

Nevada Indian Commission Board of Directors Meeting Minutes

Monday August 31, 2020

Meeting Locations: Zoom

I. Convene Meeting, Roll Call of Commissioners and Establish Quorum

Chairman Richard Arnold convened the August 31, 2020 Nevada Indian Commission Board of Directors Meeting. Director Montooth conducted a roll call and a quorum was established.

Members Present:

Chairman Richard Arnold
Vice-Chair Kostan Lathouris
Commissioner Kelly Krolicki
Commissioner Brian Wadsworth

Others Present:

Executive Director Stacey Montooth
Tori Sundheim, Deputy Attorney General
Sari Nichols, Program Officer Nevada Indian Commission
Lee Bonner, Tribal Liaison for Nevada Department of Transportation
Melyssa Mavis, Tribal Liaison for the Humboldt Toiyabe National Forest
Clifford Banuelos, Tribal State-Environmental Liaison for the Inner Tribal Council of Nevada
Cheryl Johnson
Bobbi Rahder, Executive Director of Stewart Indian School Cultural Center and Museum

II. Invocation

Cheryl Johnson gave the invocation, acknowledging the passing of Lori Pasqua.

III. Welcome and Introductions

Chairman Arnold welcomed everyone to the meeting and discussed having to attend the meeting via Zoom due to the COVID pandemic.

IV. Initial Public Comment

None heard.

V. Approval of the March 5, 2020 Commission Meeting Minutes (For Discussion and Possible Action)

Chairman Arnold asked if there were any questions or comments about the meeting minutes. Chairman Arnold discussed that it may be beneficial to have commissioners receive the previous meeting minutes in a timelier manner to provide adequate time to review and make note before the next meeting.

Motion: Approve March 5, 2020 Commission Meeting Minutes

By: Commissioner Krolicki

Second: Commissioner Lathouris

Vote: Passed unanimously

VI. Executive Director Report (For Discussion and Possible Action)

Director Montooth said she will make getting the meeting minutes out in a timelier manner a priority for the next meeting. Director Montooth went on to discuss the outlining of budgets and the drastic reduction due to COVID. All state divisions, agencies, and departments were required to cut 15% from their general fund. The tourism department made the decision to cut the funding that tourism transfers to the Nevada Indian Commission, Nevada museums, and the Nevada Arts Council. In early Spring, Director Montooth made the decision to vacate the admin III position which kept the Nevada Indian Commission from having a lot of fiscal impact. For fiscal year 21 the Commission is down by \$8,000. The cultural center has sustained almost a 50% reduction. Overall, the cultural center is down a little over \$100,000. The staff have replenished \$87,500 of the \$100,000 through grants and some other private donations, leaving the cultural center in the hole by \$12,500. She asked if there were any questions.

Chairman Arnold had a question about more detailed financial reports being a part of the packet to make it easier for them to review activities. He also inquired about Nevada Digital Learning, and the status of a meeting with SHPO.

Director Krolicki asked if Director Montooth would like to finish her report and clarified that she was only asking if anyone had questions about the budget portion of her report.

Chairman Arnold replied that he knows we must have bills coming in and wanted to know where we stand. Is rent being paid? Is nothing being paid? Are staff receiving their paychecks?

Director Montooth responded that they are indeed being paid and that the Nevada Indian Commission is down \$8,000 of its typical \$330,000 budget. She went on to state that state employees have been mandated to take six furlough (unpaid) days for the fiscal year.

Chairman Arnold thanked Director Montooth and stated that with the furlough days it is an important aspect for the commissioners to know about, so they know what kind of impact it has on the staff, the office, and service delivery.

Director Montooth said no one has actually taken their furlough days yet and that their program officer is going to actually take two half days rather than one whole furlough day so the office will run as close to normal as possible.

Chairman Arnold asked if there were any other questions. There were none.

Director Montooth thought it important to outline the actual COVID numbers in the tribal communities. Numbers from the previous week were as follows: 217 active cases. She went on to discuss food distribution during this pandemic to tribes that may not be able to gain easy access. They had 20 pallets of fresh fruits and vegetables donated from Bonanza and disbursed to each tribal nation.

Chairman Arnold stated that he appreciates the efforts being made to the tribal nations and ensuring there is parity.

Commissioner Lathouris commented that he agrees with Chairman Arnold.

Chairman Arnold stated again that they did a good job and he appreciated all the effort.

Director Montooth said she would love to answer any questions about AB 264. She discussed the work being done, and what they need to do and what could be improved. She included a chart for the response she received in her packet.

Commissioner Lathouris said he found the graph to be very helpful to have for the response, not just for the letter but for the end of the year. He suggested that they document the outreach with the tribes in a similar fashion.

Commissioner Krolicki asked if Director Montooth thought she did not have a response from the Attorney General's office because they have don't have someone who participates from there. Also talked about response from the Department of Education and the Treasurer's office.

Director Montooth said the Treasurer's office has been in communication with the Nevada Indian Commission on a regular basis because of unclaimed property. She went on to explain that she has been able to get a commitment from two native educators, Dr. Debra Harry and Linn Manning. They have agreed to help develop and deliver the special training courses.

Commissioner Krolicki asked if she had a cost on that.

Director Montooth said that she had checked with two colleagues who frequently have training and overall, it's about \$3,000 for the delivery and development. The educators have also agreed to do an after-action report to survey participants so they can do evaluations from there.

Chairman Arnold stated that discussing AB 264 at this time may be premature and there will be time later to discuss it further and asked if there was anything else Director Montooth needed to cover on her report.

Commissioner Krolicki asked what the deadline is for September 1st.

Director Montooth explained that this is actually the extended deadline for tribal nations to submit requests to have either early voting or to have an election day polling site at their respective tribal nation.

Motion: Approve the Executive Director's Report as presented

By: Commissioner Lathouris

Second: Commissioner Krolicki

Vote: Passed unanimously

VII. Stewart Indian School and Culture Center and CIP Projects

Bobbi Rahder, Director for the Stewart Indian School and Cultural Center Museum said she submitted a written report for the museum and asked if there were any questions about it.

Commissioner Krolicki asked what the current hours are and if visitors are comfortable coming in and how it's working.

Director Rahder said they have had 256 visitors. They have established protocols and they require masks. The volunteers wear masks while they're there and they have been limited to one, four-hour shift per week to limit their exposure. They are also behind a plexiglass shield and only 10 visitors are allowed to go through the museum at a time since it's a small space. The hours are 10-5, Monday through Friday. They did have a special event August 22 and 23 called the Open Studio Event with the city of Carson City. They asked artists from the Great Basin Native Artists Association to be in the art gallery room and do demonstrations. They also hosted three additional artists and had 97 visitors during that time and still kept the same protocols. There has been no pushback on wearing a mask and they do provide complimentary masks with the Stewart "S" on them which are very popular.

Commissioner Krolicki stated that she would like one of those masks.

Chairman Arnold said he thought all the commissioners would like one. Director Rahder promised to get the commissioners masks.

Director Rahder asked if she should discuss the CIP projects.

Chairman Arnold said he has one more question. He asked for clarification on her report where it says 256 visitors, with donations.

Director Rahder responded that they have had 256 visitors. They have collected cash donations in their cash box and with those donations they let people know that it is to pay the cultural teachers and artists. She stated that between January and March they had received a lot of wonderful donations of artifacts that have been displayed in the storytelling room.

Chairman Arnold thanked Director Rahder and asked her to keep in mind to make it a little bit clearer.

Director Rahder agreed to make it more specific next time.

Chairman Arnold asked if there were any more questions. There was not.

Director Rahder began to discuss the CIP projects stating that they had attended a meeting of the State Public Work Board on August 26th and they had to resubmit their bakery building as a CIP proposal for the next legislative session. The 2019 legislature had approved almost \$1,000,000 to renovate the bakery building for environmentally controlled collection storage, but with the COVID budget cuts the governor took that money back. They will have to go back to the legislature and request the money again which is now \$1.3 million. They will consider it as a priority for funding since they did take the money away in the first place. They also submitted two other projects for CIP funding. One is for the auditorium for \$1.6 million and the other is for the old gym rehabilitation which is \$16 million. Both of those are lower on the priority list for the State Public Works Board.

Chairman Arnold thanked Director Rahder and mentioned again training for people. He thought maybe part of the AB264 training could be held at the Stewart Center and Cultural Center to give people an understanding or background of Nevada. He then asked that Director Rahder to define CIP for the record.

Director Rahder responded that CIP stands for Capital Improvement Program and that they are usually funded by bonds rather than general funds, so it is a completely different pot of money they apply to and work with.

Chairman Arnold asked if there is a motion.

Motion: Approve Stewart Indian School and Cultural Center and CIP Projects

By: Commissioner Krolicki

Second: Commissioner Lathouris

Vote: Passed unanimously

VII. New Business (For Discussion)

Chairman Arnold stated they are ready for new business which is the IEAC report and approval of new representatives.

Director Montooth announced there is a new chair, Ms. Hunter. She is a Washoe Tribal member but had worked for Pyramid Lake high school for a long time. She is now the Indian Education Liaison for the Washoe County School District. She then began to discuss the importance of the IEAC. This group has been reconvened and they have had three meetings to discuss the makeup of the organization. 20 years ago, the Indian Commission worked with tribal leaders to survey and talk about their education priorities. Out of that came this subgroup, Indian Education Advisory Committee (IEAC) and they met quarterly.

Commissioner Lathouris said he saw that there are four applications for official appointment of representatives to the Indian Education Advisory Committee.

Director Montooth said yes, there are four.

Commissioner Lathouris asked if there was availability for all four.

Director Montooth stated that there was.

Motion: Approve the Applications for the Official of Representatives to the Indian Education Advisory Committee as presented

By: Commissioner Lathouris

Second: Commissioner Krolicki

Vote: Passed unanimously

Chairman Arnold pointed out that they do not have a signed recommendation and asked how to best proceed.

Tori Sundheim answered that they could go ahead and ratify it, conditional on them signing it without any changes and then they could go back and sign it.

Sari Nichols said she went through past paperwork for other representatives and not all of them were actually signed by the chair of the Indian Education Committee, and that the executive director signed them after it was ratified and that a lot of them are blank where the chair is.

Chairman Arnold thanked her for the background and asked that she help facilitate to make sure that they get signed in the future.

IX-A. Unfinished Business

AB 264 Implementation (For Discussion and Possible Action)

a) Chairman Arnold asked Commissioner Lathouris to kick off this topic in which he declined since the letter was not addressed to him. Chairman Arnold then asked Director Montooth to begin.

Director Montooth stated that the letter came in the Fall and it was a kind intent to welcome her aboard and also an introduction into important resources that the Nevada Indian Commission could work with in Southern Nevada, most specifically the University of Nevada Las Vegas to try to empower their students and to improve their experience as well as the visibility of the Native American Association. They have participation from other colleges on this as well.

Commissioner Lathouris stated that he hears the concerns. I had the same concerns both as an undergrad and a law student. It sounds like what the issue is that they want more engagement with the tribal population at the university level and they want to include tribal populations specifically in discussions that affect the community.

Chairman Arnold agreed that it is important to address those concerns throughout the state. He states that it's clearly an educational issue but could also be considered part of AB264 agenda.

Commissioner Lathouris asked for clarification that when they talk about the Nevada System of Higher Education, Mr. Bowlen references to a diversity council what committees do they have that specifically focus on tribal populations as political affiliation or are they just grouping them all together as part of an overall diversity committee based on race and ethnicity.

Chairman Arnold agreed that there are a lot of unknowns and that they need to get some better information so they can make an appropriate recommendation or move forward.

Commissioner Lathouris requests that the commission staff reach out to the Nevada System of Higher Education and ask that question, adding an additional question is, what they do to engage with tribes on a political level?

Commissioner Krolicki began asking about in-state tuition for students who don't reside in Nevada even if they belong to a particular tribe. The question has been asked before and has never received a formal answer.

Director Montooth said that this had been a hot topic at the most recent IEAC meeting. Not just in-state tuition waivers but Tribes that straddle state borders. Duck Valley's residents live in Idaho but go to school in Nevada. She also reported that the Nevada Indian Commission has had some questions from different division about the law requires. She noted that the Department of Tourism did not believe they needed a Tribal Liaison because they have the Indian Commission within their purview.

Tori Sundheim stated that she would pull up the definition.

Commissioner Lathouris presented an example of when he was at UNLV. A Tribal recruiter had been removed from his position. A tribal delegation met with the School officials who informed the group that the position was going to be eliminated. When asked on what grounds, the reply was "well if the position was so important to the Tribe the Chair would be here, not you".

Tori Sundheim states that NRS 233A.250 defines a state agency as an agency, bureau of commissioned department or division of the executive department of state government.

Everyone agreed that she was clear on the definition.

Chairman Arnold asked how the commission prefer to proceed forward with the letter.

Commissioner Lathouris said he thinks it would be appropriate to reach out to them and to let them know that this is the first step. They will wait for a response and then they will let them know about the application of AB 264 and follow up on his proposed projects.

Chairman Arnold asked if he was presenting that as a motion or a recommendation for the staff.

Commissioner Lathouris states that he doesn't think it needs to be a motion at this point.

Chairman Arnold asked that the commission be updated with any information that they find out and/or any response from Mr. Bowlen.

Director Montooth asked Tori if it would be okay to carbon copy the commissioners on the correspondence.

Tori Sundheim said it is okay to CC and that the only problem is when people start to reply all. That is prohibited by open meeting laws.

Commissioner Lathouris recommends putting in bold and all caps in the beginning saying that this is for informational purposes only and that commissioners shall not respond to all, in order to follow the open meeting laws.

Tori Sundheim agreed.

b) Commissioner Krolicki stated that she believes they already went over this topic earlier and asked if everyone else agreed. Commissioner Lathouris agreed.

c) Chairman Arnold went on to discuss one of the requirements of AB 264. The Commission is to have Tribal contact information on the website. He noticed that the two areas on the website that house this information do not agree. He said they just need to make sure visitors are getting the correct information.

Commissioner Lathouris talked about internal records and having Tribal election dates. He recommends asking the tribes if they are okay with the post up their election days.

d) Commissioner Krolicki suggested that they should adopt a small advisory committee to work on the template and move some stuff out as a group.

Commissioner Lathouris asked Tori what the best way for the commission to draft up the policy to consider and would it be an advisory committee.

Tori Sundheim reminds that if they create an advisory committee, they will be subject to open meeting laws.

Tori Sundheim states that it is a decision for the commission and that she thinks it makes sense to have the discussion right now and decide if they need an advisory committee.

Motion: That the Commission Direct Lathouris as Vice Chair and the Executive Director to Prepare a Draft AB 264 Policy, the Consultation Policy for Review from the Commission for the Next Meeting.

By: Commissioner Lathouris

Second: Commissioner Krolicki

Vote: Passed unanimously

IXB. Update of the National Historic Landmark Combination Application (For Discussion and Possible Action)

Director Rahder gave an update on the status. She has been in communication with Dr. Greg Smoak at the University of Utah who did the research and created the application to the National Park Service for the status. She read the e-mail from Dr. Greg Smoak for the commission.

Chairman Arnold asked if there were any questions and there were none.

IXC. Update of Nevada Indian Commission Outreach to Tribes Regarding Bill Draft Requests and Potential Changes in State Legislation (For Discussion and Possible Action)

Director Montooth stated that she needs help from the commissioners on this agenda item. She said that they had talked in the last meeting about moving forward with bill draft requests for the legislative session that starts in February. She did some outreach and talked with several tribal leaders, tribal educators, and compiled a list of potential bill draft requests. Most items that she was interested in involved a fiscal note, but it has been made clear that this will fall on deaf ears. There will be another bill draft to try to emphasize Indigenous People Day. She recognizes that there is a push to abolish Columbus Day and replace it with Indigenous Peoples Day but says Nevada does not recognize Columbus Day anyway and is a Federal Holiday. She feels the Nevada Indian Commission efforts should point elsewhere.

Chairman Arnold ask if there was concern about some of the sports fees.

Tori Sundheim replied that the sports fees are not regulated under Nevada law. She said to work first with entities that can be changed policies.

Chairman Arnold stated that they need to make sure that since they have gone through the trouble to meet with some of the tribal folks who expressed concern it is important the Commission do what they can.

Directory Montooth said that the sports fees have been addressed. She goes on to discuss a bill draft to eliminate Native American mascots.

Commissioner Lathouris sad he believes it is up to the Tribes to say if they want this type of bill as it may appear to be overstepping their sovereignty. I would like to see a bill that states entities wanting to use a native mascot must work directly with their Tribal neighbors and get approval.

Commissioner Krolicki agreed this is a good pathway for Tribes to determine for themselves the use of native mascots.

Chairman Arnold agreed as well.

Motion: To Present Bill Draft to eliminate Indian based mascots, based on our discussion about allowing for a pathway with Tribal permission.

By: Commissioner Lathouris

Second: Commissioner Krolicki

Vote: Passed unanimously

X. Agenda Items for Future Meetings (For Discussion and Possible Action)

Chairman Arnold would like an update from SISPA

Commission Krolicki wants to see the bill draft request

XI. Scheduling and Location of Future NIC Meetings (For Discussion and Possible Action)

Commissioner Lathouris said that due to COVID-19, the committee will have to play it by ear. No action was taken.

XI. Final Public Comment

There were no final public comments.

XII. Adjournment

Motion: Adjourn the August 31, 2020 Nevada Indian Commission Board of Directors Meeting

By: Commissioner Lathouris

Second: Commissioner Krolicki

Vote: Passed unanimously

Chairman Arnold thanked everyone for participation and involvement.

DRAFT