has become a model for turning this situation around. Vice-chair Allan informed that this was due to a long-term program of encouraging tribal members to go to college and then return to the reservation to educate the younger generation. Mr. Aitken stated that KTOI is trying to promote college through a GED program and through financial support. He observed that many children are not getting through high school these days and that sports seem to help keep them around. Mr. Kerrick and Ms. Murillo suggested that someone could make a presentation to the Council on this topic. The Council agreed that each tribe would make a brief (five to seven) minute presentation on this issue.

Rep. Sayler suggested that Montana's approach to the fuel and cigarette tax issue be an agenda item and promised to obtain copies of the Montana legislation on this topic for the Council members.

Ms. Murillo suggested as an agenda topic that having those who teach on the reservations have course credit on tribal history. Chairman Jorgenson noted that one of the purposes of the Council was to generate understanding and asked Ms. Murrillo if she would give a twenty to thirty minute presentation regarding the history of the Shoshone-Bannock tribes.

Ms. Murillo wondered if the Governor would be able to meet with the Council at its next meeting. Chairman Jorgenson cautioned that pursuant to the rules of the Legislature, the Governor is not permitted on the third floor during session. Mr. Giles suggested that each of the tribes could make appointment to meet with the Governor in his office and said that he would see whether the Governor was available on January 18<sup>th</sup> for such meetings.

Vice-chair Allan suggested that the Council should focus on positive issues, such as success stories. Chairman Jorgenson stated that was a good point and that accomplishments should be shared. Mr. Aitken noted that coaches have had a positive influence on children. Ms. Murillo agreed that the Council should recognize success stories.

Rep. Cannon noted that State Board of Education was in the process of proposing changes in the education rules that would increase the math and science high school graduation requirement and asked if the Council could address that issue with a recommendation. A memorandum from Dwight A. Johnson, Interim Executive Director of the Idaho State Board of Education, dated November 25, 2005, reflecting the proposed rule change was distributed to the Council members.

Chairman Jorgenson adjourned the meeting at 12:15 p.m.