

MINUTES OF THE
COUNTY OF SANTA FE
INTER-GOVERNMENTAL SUMMIT

June 12, 2001

1938744

This Inter-Governmental Summit was convened at approximately 9:20 a.m. by Santa Fe County Manager Samuel Montoya at the Eldorado Hotel, Santa Fe, New Mexico.

Governor Ernie Lovato, Santo Domingo Pueblo, gave an invocation.

With the presence of a quorum of Santa Fe County Commissioners, these notes serve as official County Commission minutes.

County Commissioners:

Commissioner Paul Duran, Chairman
Commissioner Marcos Trujillo, Vice Chairman
Commissioner Paul Campos
Commissioner Jack Sullivan

Commissioner(s) Excused:

Commissioner Javier Gonzales

Other Elected County Officials:

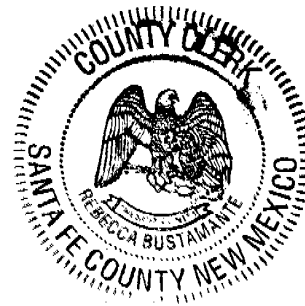
Benito Martinez, Assessor
Phillip Trujillo, Treasurer

County Staff:

Samuel Montoya, County Manager
Steve Kopelman, County Attorney
Estevan Lopez, Land Use Administrator
Doug Sayre, Utilities Director
Corky Ojinaga, Resource Development Director
Stan Holden, Fire Chief
James Lujan, Public Works Director
Rudy Garcia, Policy Analyst
Virginia Vigil, Policy Analyst
Ralph Jaramillo, Deputy Assessor
Katherine Miller, Finance Director

Other Elected Officials and Dignitaries:

Governor Regis Pecos, Cochiti Pueblo
Lt. Gov. Leonard Montoya, San Juan Pueblo
Charlie Dorame, Tesuque Pueblo



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COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 12 day of July A.D.
20 01 at 8:02 o'clock a.m.
and was duly recorded in book 1938
page 744-754 of the records of

Santa Fe County
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Rebecca Bustamante
Deputy

Alyn Martinez, Pojoaque Pueblo
 Benny Atencio, Santo Domingo Pueblo
 Ernie Lovato, Santo Domingo Pueblo
 Andy Quintana, Cochiti Pueblo
 Ben Lujan, State Legislature
 Joe Trujillo, Office of Senator Domenici
 Joe Ruiz, Office of Senator Bingaman
 Richard Zephier, Indian Hospital Services
 Roshawn Bitsue, Office of Indian Affairs
 Sharon Noel, Office of Indian Affairs
 Adae Romero, Cochiti Pueblo
 Ray H. Trujillo, Cochiti Pueblo
 Richard Pecos, Cochiti Pueblo
 Leandro Garcia, Santo Domingo
 Jessica Vigil, Tesuque Pueblo
 David Cordova, Eight Northern
 Angela West, BLM NM State Office
 Henry Townsend, PNM
 Frank Aragon, PNM
 Tom Cordova, LANL
 John Bailey, BLM Taos Field Office
 Rich Whitley, BLM NM State Office
 Joyce Fierro, BLM NM State Office
 Harry Montoya, Hands Across Cultures
 Steve Burstein, Regional Planning Authority Director
 Craig O'Hare, City Water Utility Director

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OPENING REMARKS

County Manager Sam Montoya welcomed the participants and stated this morning's session would touch on some very complex issues. He offered thanks to the underwriters of the program: Office of Outdoor Recreation and Tourism and the Office of International Program and Grants/Partnerships of the Bureau of Land Management; Los Alamos National Laboratory, Community Relations Office; McCune Charitable Foundation; and Cochiti Pueblo Governor's Office, Summer Intern Program.

Following participant introductions, County Manager Montoya discussed the importance of local government collaborating and coordinating with Tribal initiatives. Santa Fe County desires to develop a strong relationship with its Tribal neighbors and build upon existing processes in local government and prior initiatives. He reminded the participants that at the first summit meeting, March 23, 2001, two primary objectives were developed: (1) to delineate a framework for Tribal and local governments to communicate using Federal- and State-recognized government-to-government standards for protocol and consideration; and (2) to identify and categorize issues relevant to the regional community and explore the best mechanisms for working together to address these issues.

Regis Pecos, Governor of Cochiti Pueblo, opened his remarks by thanking County staff for their willingness to support and begin the process. He reviewed in chronological sequence a series of government-to-government policies enacted to provide an institutional framework for working on an inter-governmental structure, which he said would help develop articulated frameworks in which we can build genuine and strong partnerships. He quoted from former President Clinton and former Attorney General Janet Reno: "Our constitution recognizes Indian sovereignty by classing Indian treaties among the supreme law of the land, and establish Indian affairs as a unique area of Federal concern. In early Indian treaties, the United States pledged to protect Indian tribes, thereby establishing one of the cases of the Federal trust responsibility in our government-to-government relations with Indian tribes. These principles continue to guide our national policy towards Indian tribes." Janet Reno, 6/15/95

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The Presidential documents clearly demonstrate that Tribal governments are a permanent part of acknowledging the sovereignty of Tribes throughout the states. Executive Order 13175 re-establishes and articulates all constitutional provisions that define Indian Nations within this country as a result of case law established throughout history. He publicly acknowledged Senators Bingaman and Domenici for their work on this issue, especially water quality standards.

Governor Pecos pointed out that the Tribal Justice Program Office was established to serve as a liaison to the U.S. Attorney General. He discussed the 1994 Department of Justice Policy on Indian Sovereignty and Government-to-Government relations with Indian Tribes noting that the policy was built on case law and on Federal policy of Federal Indian self-determination and protection of Tribal religion and culture.

Governor Pecos characterized the Clinton papers as the highest level for establishing protocol and procedures to initiate dialogue that will hopefully occur between the Tribes and Santa Fe County. He reviewed the sequence of documents that serve to develop and further articulate how the legal definition is relied upon to develop the legal framework.

Governor Pecos invited the participants to re-review the documents to open dialogue towards developing a set of principles that the Sovereign Nations and Santa Fe County can support and a process to address these complex issues and effect a mutually beneficial outcome. Speaking from his experience as Cochiti Governor, Governor Pecos said youth cases are very complex and State social services is beginning to understand the expectations on the Pueblo side.

Governor Pecos pointed out that the Children, Youth and Family Department of New Mexico intended to develop meaningful Tribal consultation through government-to-government protocol policy agreements. He reminded everyone that this is a two-way communication, an open and free exchange of information and opinion among the parties with emphasis on trust, respect, and shared responsibility that, hopefully, will lead to mutual understanding and comprehension.

County Manager Montoya said the entities involved would like to develop a document that could be signed. He suggested the participants review the AG's memorandum and focus on (1) operating within a government-to-government relationship with Federally recognized Indian Tribes; (2) consulting, to the greatest extent practicable and permitted by law, with Indian Tribal governments before taking actions that affect Federally recognized Indian Tribes; (3) assessing the impact of agency activities on Tribal trust resources and assuring that Tribal interests are considered before the activities are undertaken; (4) removing procedural impediments to working directly with Tribal governments on activities that affect trust property or governmental rights or the Tribes; and (5) cooperating with other agencies to accomplish these goals. He also suggested reviewing Governor Johnson's Executive Order (9810).

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The issues, stated County Manager Montoya, encompass including and consulting with Tribal governments on issues, the process, and the framework; having clarity regarding jurisdiction; working from a level of mutual respect; and opening lines of communication that will eventually lead to drafting a signatory document.

Governor Ernie Lovato, Santo Domingo Pueblo, congratulated Regis Pecos and Sam Montoya on their collaborations. He said having the documents provides the participants with a strong framework to understand the cultural diversity of people within the State.

County Manager Montoya requested that the participants identify the areas to on which to focus in drafting the document.

County Commission Chairman Duran said he wants to focus on quality of life issues: health care, education, economic opportunities, and developing a harmonious community. He said it is important the participants are unified when working with the Washington delegates.

County Commissioner Trujillo thanked Governor Pecos and County Manager Montoya for their efforts. He said there are quality of life issues that need to be at the top of the list: water, roads, right-of-way, and connection to utilities. He said it is imperative that they work together, and by doing so, "we will prevail."

County Commissioner Sullivan extended his thanks to the Governor and Manager and said he understands the issues of sovereignty, mutual respect, trust and shared responsibility, communication and consultation, and an underlying religious backbone as very important components to building relationships. In addition to the items mentioned by Commissioner Trujillo, Commissioner Sullivan recommended developing a mechanism to communicate administratively regarding water issues. He noted that in the past there has been a lack of continuity in leadership when working with the Pueblos. He recommended developing a legal mechanism similar to an ordinance.

Santo Domingo Governor Lovato pointed out that the Tribes surround the County. He reminded the Commission that the Tribes represent different environments and mentalities, and the documents presented from Clinton, Reno, and Johnson are all written from a non-Indian point of view. A policy stated from an Indian viewpoint would be written differently.

In terms of consultation, Governor Lovato said he sees little happening following the Executive Orders. He noted he has seen little at the State level and said what happens here in Santa Fe County will set the stage. Like Benny Atencio stated, "It's a humanitarian issue," and all must be sincere and trust worthy in making commitments. "I hope we hit from our heart and soul."

Governor Lovato said if the Tribes and Santa Fe County are going to be in business, all transactions must be sincere. In fact, he pointed out that the issues discussed here will be forwarded to and discussed among the Tribal councils who make the final decisions.

Governor Lovato said the policy structure will require financial assistance as well as technical assistance.

Santa Fe County Commissioner Campos thanked staff and Governor Pecos. He said he is prepared to move on to citing specifics.

Tesuque Governor Dorame thanked the Santa Fe County Commissioners for their decision in overturning the Ski Basin expansion request. At a recent meeting at San Ildefonso, Governor Dorame said the focus was an emergency response management plan, and the Pueblo, State, and County governments came together to protect life, property and the environment of the citizens of the State. He expressed disappointment that the director of Los Alamos National Laboratory was not present.

Governor Dorame commended his district Commissioner Trujillo for his fine work and said he hoped a Native American would consider running for that seat. He advocated the creation of a seat on the Board for a Native American. Redistricting will affect the Tribal boundaries. The Tribal Police along with the County Sheriff have been very effective in reducing DUI and drug trafficking, but those issues require a great deal more consideration.

He agreed that quality of life issues need improvement and that unified funding requests with the DC delegates is a good idea.

Governor Dorame said the Tribes are different and recommended recognizing sovereignty rather than discussing definitions. In the past, consultation was re-active rather than what he advocated as "pro-active." Referring to protection of Tribal religion and culture, the Governor directed the participants to Reno's Executive Order and said religion is their life. He reiterated his thanks to the Commission for recognizing that when denying the expansion of the Ski Basin.

The lack of continuity in Tribal government, which was mentioned by Commissioner Sullivan, could be resolved with County and Tribal staff working together. Governor Dorame explained the composition of Tesuque's Tribal Council and that continuity is provided within that advisory council.

Governor Dorame explained that his late arrival this morning was due to dealing with a Tribal member's alcohol problem and having to find him a place to go for help. He said this is a quality of life issue that takes precedence over meetings: "Our people come first." He noted that Santa Clara was not present this morning because their Feast of St. Anthony is tomorrow.

Governor Dorame introduced and acknowledged the service that Jessica Vigil, his administrative assistant, has provided.

San Juan Pueblo Lt. Governor Leonard Montoya thanked Governor Pecos and County Manager Montoya for their efforts. He supported strong annual communications between entities. He said that when the Federal government recognized the drug problem in Rio Arriba, San Juan Pueblo should have been granted funding because it is situated in the middle. San Juan needs to be there to address these issues.

Pertaining to communications, Lt. Governor said alcohol and substance abuse is a major problem regarding which the Tribes need to be better informed. He said at this point people are being sent to St. Vincent, but IHS personnel are not aware that Native Americans should go directly to St. Vincent.

[The proceedings recessed.]

The presence of Speaker of the House Ben Lujan was acknowledged. Governor Pecos recognized Representative Lujan's leadership and visionary thinking in developing an Indian Nation's infrastructure fund with resources derived through gaming.

Governor Pecos reviewed the list of goals for inclusion in the proposed agreement:

- ◆ Improve the quality of life for all citizens
- ◆ Develop improved communications at all levels
- ◆ Develop comprehensive planning
- ◆ Establish procedures for open consultation
- ◆ Coordinate public health care and safety issues
- ◆ Develop unified funding for regional projects
- ◆ Establish long-term commitments
- ◆ Develop a process to address land-based issues (right-of-way, roads, etc.)
- ◆ Promote harmony among people

Commission Chairman Duran informed the participants that he directed Virginia Vigil, County policy analyst in charge of administering the MOA with St. Vincent, to make sure the committee that oversees the MOA is aware of the Pueblos' problems in obtaining appropriate substance/alcohol abuse treatment. He said this is a very important issue for the County and he would make sure the problem is addressed with St. Vincent.

Observing that each Pueblo has a different outlook, Santo Domingo Governor Lovato said Santo Domingo knows its wants and needs. He recommended that each entity present how it proposes to develop a partnership venture. He noted that Tribal and County law enforcement

need better communications. Using health as an example, Governor Lovato said it is very complex and Indians think about it differently. This must be explored if the partnership is to be successful.

Governor Lovato said in order to address the points noted by Governor Pecos, a Native American position must be established at the County-level. This County-based American Indian Office would be an essential tool to creating continuity and successfully achieving the desired goals. "This is the number one recommendation...it will help the County and it will help us."

Governor Lovato recommended that a document be prepared in the manner in which an Indian would write policies and agreements rather than in the format set out by the included documents. He reiterated that each Indian community is unique and the Tribal Councils' input is essential to the success of this program.

Governor Lovato remarked that it is very rare that the Indian people receive benefits from Federal dollars allocated to the State, even though Indian population statistics are used to justify the Federal dollars. We need to make sure, he stated, that we all benefit from the dollars.

Concluding his comments, Governor Lovato said for the County to have true Indian involvement and partnership, the County should consider an American Indian Officer position.

County Commissioner Trujillo said it is important for all participants to understand that preserving our cultures requires conservation of resources that give life. "Quality of life issues permeate communities...and we need to work together to address those issues...."

County Manager Montoya said the group is building consensus to construct an agreement, and he proposed the following items as key components:

- ❖ Develop protocol
 - consult with each other
 - schedule a series of meetings to maintain open channels of communication
 - acknowledge sovereignty
 - acknowledge mutual respect
 - co-exist under clear and concise procedures
 - lay out process for resolution
- ❖ Protect religious and cultural issues
- ❖ Coordinate services in a comprehensive manner
- ❖ Appoint a liaison officer at the County-level
- ❖ Cross-commission Tribal and County Law Enforcement Officers

County Manager Montoya said it is essential that the momentum for this process keeps a high profile. He solicited input on whether the list is thorough enough and who should be responsible for putting the agreement together.

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Benny Atencio, Santo Domingo, commended Governor Regis Pecos for assembling the relevant documents and Santa Fe County for making arrangements for the meeting. He said it is unfortunate the current Bush administration would not honor those historic documents.

Mr. Atencio characterized the Santo Domingo Pueblo as a reserved Tribe that in the past did not speak up; however, recent proposed developments (Hale mining) are threatening cultural/religious aspects of life. The Pueblo did speak up, and the County heard.

Mr. Atencio asked the County to seriously consider appointing an American Indian to a zoning or policy-making body. He pointed out that the County has asked for more input regarding roads, right-of-way, etc., and a member of the Indian community should be on a committee to participate in making those decisions. "I am making this a strong recommendation... that you take this under consideration."

Mr. Atencio said he hoped, through the grace of Cochiti Pueblo, that Governor Pecos could continue to work with Santa Fe County to develop a draft agreement.

County Chairman Duran indicated that the County is receptive and has discussed in the past involving a Pueblo representative. He requested that the Tribes develop recommendations about who the individual should be.

Commissioner Trujillo moved to approve the components outlined as essential elements of the proposed agreement. His motion was seconded by Chairman Duran and passed by unanimous voice vote.

Referring to the list delineated by Governor Pecos (see page 6), County Manager Montoya requested a motion to establish those items.

Commissioner Sullivan moved to approve the components regarding protocol. His motion was seconded by Commissioner Campos.

Mr. Ruiz, representative of Senator Bingaman's office, asked if the unified funding for regional projects has a time limit and noted that the Senator initiated Plan 2012 to achieve regional planning commissions throughout the State to identify many of the same items. County Manager Montoya responded that project sounded wonderful and at this point he is not prepared to identify a possible period of time to accomplish the proposed projects. He said the 2012 regional planning notion could dovetail with these efforts.

The motion passed by unanimous voice vote.

SCHEDULING OF MEETINGS

County Manager Montoya recommended that the meeting where the document is signed occur on American Indian land; the next meeting where the draft will be further refined could occur anywhere.

Respectfully submitted:

Karen Farrell
Karen Farrell, Commission Reporter

ATTEST TO:

signature on next Page
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

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Governor Dorame recommended Hotel Santa Fe owned by Pueblo Picuris.

Governor Pecos offered Cochiti Pueblo as the signatory location.

County Manger Montoya said draft one will be distributed for review at least two weeks prior to the next meeting.

Speaker of the House Ben Lujan commended the participants for their serious deliberations. He said the commitment to work together is very important and he supports their efforts. He suggested identifying issues that cause resentment amongst the communities and resolve those issues. He said the boundaries that separate us are not the issue; the issue is mutual respect. "Those of us that have been here for generations, we know, that our bloods are intermingled...and the boundary merely separates communities."

Mr. Lovato recommended a courtesy copy of the draft be sent to the New Mexico delegation in Washington because they supported the Executive Order signed during Clinton's administration. The draft will illustrate that Santa Fe County and the neighboring Tribes are taking the initiative to enact the order, and financial and technical assistance may follow.

Joe Trujillo identified himself as a representative from Senator Domenici's office.

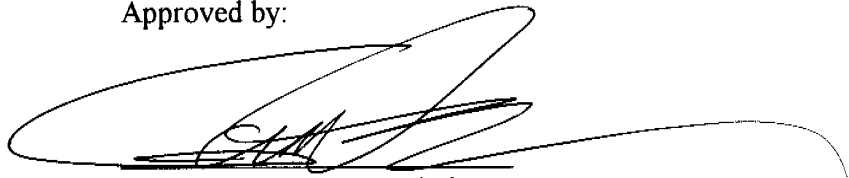
County Manager Montoya thanked the participants for placing their confidence and trust in him and Governor Pecos to create the instruments and drive this historic initiative to develop better lines of communications and improved quality of life. Governor Pecos echoed the Manager's comments.

Governor Dorame provided a closing benediction.

ADJOURNMENT

The meeting adjourned at approximately 12:25 p.m.

Approved by:



Board of County Commissioners
Paul Duran, Chairman

Attest:
Rebecca Buntanta
County Clerk



| Name | Government/ Company | Address | Phone # | Fax # | E-Mail Address |
|------------------|-----------------------------|----------------------------------|----------|----------|---------------------------|
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| RAY + TRACY | " | " | " | " | " |
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| Estevan Lopez | S.F. Co. | | 986-6336 | | |
| Amie Fongatu | Santa Domingo | P.O. Box 31 N.M. 87052 | 465-2992 | | |
| Isabella Fongatu | Santa Domingo | P.O. Box 310 | 465-2214 | | |
| Joe Trujillo | Santa Domingo | 120 Santa Federal Place | 988 6511 | | |
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| Jessica Villal | Tesqueque Pueblo | Tesqueque Pua | 988-5620 | 982-2113 | |

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|-------------------|------------------------------|--------------------------------|----------------|----------------|--------------------------|
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| Beany Atercio | Santa Domingo | P.O. Box 99, Santa Domingo, NM | 505-465-2214 | 505-465-2688 | |
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| Alynn MARTINEZ | Muebro of Tesoreria | #16 VARRIAL ST SF, NM | 455-3853 | 455-3633 | |
| Agela Lopez | S.F. - S.O. | Rodeo Pl. | (505) 438-4416 | (505) 438-7426 | ajlopez@blm.gov |
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| Reyna Zamora | " " " | " " " | " " | " " | |
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