

Minutes for the Alaska Rural Justice Commission  
September 4, 2008

Commission Co-chair Nelson Cohen called the meeting to order. Attending were Commissioners Patrick Anderson, Bruce Botelho, Loretta Bullard, John Glass, Wilson Justin, Gail Schubert and Jim Torgerson.

Commissioner Botelho moved approval of the agenda. The motion was seconded by Commissioner Bullard and carried unanimously.

Commissioner Botelho moved to table the minutes of June 10, 2008. The motion was seconded by Commissioner Anderson and carried unanimously.

Under old business, the Commission discussed the agenda for the proposed legislative retreat and made changes to it.

The Commission also discussed the form of the contract with the executive director, including its current status.

Commissioner Bullard asked for a copy of the grant award made by the Department of Justice to the Commission through ANJC. The Commission was informed that ANJC Executive Director Morris promised to send the grant award to Commissioner Bullard.

In response to Commission concern about whether the executive director would be an independent contractor or an employee, the Commission agreed to seek clarification from an outside lawyer on that point. Commissioner Anderson moved and Commissioner Glass seconded a motion that up to \$5,000 could be spent compensating outside counsel for addressing the issue for the Commission. The motion carried unanimously.

The Commission discussed the status of the protocol agreement between the Commission and ANJC. Commissioner Anderson said that he would ask that the protocol be presented to the ANJC board at its September 12, 2008 meeting.

Commissioner Anderson moved for adjournment. The motion was seconded and carried unanimously.

**Alaska Rural Justice & Law Enforcement Commission**  
**November 6, 2008**

**Call to Order**

Federal Co-Chair Nelson Cohen called the meeting to order at 10:15 am on 11/6/08 at the Stoel Rives Conference Room. Commissioners present: Nelson Cohen, Bruce Botelho, Wilson Justin, Gail Schubert, Loretta Bullard, Jim Torgerson, and Monica Janicek – alternate for Talis Coberg.

Absent: Charlotte Brower, and Patrick Anderson.

Staff: Donna J. Goldsmith and Walt Monegan

**Minutes**

The minutes from the last meeting are not yet developed and so not available for review. Jim Torgerson will develop draft minutes for the September meeting and forward to Nelson.

**Commission Finances**

Walt Monegan provided a Budget Update. Walt plans to work with Denise to put the budget on a single page. Basically, the Commission has \$162,600, less expenses noted. We have about \$157,000 left. Gail posed a question as to whether the ANJC had requested continuation funding for the Commission for future years. Those present did not know – but Walt plans to check with Denise to see if a request was submitted, whether funding might be available (if it's an earmark) or if because a continuing resolution is in place, funding will continue.

Gail stated she may have seen an email which suggested that funding to the ARJLC was discretionary on the part of ANJC. Several years ago, ARJLC requested separate funding through Senator Murkowski's office, but it was made clear we needed to work through Senator Steven's office. Funding for the Commission comes through ANJC, since the funding track was already established. Walt will seek clarification from Denise and request a copy of the grant paperwork and ANJC work plan as it reflects the funds set aside for the ARJLC.

**Legislative Retreat**

Jim Torgerson asked that the Legislative Retreat discussion be moved up on the agenda since a number of the commissioners had to leave at noon. The Chair directed it so.

Legislative Retreat Overview was led by Donna Goldsmith. The draft documents came together after review of the final report and discussions with Tom Begich and Bruce

Botelho. Concern was expressed that certain key state and administrative individuals were missing, especially members of the rural subcabinet. The substance of the discussion follows:

The retreat is supposed to be a small number of people, not a conference. Bruce suggests using speakers to provide village input. Jim sent relevant materials late, we had previously developed a list of possible attendees.

Monica – are the commissioners recipients or providers of info? Bruce: recipients and we would like to enter into discussions.

Nelson suggested that if the budget allowed, that we think of this retreat as one of several – doesn't know if the budget will accommodate – plus we can't include everyone we want to at one meeting.

Joe – what are we seeking to achieve? Legislation? Bruce suggests the end result desired is a better informed and net worked electorate, not necessarily a legislative agenda.

Loretta – thought the purpose was basic education – Indian Law 101. Many people are not familiar with the legal lay of the land. Monegan suggests that we ask attendees to bring information – ie Ask Senator Olson to how many VPSO's are in the region.

Jim queried whether it would be appropriate to work with the Governors Rural Task Force? Monica will check with the AG to see if that's possible.

Bruce queried Monica whether the State had a new Indian Law Specialist. Monica stated yes - Peter Putzier.

We need to include state staff, to insure their perspective is available.

Jim thought it would be a good idea to include the Governor's Rural Task force – Monica stated she would check – but their agenda is pretty full.

Walt stated that space is available the second week of January at Alyeska. We thought this would be done in Juneau. Rooms \$149/night plus 12% tax plus a resort fee. The meeting room cost \$500 and various costs for food.

2nd speaker on the list is Tom Heffelfinger, who was the US Attorney from Minnesota – very well spoken, recognized, very pragmatic guy who busted the Mexican drug cartel who was targeting Indian women and gaining entrance to Reservations.

Tom Getty, Deputy Attorney General from CA – put together book on Indian Law. Becky Snow – retired – used to be the Indian Law Specialist. Donna went over the list of possible speakers. Bruce suggested having a subcommittee to help winnow down the speakers. Right now, there are too many and it would be overwhelming. We need to lock down the dates. Bruce hopes that Monica will ask Talis to participate in the

subcommittee. Bruce Botelho volunteered to be on the subcommittee. Joe Masters volunteered and Loretta was volunteered to serve by Gail.

Gail suggested time slots and that Bruce be merciless. LB commented that we need to limit the number of speakers – it can be overwhelming and threatening. Jim would prefer speakers that are also participants.

Wilson - stated that rural Alaska is getting hostile. Wilson visualizes this as being more of a process, not a product.

Walt questioned whether there was a short video showing communities around the state? Bruce – Alaska One has a whole series on places around the state. Is the commission comfortable with the work group getting with the legislative leadership to nail down the dates for the week of January 12 – 16<sup>th</sup> and setting aside 5 slots for administrative staff? Perhaps the Governor could appoint individuals to the slots. Perhaps the Rural Sub cabinet can help be a convener.

Monica thinks the group is too big. Bruce thought we could set up a separate meeting for administrative personnel. Loretta brought up that we wanted to include administration and legislative members, so both are educated and engaged, similar to the Senate VPSO task force. Bruce stated the goal is to limit the group to 35 individuals or less. Lots of folks will not be able to participate.

Monica – is the scope supposed to be beyond just legislators? We can invite – they can come – or not. Wilson – it's not an invite or not invite situation. The State never invites tribal people for a dialogue – generally we have to corral the state. The state needs to understand the root causes of tribal grief. The State needs to engage – there is a conspicuous absence of the state in rural/tribal Alaska issues. There is a huge disconnect and parallel tracks going on in rural Alaska. Major function of the legislators is to figure out if they want to do something about it.

**Action: Committee consisting of Botelho (chair), Jenicek, Bullard and Masters to take all necessary steps to implement dates, conveners, a draft agenda, speakers and invitees.**

### **Executive Session**

Gail Schubert moved to go into Executive Session for the purpose of discussing personnel at 11:35 am, seconded by Bruce Botelho, motion carried. Gail moved to come out of Executive Session at 11:45 am, seconded by Bruce Botelho, motion carried.

**Action: to extend contracts for Walt Monegan and Donna Goldsmith on a month-to-month basis under the current fiscal terms.**

### **Miscellaneous Matters**

Donna inquired about phone expense – either buy phone cards, cell phone or submit a bill.

Bruce suggested holding a subcommittee planning meeting at 10 am on November 20, 2008. Does that work? Gail suggested video conference?

Was the ARJLC request submitted as an earmark? Jim thought yes – it's listed in both Senator Steven's and Murkowski requests.

The question is whether any funding is available for the Commission beyond the \$176,357. Gail thought the commissioners that are also on the ANJC Board need to sit down with Patrick and discuss.

### **Next Meeting**

The next Meeting will be November 25, 2008 at 10:00 am via teleconference.

# **ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION**

## **Legislative Retreat Agenda Committee Meeting**

**November 18, 2008**

**11:00 am – 3:00 pm  
Law Office of Stoel Rives  
500 L Street, Suite 400  
Anchorage, Alaska**

In attendance: Bruce Botelho, Donna Goldsmith, Joe Masters, Julian Mason, Walt Monegan

Arrangements had been made for Loretta Bullard to participate by telephone via a call-in number, but she was unexpectedly unable to join the meeting. Monica Jenicek, Special Assistant to Attorney General Talus Tolberg, was invited to participate but did not do so.

Discussion re: speakers/resource participants:

- DG will make calls to find someone from Washington or Oregon, perhaps A.G., who knows state-tribal relations or Federal Indian Law
- DG will contact Tom Getty from CWAG
- Walt will talk w/ Nelson to find a federal USDOJ resource speaker
- Walt will talk w/ Talus to ask for suggestions re: state resource speaker
- DG will follow up w/ calls to T. Heffelfinger, former USA, USDOJ, and others who have experience w/ state-tribal relations discussions
- DG will follow up w/ David Case, Ethan Schutt, Becky Snow
- DG will call Scott Goldsmith, ISER, to invite for participation
- Bruce will contact Charlie Cole

Discussion re: agenda:

- Identify problems that exist in rural Alaska as a result of failure of state-tribal cooperation
- Perhaps open with discussion about what legislators have heard are some of the problems, and what are their fears
- Hear from other states, such as Oregon or Washington, even if there are legal, political, geographical, or situational differences between them and Alaska, and ask them why they are doing whatever they are doing to address significant social problems while cooperating w/ tribes

*Page 1 of 2*

*ARJLEC Legislative Retreat Agenda Planning Committee*

*Meeting Notes*

*11.18.2008*

*Donna J. Goldsmith*

- Begin program w/ asking legislators to write down one common concern they have regarding tribes, put it in a box up front, and discuss random choices from that box
- ARJLEC needs to address the fears and myths that legislators have, while trying to address the state of the law, i.e. what the law really is, as opposed to what people think the law is or should be
- Julian might pose provocative questions

Agree that the bottom line for minimum number of legislators is 10 – if less than 10 agree to attend, the retreat will not happen

DG advised re: concerns for signing contract to hold hotel rooms and meeting rooms – substantial loss if retreat does not happen

DG will draft:

- format description for day 1, day 2
- bio for Julian Mason

DG and Julian will work to develop rules of conduct for retreat

# **ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION**

## **Teleconference**

**December 10, 2008**

### **Call to Order**

Federal Co-Chair Nelson Cohen called the teleconference to order at on 12//08 at 5:05 pm.

Commissioners present: Nelson Cohen, Bruce Botelho, Loretta Bullard, Monica Janicek (alternate for Talis Coberg).

Staff and others present: Donna Goldsmith, Walt Monegan, and moderator Julian Mason.

Absent: Commissioners Charlotte Brower, Wilson Justin, Gail Schubert, and Patrick Anderson.

### **Legislative Retreat Agenda Update**

Donna provided update re hotel, speakers, invitees, and introduced Julian. Goal is not to get to specific issues, but to encourage a dialogue, not seeking specific solutions, promises, or such.

Botelho offered a bit of history re Julian's background in facilitating tough conversations.

Julian offered some initial ideas about "rules of conduct"

- initially commend folks for attending
- goal is to learn from each other
- no notes, video
- no questions re any pending litigation
- no requests for funding, etc.
- interactive setup for a dialogue
- nothing we are doing should make participants feel backed into a corner
- Julian will set the tone

Loretta commented re 9/4 meeting

- Wants a value-based focus, not statutes-based process
- Need Indian Law 101
- Need to underscore the facilitation aspect

Walt wants to know how many Commissioners will be present, we need a final tally for the hotel contract. Joe, Bruce, Loretta, Nelson will attend.



Donna confirmed that retreat will focus on Federal Indian law 101 and asked Julian to address the format of the retreat – tables of 5, mixing urban and rural, and Ds and Rs

Julian:

Set up tables of legislators, w/ a presenter at each table, and ask people to write down what they think about when they hear terms such as ICWA, tribes, tribal law, etc., and to ask them what they have heard that concerns them – try to get people to articulate or identify what they know already, and what they don't know, and discuss this at the individual tables, as well as large group discussion, w/ presenters offering information to help lay to rest issues that are not really issues, and otherwise discuss the real problems. Goal is to facilitate that conversation.

He wants to follow the following progression:

Part 1

What people know or don't know, and fears

Part 2 –

Make list of challenges for rural Alaska, such as alcohol, high cost of food and fuel  
Then ask people to identify those things on the list that are also problems in urban Alaska, and whether those issues are dealt with by the government, or other

He thinks people will find that in urban areas, government is available to deal with problems, and not much if any available to deal with same in rural areas, thus setting stage for collaboration.

This part will likely take all afternoon.

Part 3 – morning of 2<sup>nd</sup> day

Julian is working with Jim Torgerson on ICWA, using, perhaps, the model MOA that the working group developed. The goal is because ICWA is an emotional issue for a lot of people, try to set up a scenario or fact pattern.

Nothing yet developed for follow up on this. He envisions this as a Q&A wrap up.

Loretta suggested roundtable discussions where group recorded went around to each table to keep track to make a final report –

Nelson leans toward no report, does not want to have attribution down the road for legislators, etc., so that there is nothing memorializing folks, they will be less inhibited.

Bruce and Joe agree with Nelson.

Donna raised issue re reimbursement for airfare etc. – Nelson indicated that Walt should reach out to her for specific guidelines and rules for this so that we know up front.

Julian suggests that Commissioners sit at each table, ask them to think about it. Nelson and Bruce agree that it will be hard to keep folks away from that.

Loretta asked re whether Julian wants her to pull together information from Nome region re a case example of one or two instances where ICWA caused friction between state and tribal government, to have a vehicle to use to help legislators understand the problem.

Joe raised concern re discussion of MOU/ICWA – will it become problematic? It might be dangerous, don't want to double-cross people.

Julian – if done carefully, this will work, and he is aware of the concerns.

Next teleconference will be December 18 at 3:30 pm. Julian and Donna will provide rules of conduct and more specific agenda, which will not be shared ahead of time with the legislators.

Julian, Donna and Walt left meeting, which went into executive session to discuss contracts.

# **ALASKA RURAL JUSTICE AND LAW ENFORCEMENT COMMISSION**

## **MINUTES December 18, 2008**

### **Call to Order**

Federal Co-Chair Nelson Cohen called the teleconference to order at on 12//18 at 3:30 pm.

Commissioners present: Nelson Cohen, Bruce Botelho, Loretta Bullard, Gail Schubert, Jim Torgerson, Joe Masters, Wilson Justin, and Monica Janicek (alternate for Talis CoLberg).

Staff and others present: Donna Goldsmith, Walt Monegan, and moderator Julian Mason.

Absent: Commissioners Charlotte Brower and Patrick Anderson.

### **Legislative Retreat Update**

Bruce Botelho introduced question of honoraria of some kind for guest speakers.

Donna explained federal rules for payment for consultant/contractors: \$450/day or \$65/hour maximum. Commission members discussed financial resources available, payment of honoraria. Nelson Cohen suggested that ARJLEC offer 2 days honoraria for each speaker. Bruce Botelho made a motion to this effect, Joe Masters seconded the motion. Motion carried.