



## **NEW MEXICO INDIAN AFFAIRS DEPARTMENT FY 2009 ANNUAL REPORT**

***SUBMITTED PURSUANT TO THE STATE-TRIBAL COLLABORATION ACT (SB 196)***

***July 31, 2009***

### **SECTION I. EXECUTIVE SUMMARY**

#### **A. Agency Overview**

The Indian Affairs Department (“IAD” or “Department”) is the only cabinet-level state Indian Affairs agency in the United States and serves as the lead coordinating agency for intergovernmental and interagency programs concerning tribal governments and the State of New Mexico. When the IAD was elevated to cabinet level in 2004 it was given broad statutory authority in the Indian Affairs Act 9-21-0 to 9-21-15 NMSA 1978, to:

1. Investigate, study, consider and act upon the entire subject of Indian conditions and relations within New Mexico, including problems of health, economy and education and the effect of local, state and federal legislative, executive and judicial actions; and
2. Assist in setting the policy, and act as the clearinghouse, for all state programs affecting the Indian people of New Mexico.

From this basic but broad direction, the IAD has developed the following vision and mission statements to guide our actions and long-term goals.

#### **Vision Statement:**

New Mexico’s Native American citizens will have the resources necessary to improve their quality of life and maintain their cultures and languages through collaborative, productive and lasting government-to-government relationships between the State of

New Mexico and Indian tribes, nations and pueblos as well as through effective participation of Native Americans in all aspects of state government.

**Mission Statement:**

As a cabinet-level department, the Indian Affairs Department (IAD) is the lead coordinating agency in New Mexico state government for ensuring effective interagency and state-tribal government-to-government relations. The IAD reinforces tribal governmental efforts to ensure that Native American concerns and needs are addressed in state policy making decisions; effectively manages, and facilitates ways to increase and leverage, state resources to benefit Native Americans; and successfully collaborates with national, tribal, state and local agencies, entities, and organizations.

**B. Agency Organizational Chart**

The Indian Affairs Department structure starts with the cabinet secretary as the agency head. The deputy cabinet secretary, who supervises all department directors, and the general counsel are under the direction of the cabinet secretary. The Administrative Services Division is comprised of the director and three staff members. The Capital Outlay Unit is comprised of the director and three staff members. The Policy Unit is comprised of the director and two staff members. Finally, the Public Information Office is made up of a Public Information Officer and a VISTA Volunteer.

**C. Significant state-tribal issues, recommendations and/or priorities addressed in FY 2009.**

In the subsequent five years since the IAD was elevated to cabinet-level, we have made important progress in our mission through improving the working relationship between state and tribal governments. At the beginning of FY2009, a significant Native American infrastructure had already been created in many parts of state government as several state departments and agencies had adopted tribal consultation plans pursuant to Executive Orders 2005-003 and 2005-004, and employed tribal liaisons to improve how they work with tribal governments and address Native American issues. As a result, tribal governments and Native American people have come to play an increasingly significant role in the economy and culture of New Mexico and have greater access to and participation in state government at all levels.

In FY2009 the IAD set out to build upon these accomplishments and work to improve how state and tribal governments collaborate to best meet the needs of our shared constituency – the Native American people of New Mexico. Previously, in March through June of 2008 we visited each of the leaders of the 22 tribes, nations and pueblos to carefully identify their priorities and concerns. In FY2009, we then compared them with issues raised in our meetings with the Indian Affairs Commission; Governor Bill Richardson and his key staff; Lt. Governor Diane Denish and her key staff; select cabinet secretaries; state tribal liaisons; and the Legislature's Interim Indian Affairs Committee. From these groups we identified the four focus areas where the department will engage and devote resources to address:

- American Indian health care needs;
- Ensuring strong and long-lasting tribal-state government-to-government relations;
- Improving the development of tribal infrastructure; and
- Advancing tribal economic development opportunities.

In accordance with our statute, the IAD has continued to work on all issues that affect Native Americans in New Mexico including education and environmental issues, not only those in these four focus areas. Yet, because of the IAD's limited budget and 16 current staff people, the IAD must be circumspect and strategic in where we invest our efforts.

Subsequently, we convened a Tribal Policy Forum on June 3-4, 2008 to engage a cross-section of decision makers and stakeholders in developing potential goals and strategies in each of these four areas. Out of this Forum we developed six goals for the IAD to work towards in 2008-2010, derived from the four main issue areas:

- Goal 1: Ensure equitable provision of state health services and resources to American Indians consistent with the government-to-government relationship.
- Goal 2: Promote meaningful collaboration and coordination between state and tribal governments.
- Goal 3: Improve tribal governmental capacity to effectively compete for greater funding for and complete infrastructure projects.
- Goal 4: Improve use of comprehensive funding strategies for tribal infrastructure projects.
- Goal 5: Collaborate with appropriate state agencies, tribal governments and corporations and Indian organizations to enhance state government support for Native American economic development ventures.
- Goal 6: Establish clear and aligned Departmental procedures that position the IAD as the leading organization within state government for building relations with tribes and tribal organizations.

These six Goals reflect a synergy of the Native American needs articulated by the broad range of leaders and other stakeholders. The Goals also build on the advances that have occurred in the past four years. The objectives and strategic actions that have been developed to achieve these goals allow for creative and durable partnerships across the state, tribal, federal, non-profit, philanthropic, and educational and private sectors. At the same time, the Strategic Plan includes the IAD's statutory and recurring responsibilities and has proven flexible enough to accommodate unanticipated activities and opportunities.

D. Narrative summary highlighting programs and services provided to or directly affecting American Indians and Alaska Natives:

In accordance with our strategic plan, the IAD's primary activities include:

- Assisting with developing and securing legislation and policy affecting tribes and Native Americans;

- Maintaining consistent high-level visibility of tribal concerns and issues in state government;
- Working to provide and leverage infrastructure funding to tribal entities;
- Working to provide Special Projects / Appropriations funding to tribal entities; and
- Providing training and technical assistance to tribes and state agencies

The IAD Cabinet Secretary and Deputy Cabinet Secretary oversee the management and direction of the Department. The Secretary is responsible to the Governor for the operation of the Department. The Secretary and Deputy Secretary exercise general supervisory authority over all department employees, administer and enforce the laws with which the Secretary or the Department is charged, approve contracts, agreements and official correspondence on behalf of the department and testify before appropriate legislative committees regarding the Department's budget and initiatives. They also make public presentations on behalf of the Governor and the department regarding Native American matters. Finally, they interact directly with and facilitate communication between the leadership of the 22 tribes, nations and pueblos and the Governor's Office, the Lt. Governor's Office and the heads and staff of the 33 cabinet-level state agencies.

The IAD also engages in other forms of collaboration and communication with tribes. The IAD will often request feedback from tribal leadership on policy issues the department may be working on, including requests for feedback from Governor Richardson's office. The IAD also forms workgroups with tribal leadership to develop specific recommendations for moving forward on planned activities and policy issues. At the request of tribal governments, the IAD also provides training and technical assistance on specific policy topics, and we have hosted conferences and larger meetings with state and tribal leaders to support ongoing policy efforts.

The IAD Policy Unit ("PU") works to create innovative policies to benefit Native American communities in New Mexico. The Policy Unit provides analysis, research services, training and information to the State of New Mexico and the twenty-two federally recognized tribes, nations and pueblos in New Mexico. The policy areas we cover are education, health, community and economic development, legislative training and analysis, and the implementation of Governor Richardson's policy initiatives, among other policy initiatives.

The IAD Capital Outlay Unit ("COU") administers funding to tribes, nations and pueblos and tribal entities for capital outlay projects as well as for projects funded pursuant to the Tribal Infrastructure Fund ("TIF") Act. These funds address significant infrastructure needs in tribal communities, including water and wastewater systems, roads, electrical power lines, health facilities, and governmental facilities. In addition, the COU also administers financial resources for Special Projects and Special Appropriations to tribal communities that were funded by the Legislature for recurring services. Finally, the COU provides training and technical assistance to tribal leadership and staff to assist with planning and implementing infrastructure projects.

The IAD General Counsel assists with collaboration and renders legal opinions for the cabinet secretary, deputy cabinet secretary, the IAD managers and staff. The General Counsel also attends and provides legal advice at Indian Affairs Department meetings. The IAD General Counsel provides legal analysis and information to other cabinet-level state agencies and general counsels on tribal sovereignty and other Indian Law issues. During the legislative session, the

IAD General Counsel keeps abreast of legislation, provides final approval on all Fiscal Impact Reports (“FIR”) generated by the department, provides legal analysis to Office of the Governor on legislation affecting Native Americans, provides legal assistance in the drafting of state legislation, serves as liaison with legislative advocates, and represents Indian Affairs Department as an advocate before the legislature in such matters as directed by the Cabinet Secretary. The General Counsel provides legal assistance in the drafting of legal documents, policy, rules and regulations, resolutions, Executive Orders, and other legal or related papers. The General Counsel also represents the Indian Affairs Department at state and tribal workshops and seminars relating to state-tribal issues to limit exposure to liability. The General Counsel also coordinates and monitors legal matters and services to the Department with outside counsel, studies and interprets laws, court decisions, ordinances and other legal authorities and develops and conducts staff training sessions and workshops.

The IAD Public Information Office (“PIO”) communicates useful information to a tribal and non-tribal distribution list. The IAD I-News publication, the Daily Native American News Headlines and Announcements, and the IAD website have proven useful tools to share funding opportunities, Request for Proposal (“RFP”) Announcements, TIF Funding Announcements, and upcoming meeting announcements to the general public. Use of these communication tools, press releases, media coverage, speaking engagements, and organization of Indian Day at the legislature promote an effective public relations campaign to communicate tribal needs, challenges and successes.

E. Main agency accomplishments and challenges regarding tribes, American Indians/Alaska Natives, and/or Indian organizations.

With regard to **Goal 1** the Indian Affairs Department supported the Department of Health in addressing tribal concerns in the creation of the Statewide Comprehensive Strategic Health Plan. The IAD engaged, directly and in partnership with other agencies, in more than nine tribal consultation processes throughout FY2009, including the RFP for the Behavioral Health Statewide Entity, the Tribal Emergency Management Summit, and the draft regulations and forms to implement SB 541 – the Native American Veterans Tax Settlement Fund. Through collaborative efforts with the Department of Health, the IAD staff secured a \$200,000 W.W. Kellogg Foundation Grant that will fund a full-time Health Initiative Coordinator at the IAD, a part-time Health Coordinator at DOH and a half-time position for our PIO. We advocated for and secured an expansion of Native American Local Collaboratives from two to five to increase the voice of Native Americans consumers, family members, and providers guide behavioral health planning and services in the state. The IAD also worked hard to ensure strong contract language for Native American behavioral health services was included in the RFP for the next Statewide Entity, and now that Optum Health has begun its tenure as the statewide entity, the IAD will work closely with them to ensure the Native American provisions are met in an effective and timely manner. Finally, the IAD, in partnership with the Center for Native American Health, completed a survey of Native American consumers and their experience with the New Mexico Behavioral Health System.

The development and enactment of SB 196 – the State-Tribal Collaboration Act (“STCA”) is the highlight of our FY2009 efforts to achieve **Goal 2**. The STCA codifies a proven structure for

effective government-to-government communication and collaboration between state and tribal governments. Pursuant to the STCA, the IAD worked with a Planning Committee of tribal leaders to hold the successful First Annual State-Tribal Leaders Summit. In addition, the IAD hired a contractor to complete a study entitled “Pilot Tribal Consultation Efforts by the State of New Mexico: Study of the Implementation of Executive Order 2005-004.” The IAD also worked diligently to draft and secure enactment of HB 37 - Amendments to the NM Subdivision Act that provide tribes with the opportunity to be notified and to submit their opinions about impacts associated with proposed subdivision development. We’re particularly excited by the unprecedented level of Native American involvement in the 2009 legislative session and the passage of over forty Indian related bills and memorials.

Our Policy Unit provided four training sessions to tribal leaders and staff on the legislative process and the workings of state government so they may more successfully participate in the policy making process. Also, the PIO vastly improved and expanded the IAD internet news letter (“I-News”) into a signature monthly publication and launched six major press releases yielding dozens of news articles. In addition, the IAD hosted the successful 22<sup>nd</sup> American Indian Day on February 6, 2009 at the New Mexico Legislature, including a Proclamation by Governor Richardson declaring February 6, 2009 as “State-Tribal Collaboration Day.” The IAD Policy Unit staff identified and tracked over 150 Indian related bills and submitted, in cooperation with the IAD’s General Counsel, 96 Fiscal Impact Reports to the Legislative Finance Council. The IAD also participated on over twenty state boards, commissions, and committees.

In regards to **Goal 3**, the IAD was successful in obtaining approval and funding to hire a new full-time Training and Technical Assistance Coordinator. The IAD and the American Indian Chamber of Commerce of New Mexico (AICC) developed tribal infrastructure and economic development baseline profiles of the 19 New Mexico Pueblos, two Apache tribes/nations, and 48 Chapters of the Navajo Nation.

With regard to capital outlay capacity, the negotiation and signing of the Navajo Nation Master Intergovernmental Grant Agreement (“Master IGA”) is another major accomplishment in FY2009. Now, there is one Agreement itemizing all the appropriations approved for the Nation and will be administered through the IAD for a given year. In addition, the IAD COU provided training to 10 different tribal entities with over 275 participants as well as individualized daily technical assistance to tribes by telephone, meetings in the office and on location in New Mexico’s tribal communities. In FY2009, the IAD held meetings with the Department of Finance and Administration (DFA), the New Mexico Mortgage Finance Authority (NMMFA), and the New Mexico Finance Authority (NMFA) to begin crafting a comprehensive approach to increasing and stabilizing the Tribal Infrastructure Fund.

The IAD entered into contract with the UNM Indigenous Planning Institute to produce a tribal planning resource guide as one of our initiatives to achieve **Goal 4**. In FY2009 the IAD COU managed 452 capital outlay projects totaling \$67,722,245 and compiled and produced a Project Status Report for Legislators with Native American constituents to reference capital outlay projects funding in prior years. In addition, The IAD worked with the Tribal Infrastructure Fund Board to allocate \$4,952,856 in FY2009, the Tribal Infrastructure Fund Board allocated

infrastructure grant funds to ten tribal infrastructure projects and six planning grants. The IAD currently oversees the 56 projects that have been funded by TIF since FY2005 totaling \$17,806,879. During the 2009 Legislative Session the IAD secured \$5 million in funding to the Tribal Infrastructure Trust Fund and the Tribal Project Fund despite the significant state revenue challenges. The IAD also worked with various state agencies to evaluate how the Uniform Funding Application process could be used to tap a greater variety of funding sources for tribal water and wastewater projects.

As the difficult economic climate compelled the state government to reexamine all capital outlay appropriations, the IAD worked closely with tribal leadership over the course of six months to inform them of the revenue challenge and the fact that some of their projects may be considered for deauthorization. The IAD achieved its goal of ensuring that the New Mexico Department of Finance and Administration had the most accurate information about the current status of tribal capital outlay projects and reinforcing the critical importance of capital outlay funding to tribal communities and entities.

Regarding **Goal 5**, The IAD has strived to ensure that tribes and Native American communities benefit from the American Recovery and Reinvestment Act. Toward this end the IAD has served as an information clearinghouse, providing technical assistance, and providing a report of the uses and outcomes of ARRA state and federal funding amongst the tribes, nations, and pueblos in New Mexico. The IAD has shared ARRA funding opportunities with tribes via email news blasts and coordinated a list of tribal “shovel ready” projects that can be matched, in cooperation with other state and federal agencies, to state and federal funding sources. In addition, the IAD began several initiatives with the Economic Development Department including working to create a Tribal Economic Development Task Force to examine further legislative options to encourage tribal economic development, including a tax incentive program and collaborating on a Native American Market Tax Credit and Economic Development Assistance Guide. The IAD also partnered with the EDD to fund and participate in the American Indian Chamber of Commerce Economic Development Forum. Finally, the IAD contracted with JJ Clacs & Company (“JJ Clacs”), a 100 percent-Native owned and operated consulting firm, to manage a project entitled—*Building Capacity for Community & Economic Development*, that continues through February 2010.

In FY 2009 the IAD COU managed and administered 9 Special Appropriations totaling \$197,200 and 15 Special Projects totaling \$1,534,533 as part of our efforts toward **Goal 6**. Also, the IAD conducted two staff retreats to complete an ambitious new Strategic Plan for 2008-2010 based on significant input from the IAD’s various stakeholders. The IAD also allocated funding to eight tribal Tobacco Cessation Programs, pursuant to 6-4-10 NMSA 1978, including four mini grants in the amount of \$15,000 each and four RFP sole-source contracts that range from \$72,815.00 to \$105,500. The IAD hired a consultant to assess such programs and provide recommendations and assistance with improving the allocation and management of these funds. For FY2010 only \$400,000 was appropriated to the IAD for Tobacco Cessation and Prevention Programs and we have begun the process of allocating these funds to tribal Tobacco Cessation Programs. Per House Bill 2, the IAD base budget was set at \$4,059,900. Finally, the IAD received an unqualified audit for FY 2008.

## F. Related Boards and Commissions

Since 1953, the New Mexico Indian Affairs Commission has advised and provided information to the state government on all issues affecting Indian people in New Mexico. Its ten members have been appointed by Governor Richardson to represent the diversity of Native Americans across the State. Pursuant to the “Indian Affairs Department Act” [9-21-1 to 9-21-15 NMSA 1978] the Indian Affairs Commission performs the following duties:

1. Conduct meetings to provide an opportunity for the presentation and exchange of ideas with respect to Indian affairs by any interested party that result in the promotion of the welfare of the Indian people;
2. Receive and disseminate information on issues that significantly impact the welfare of the Indian people;
3. Apprise the secretary of the conditions in Native American communities in New Mexico; and
4. Advise the secretary on policy matters related to the department’s powers and duties.

The elevation of the Office of Indian Affairs to a cabinet-level department in 2004 was a significant step toward better integrating the needs and interest of New Mexico’s tribes and Indian citizens in the function of state government. In the latter part of 2007 the Commission held strategic planning retreats to determine how they could work more effectively and in collaboration with the IAD to ensure the needs of Indian people are met. As a result, in December, 2007 the Commission completed its two-year strategic plan.

The Commission chose to focus on four main goals:

- Goal 1: Strengthen the Indian Affairs Commission
- Goal 2: Strengthen the Indian Affairs Department
- Goal 3: Assist with Securing Adoption of Laws and Policies to Benefit Tribes and Indians
- Goal 4: Support Best Allocation of State Funds to Tribes and Indian People

The Commission meets quarterly around the State. In FY2009 the Commission was an integral part of developing the IAD strategic plan, legislative initiatives and budget priorities.

## **SECTION II. AGENCY POLICY**

The IAD was not one of the original seventeen agencies named in the Executive Order 2005-004 Pilot Tribal Consultation Policies; therefore we are among those agencies developing a formal, written policy for the first time. In practice, however, as part of our mission and everyday work, the IAD is continually engaging in tribal consultation, to engage tribes in the process of effective state-tribal government-to-government relations. The IAD purpose is to ensure that Native American concerns and needs are addressed in state policy making and funding decisions.

The 2009 STCA requires each cabinet level agency to develop and implement a policy by December 31, 2009 that:

- Promotes effective communication and collaboration between the state agency and Indian nations, tribes, or pueblos;
- Promotes positive government to government relations between the state and Indian nations, tribes or pueblos;
- Promotes cultural competency in providing effective services to American Indians or Alaska Natives; and
- Establishes a method for notifying employees of the state agency of the provisions of the STCA and the policy that the state agency adopts.

In developing these policies, state agencies are required by law to consult with representatives designated by the Indian tribes, nations or pueblos.

The IAD will use the following process and timeline to complete our policy:

1. The IAD will work with five other cabinet-level agencies organized into the “Healthy New Mexico Group” to create a single, overarching policy for these agencies (five similar Groups will be created in other topic areas for the same purpose);
2. The IAD will invite each tribal leader to designate at least one tribal representative to each of the six Groups by August 20 to provide tribal input on the draft policies. Tribal leaders will be requested to send representatives who can officially represent the interests and concerns of the tribe in the development of the policies;
3. The IAD will create a template policy based on existing state agency policies and incorporating the core principles and core content as identified by state agency and tribal representatives at the June 30, 2009 Planning Meeting. This template policy will be provided to each Group;
4. Each Group will choose a state agency co-chair and a tribal co-chair. Each Group will meet in August to create a workplan and timeline for developing and submitting their draft policies to the Governor’s Office for final review by November 20, 2009. Each Group will meet as often as necessary thereafter to tailor the template policy to meet its specific requirements. Agency and tribal general counsels will be invited to be involved in the development process offering their periodic review and guidance. Agency heads and tribal leaders will be asked to review the Group policies prior to submittal to the Governor’s Office for review; and
5. The IAD will formally adopt the final version of its Group policy by December 31, 2009.

### **SECTION III. AGENCY EFFORTS TO IMPLEMENT POLICY**

While the IAD does not currently have a formal Tribal Consultation Policy, we have engaged in tribal consultation throughout FY2009, both directly and in partnership with other agencies. The following is a brief description of several of our more recent activities in this area.

### RFP for Behavioral Health Statewide Entity

In FY 2009, the State of New Mexico began the process of selecting a managed care company to become the next Statewide Behavioral Health Entity (“SE”). For the previous four years, Value Options New Mexico was the SE and provided services to communities across the state, including tribal and off-reservation Native American communities. The new SE, OptumHealth New Mexico, was selected in December 2008 and began operations on July 1, 2009. OptumHealth is a conduit through which all state funding for behavioral services would pass through as determined by the State of New Mexico Behavioral Health Purchasing Collaborative. As a member of the Purchasing Collaborative, the IAD supported and participated in the process advocating and ensuring that the needs of Native American families and children were considered as a factor in the selection process. The IAD worked with other state Health and Human Services agencies to craft strong language pertaining to Native American behavioral health which was included in the contract with OptumHealth. In collaboration with the Human Services Department, the IAD also co-hosted a tribal consultation on the development of the RFP and the contract language on June 11, 2008.

### DV Service Definition Manual Changes

In FY 2009, the Children Youth and Families Department (“CYFD”) and the IAD initiated a tribal consultation process utilizing the Health and Human Services (“HHS”) state agencies’ Consultation Protocol to review the CYFD Domestic Service Definition Manual. This manual provides standards, definitions, and guidance for service providers in billing services to CYFD. In revising this manual, CYFD wanted to ensure that it was designed to support culturally appropriate services in Native American communities. Each New Mexico tribe was requested to designate a representative to this workgroup, which met monthly from August 2008 through December 2008. The workgroup also included with Sharon Pinto, the New Mexico DV Czar, and representatives from CYFD and the IAD. The workgroup reviewed the manual and made recommendations for changes. The CYFD is currently finalizing the changes and recommendations in anticipation of a final review and formal consultation between CYFD and tribal leadership during FY2010.

### Tribal Emergency Management Summit

Using funding from the Kellogg Foundation as part of the IAD’s Tribal Leadership Forum series, the IAD worked with several tribal and private organizations to organize the 2008 Tribal Emergency Management Summit. The Summit addressed the questions and concerns of the Interim Indian Affairs Committee (“IIAC”), regarding barriers NM tribes face in accessing federal monies from US Department of Homeland Security for emergency response and programs. Fifty-five participants from 13 tribal communities attended the Summit, including tribal governors, tribal lieutenant governors, emergency managers, first responders, health representatives and project planning engineers, and consultants. Attendance also included the State Department of Homeland Security and Emergency Management (Preparedness Bureau, Response and Recovery, and Administrative Services). The Summit included several group exercises to identify best practices for developing a strong emergency management program. An exit survey was distributed and returned by the participants for immediate feedback with very

positive overall comments. The organizers created and presented a report of the findings to the IIAC on November 6, 2008. The IAD has offered technical assistance to New Mexico Emergency Managers' Association and to tribes who are considering working with legislators to amend current statutes so that they include tribes.

#### HM 59 Tribal Libraries Assessment

House Memorial 59 ("HM 59") was passed by the New Mexico Legislature during the 2008 Regular Session. It directed the State Library of the Cultural Affairs Department and the IAD to "undertake a joint comprehensive assessment of tribal libraries throughout the state to determine the financial resources and needs for the operation of those libraries." The intent of this comprehensive assessment was "to quantify the sources and amounts of funds available to tribal public libraries, including an expense analysis to determine operating costs,"<sup>1</sup> to allow the relevant interim legislative committee to have access to operating cost data, and to provide a review of the sources of funds now available to tribal libraries. The report findings were derived from several on site visits to tribal libraries throughout the state. The report incorporates results from an Operational Needs Survey developed by the IAD and the State Library, which was completed and returned by twelve of the eighteen tribal libraries. In October 2008, the draft report was shared with tribal leaders to review and garner feedback. The final report, presented to the IIAC in November 2008, incorporated the findings and recommendations from extensive interviews with most of the tribal librarians and many library advocates and made recommendations on ways to improve tribal library capacity and services.

#### HM 94 Domestic Violence Against Native American Women

House Memorial 94 ("HM 94"), passed during the 2007 Legislature, requested a multiagency study of domestic violence against Native American women in New Mexico. It requested the IAD, CYFD, and the Department of Health ("DOH") to collaborate on a study with the hopes of raising awareness and increasing knowledge about the occurrence of domestic violence and ways to support culturally appropriate services in the State. The IAD convened the Native American Women Domestic Violence Study Workgroup in August 2007. Representatives from CYFD, DOH, the New Mexico Interpersonal Violence Data Central Repository, the Governor's Office, Santa Clara Pueblo, and the Coalition to Stop Violence Against Native Women participated in the initial meeting. Due to challenges related to the study, the IAD requested and was granted an extension of time from the Interim Indian Affairs Committee in early 2008 to complete the study. In October 2008, the IAD shared the final report with tribal leadership to garner their feedback and then presented it to the Interim Indian Affairs Committee in November 2008. The final report summarized the prevalence and issues faced by Native American women victimized by domestic violence in New Mexico and presented culturally important distinctions in successful intervention for Native American women, highlighting service programs used both nationally and in the state. Finally, the report provided a call to action for the State to continue to pursue strategies to develop programs to support and protect Native women in New Mexico.

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<sup>1</sup> Fiscal Impact Report, HM 59 February 10, 2008.

## SB 541 Native American Veterans Tax Settlement Fund

The Native American Veterans' Settlement Fund ("Fund") Act, SB 541, sponsored by Senator Lovejoy, amends New Mexico tax laws related to Native American veterans by clarifying the eligibility for and administration of certain tax exemption refunds. SB 541 and its predecessor, SB 574 (2008 Legislative Session), are meant to provide settlement payments for historic withholdings that were improperly assessed, but which would be concurrently barred by the statute of limitation. Senator Pinto sponsored SB 574 in 2008, which requested a study by the Department of Veterans' Services ("DVS") and the Taxation and Revenue Department ("TRD") to determine whether New Mexico Native American Veterans were improperly assessed state personal income taxes on their military pay while serving on active military duty and while domiciled on their own Indian reservations and lands. SB 574 also provided for the creation of the Fund but did not provide for an appropriation.

DVS, TRD, with assistance from the IAD, found that, indeed, some Native American veterans were improperly being assessed State personal income taxes for otherwise exempt income. The study concluded that if Native Americans were assessed New Mexico income tax on their military pay, and the Native American was a resident of tribal land, the income tax was improperly paid. The study recommendations were presented to the Interim Indian Affairs Committee in October 2008, and were subsequently incorporated into SB 541; \$1,000,000 was also appropriated to the Fund to begin the refund process.

SB 541 mandated that the TRD promulgate formal regulations for the settlement payment process. The IAD spearheaded a strategy with the TRD and the DVS to create a formal tribal consultation regarding the creation of the rules and forms, and to heighten outreach. The IAD contributed in the creation of the agenda, using past tribal consultation experience to ensure cultural competency and full tribal feedback. The TRD hosted a formal consultation in Santa Fe on June 18, 2009. Leaders and dignitaries from Indian nations, tribes, and pueblos attended the consultation, as well as tribal veterans departments and organizations. The TRD presented the draft set of regulations and forms for implementing the settlement process. The DVS collaborated with the tribes regarding outreach strategy. After receiving feedback from the tribes and tribal veteran's organizations, the TRD organized a follow up meeting with the IAD and the DVS, and amended the regulations in response to the comments from the tribes. The TRD is engaged in the rulemaking process, providing a period of time for additional comment. This process should be complete by November 2009.

## Real ID Taskforce

Pursuant to federal statutory requirements of the REAL ID Act, REAL ID will take effect in NM in January 2010. It will require all residents to begin reapplying for REAL ID compliant state driver's licenses on a graduated time basis ending in 2017. The IAD has assisted in liaising between the NM Motor Vehicle Department ("MVD") and tribal Task Force members. The IAD coordinated meetings and outreach to tribal Task Force participants to educate tribal leadership and enrollment officers on current state and REAL ID licensing regulations. Those regulations allow tribal source documents to be used for licensing purposes. Some MVD field offices have denied tribal source documents for proving identity and residency. The IAD and Task Force

collaborated with MVD to use its Procedural Quick Updates process to clarify to MVD field offices that tribal source documents named in state regulations are acceptable.

#### Navajo Nation Master Intergovernmental Agreement

In years past, the Navajo Nation received numerous capital outlay and other appropriations through the New Mexico Legislature. The legal instrument that is used by the IAD to convey the monies appropriated is an Intergovernmental Grant Agreement (“IGA”). In the past, for each individual appropriation, an IGA was generated and then such IGA was approved via the Nation’s administrative 164 process. Oftentimes, it would take 6 to 12 months for any one IGA to be approved. This is because each individual appropriation would have to be approved administratively, then by Committee, then by the full Council and only then could the Nation’s President sign the IGA.

In an effort to streamline that process, the Navajo Nation, the IAD and the Department of Finance and Administration collaborated to develop the “Master IGA”. This is an agreement that the parties have been working on for over four years and shows the effort on both sides to be more efficient and responsible to their constituents. The Master IGA lists all of the appropriations approved for the Nation and that will be administered through the IAD for a given year. The Master IGA goes through the full Navajo administrative approval process, and constitutes full approval for all of the projects listed. Subsequently, for each appropriation, a sub-IGA is generated. That sub-IGA contains the scope of work, budget, etc., but the sub-IGA will not need to go through the entire administrative 164 process and the President will sign the sub-IGA once it is generated. Council approval would be deemed via the yearly approval of the Master IGA. The use of the Master IGA will greatly reduce the amount of time it takes for the Nation to approve the appropriations granted to it in any given year.

The IAD held numerous meetings and worked diligently with the Executive and Legislative leadership of the Navajo Nation, as well as their staff, from March through September, 2008 to develop the Master IGA and secure its approval.

#### **SECTION IV. CURRENT AND PLANNED PROGRAMS AND SERVICES FOR AMERICAN INDIANS / ALASKA NATIVES**

As was mentioned in the Executive Summary, results of the June 2008 Tribal Policy Forum led to the development of six goals for the IAD Strategic Plan. To accomplish these six goals, specific objectives and actions were identified to guide the IAD efforts in FY 2009 – 2010.

These objectives and strategic actions have become part of the IAD Performance Management System and are evaluated on a regular basis. We have arranged this section of our Annual Report to reflect the progress and accomplishments we have made in achieving our Strategic Plan and meeting the needs of our constituents.

GOAL 1: Ensure equitable provision of state health services and resources to American Indians consistent with the government-to-government relationship.

*Objective 1.1 – Facilitate inclusion of Native American health needs and the most significant tribal recommendations in the 2008 New Mexico Department of Health (DOH) Statewide Comprehensive Strategic Health Plan*

As required by state law, the Department of Health (DOH) drafts a comprehensive state health plan to guide the DOH in program development and resource allocation to strategically impact health disparities and needs in the state. The IAD supported the DOH in drafting the Statewide Comprehensive Strategic Health Plan by reviewing and providing feedback on specific provisions for reducing Native American health disparities. The IAD also assisted the DOH in contacting tribes and encouraging their participation in tribal listening sessions to garner feedback on the plan. All of these comments and concerns were weighed by DOH as they drafted their plan. The subsequent health plan published in September 2008 reflects many areas of input from tribal leadership and the IAD. Now that the Health Plan is in place for the next two years, the IAD is engaging in ongoing efforts to support the DOH in monitoring and achieving the goals set forth for Native American communities.

*Objective 1.2 -- Collaborate with the New Mexico Health and Human Services (HHS) Departments to increase health services to American Indians*

During the process of developing the strategic plan, as well as legislative initiatives, the IAD received a significant amount of feedback on the great need for increased health services to American Indians and Alaska Natives in New Mexico. While the federal government should continue to uphold its federal trust responsibility to tribes, the IAD seeks opportunities to work with the state Health and Human Services Departments to improve coordination and distribution of current state resources in order to positively address Native American health disparities in New Mexico.

In the past fiscal year, the IAD has engaged in a broad range of activities aimed at increasing health resources and coordination with DOH. The IAD participated in discussions regarding an Emergency Pandemic Preparedness plan between tribes, Homeland Security, Department of Health, and Federal Center for Disease Control, for H1N1 Vaccine distribution in Indian Country. The IAD has also assisted the DOH with their efforts to evaluate and improve the impact of Tribal Health Councils in New Mexico, which are important groups that work on health awareness, planning, and prevention in tribal communities. The IAD participates with and presents to the American Indian Health Advisory Council, a tribal advisory committee created by DOH to advise their secretary on important policy, programs and planning for health programs impacting Native American communities. The IAD has also worked with Governor Richardson's office in supporting the reauthorization of federal Indian healthcare improvement legislation that has been pending in Congress. Governor Richardson has strongly advocated for the improvement of the Indian Health Service and the increase in funding to vital health programs and services for Native Americans.

In addition, the IAD administers five health-related special projects: 1) the Navajo Nation Emergency Management Program, funded for \$300,000, provides emergency services to citizens of the Navajo Nation impacted by emergencies and disasters; 2) the Navajo Nation Uranium project, funded for \$150,000, provides referral services to victims of uranium exposure; 3) the Isleta Recreation Program, funded for \$50,000 provides staffing to work with the community to combat obesity and diabetes; 4) The Earth Circle Foundation was funded \$15,000 to develop a community fitness plan for the youth of Santa Clara Pueblo; and 5) The Urban Indian Advocacy Program/Morning Star House was funded \$14,000 to provide culturally appropriate services related to safety, crisis intervention, direct victim advocacy, education and support to Indian women and children fleeing abusive relationships. Also, in FY2009, the IAD received \$500,000 from the Tobacco Master Settlement Agreement to fund tobacco cessation and control programs in New Mexico Tribal communities. These will be described in greater detail under Goal 6 below. Finally, the IAD's PIO reprints relevant press releases pertaining to tribal communities sent from the Governor's Office and health and human services agencies in I-News and daily news for wide distribution.

With increased staff resources, the IAD will be working in the coming year to increase public awareness about important health issues, programs, and policies and support the HHS Departments in identifying types and amounts of state-funded health services that are currently being provided to American Indians. The IAD will continue to assist the HHS Departments with collaborative outreach strategies to increase Native American knowledge and participation in targeted state health programs like Medicaid and state Children's Health Insurance Program (CHIPRA). The IAD will also explore challenges and strategies that could be used to improve the distribution of state health services and resources to rural and border communities, and formulating policy alternatives to ensure equitable provision of state health resources to American Indians and tribes.

One way that the IAD has sought to improve resources to address these issues is through pursuing grant funding. Through collaborative efforts with the Department of Health, the IAD staff secured a \$200,000 W.W. Kellogg Foundation Grant that will fund a full-time Health Initiative Coordinator at the IAD, a part-time Health Coordinator at DOH and a half-time position for our PIO. The PIO communicates important health, human services and behavioral health meetings, study results, press releases, and grant announcements with our tribal constituency. The IAD also publicizes other relevant information, including statistics and data concerning Native American health.

#### *Objective 1.3 – Increase benefit to tribal health facilities from targeted state policy initiatives*

The State of New Mexico has developed several health initiatives targeted at infants, children and youth in effort to impact health outcomes and disparities of target populations, including Native Americans. In FY2009, the IAD initiated discussions with the director of the New Mexico Children's Cabinet, the Secretary of CYFD, Elev8 New Mexico and the New Mexico Community Foundation. Now that additional resources have been secured, the IAD will increase collaboration in FY2010 with the CYFD to better integrate their 0-3 Home Visiting program into tribal health clinics and resources. We will also be looking at ways to increase tribal school-

based health centers, which are important access points to primary health and behavioral health care for Native American children, youth, and their families.

*Objective 1.4 – Facilitate consideration of Native American behavioral health needs and concerns in state policy making and resource allocation*

An important part of our efforts to improve health disparities involves working to improve resources for Native American behavioral health. The state, through the Behavioral Health Purchasing Collaborative, provides behavioral health resources and services for thousands of New Mexicans, including Native American adults and children. The IAD is a member of the Collaborative and the chair of the Native American Subcommittee of the Behavioral Health Planning Council, which requires attendance and coordination of several monthly meetings. In these roles, the IAD works closely with the Behavioral Health Services Division and the HHS Departments to advocate for Native American behavioral health issues and the needs of tribal providers. We worked hard to ensure that strong contract language for Native American behavioral health services was included in the RFP for the next Statewide Entity, and now that Optum Health has begun its tenure as the statewide entity, the IAD will work closely with them to ensure the Native American provisions are met in an effective and timely manner.

The IAD also strongly advocated this past year for an increase of the number of Native American Local Collaboratives (“LC”) in New Mexico. LCs are designed to ensure the voices of consumers, family members, and providers guide behavioral health planning and services in the state and they are a vital to collecting and reporting local data and health indicators. However, prior to this fiscal year, there were only two local collaboratives to represent all tribes, pueblos, nations, and off-reservation populations, and the IAD advocated along with other departments to increase the number of LCs in order to better represent the diverse needs and interests of Native Americans in New Mexico. Now, Native American communities are represented by 3 additional LCs in the Eight Northern Pueblos region, Sandoval County Pueblos region, and off-reservation Native American population in Bernalillo County.

Moreover, the IAD, in partnership with the Center for Native American Health, undertook a survey of Native American consumers and their experience with the New Mexico Behavioral Health System. Completed at the end of 2008, the study worked with Native community partner organizations to determine the “opinions, perceptions, and beliefs of some Native American consumers about their mental and behavioral health care.” The purpose of the study was to improve the development and delivery of effective mental and behavioral health services in Native communities. The Department anticipates sharing the study findings with the Collaborative and our Native communities in the coming months.

GOAL 2: Promote meaningful collaboration and coordination between state and tribal governments.

*Objective 2.1 – Secure state policy standardizing best practices in collaboration and consultation with tribal governments*

In the process of establishing best practices for collaboration and consultation with tribal governments, the IAD hired a contractor in FY2009 to conduct interviews and collect data to determine the outcomes of Executive Orders 2005-003 and 2005-004. Both E.O.s required the development of pilot tribal consultation policies by state agencies in specific programmatic areas. The IAD worked closely with the consultants providing state and tribal contact information and assisted in garnering the participation necessary to present a comprehensive study that incorporated both tribal and agency perspectives. As a result, the study included the perspectives and concerns of the representatives of 18 state agencies and 13 tribes, nations and pueblos. The study evaluated each agency's development and implementation of such policies and identified best practices for improving state-tribal communication and collaboration. The study was disseminated on June 30, 2009 to state agencies and tribal leaders.

IAD also secured the passage of legislation that standardized the state's best practices for tribal collaboration. The State-Tribal Collaboration Act ("STCA") was signed into law on March 19, 2009, and it builds on the governor's 2003 Statement of Policy and Process and Executive Order 2005-004 by moving into state statute a proven structure for effective government-to-government communication and collaboration between state and tribal governments. Annual tribal-state consultation summits, tribal liaisons and formal communication through the use of the pilot state consultation policies had prompted an improvement in services to our New Mexico Native American citizens and enhancements to state agency interactions with tribal governments. Now the STCA creates greater consistency across state government and ensures that this effective structure continues into future administrations. The STCA requires:

- **Annual summit** - The governor and the 22 tribal leaders will be required to meet annually to address issues of mutual concern.
- **Communication and Collaboration Policies** - All 33 cabinet-level agencies are required to develop and implement policies by December 31, 2009 that promote effective communication and collaboration and positive government-to-government relations with tribal governments as well as promote cultural competency in the provision of services to American Indians / Alaska Natives.
- **Tribal Liaisons** - All cabinet-level agencies are required to designate a tribal liaison as a point of contact to ensure compliance with the proposed legislation, have regular contact with the agency's cabinet secretary or their office, and maintain ongoing communication with the tribes.
- **Training for State Employees** – In order to give state agency managers and employees the greatest chance for success in working with their tribal counterparts, those who have regular contact with tribes will be provided training through the State Personnel Office. The training will be designed in collaboration with the IAD.
- **An Annual Report** – Each cabinet-level agency is required to submit an annual report to the Governor's Office through the IAD by July 31 on that agency's implementation of STCA and listing the programs and services directly affecting American Indians and Alaska Natives. The IAD will be responsible for compiling these into an annual report that will be submitted to the Governor's Office and the state legislature.

The STCA will allow for proactive identification of common issue areas and strategies to address them. It will lead to improvements in the design and accountability of state programs and

services to 11% of our state's population. It will expedite the expenditure of state funds to benefit Native American communities and support greater collaboration of federal, tribal and state funding and resources to improve the quality of life of all New Mexicans.

Since the passage of the STCA, the IAD has been working with the tribes and other cabinet-level agencies to implement the provisions of the STCA. On May 5, 2009 at the Sky City Casino at the Pueblo of Acoma, Governor Bill Richardson and New Mexico tribal leaders met for the First Annual State-Tribal Leaders Summit. The first Summit was a notable success.

Planning for the Summit began prior to enactment of the STCA when Governor Richardson met with tribal leaders during the legislative Indian Day events and committed to holding a State-Tribal Leaders Summit. At this meeting, the tribal leaders directed the IAD to work with a Planning Committee for the Summit made up of select tribal leaders chosen by the tribal leadership. Because of the government-to-government nature of the Summit, between Governor Richardson and the leaders of the 22 tribes, nations and pueblos, the IAD worked directly with this Planning Committee to prepare for the Summit and served as a facilitator and recorder throughout the entire process. The IAD also coordinated and worked closely with the Governor's Office and with particular cabinet secretaries and agency staff.

The IAD and the Planning Committee met five times to craft the Summit agenda, issues to be discussed, participants, location and logistics. At the Planning Committee's direction, the IAD sent a survey to the leadership of all 22 tribes, nations and pueblos on March 16, 2009. Based on the tribal leaders' response to this survey, the Planning Committee decided to focus on the following broad topics at the Summit: Tribal Economic Development, Tribal Infrastructure, Indian Healthcare, and Indian Education. In this survey, the tribal leaders also identified May 4-5, 2009, as the best date for the Summit and Pre-Summit Meeting. Concurrent with this process, Governor Richardson's Office added a fifth topic to the Summit agenda: DWI Coordination.

The Planning Committee then directed the IAD to send out a second survey to all of the tribal leadership on March 30, 2009, to give them an opportunity to identify more specific issues within these broad topics as well as proposed solutions to be discussed at the Summit. The Planning Committee reviewed all the responses and, in a seven hour meeting on April 8, identified three specific issues and solutions under each of the four topic areas. "Issue Papers" describing these proposed issues and solutions were created by the IAD Policy Unit and were then provided to the Planning Committee and the leadership of all 22 tribes for final review. Also based on responses in the second survey, the Planning Committee selected the Pueblo of Acoma to host this year's Summit in response to the generous offer by Acoma Governor Chandler Sanchez.

Once the five topics and specific issues were identified, the IAD shared the draft Issue Papers with cabinet secretaries and tribal liaisons from agencies directly responsible for those topics and coordinated with them to create responses for Governor Richardson to consider in addressing these specific issues at the Summit.

During the summit, tribal representatives presented the problem statements and proposed solutions as described in the four individual Issue Papers and then raised additional perspectives

and concerns. Governor Richardson and his executive agencies then responded constructively to the tribes' requests and proposed solutions, making commitments and presenting ways to address the issues collaboratively. To ensure follow-up of the Summit commitments, the IAD is actively working with the specified agencies in seeking ways to address the Summit issues and to propose viable solutions for the effective fulfillment of the Summit related commitments. The IAD has worked closely with the Governor's Office and affected agencies to ensure follow-up on the issues identified by tribal leaders at the Summit and will continue to promote and provide support for inter-agency coordination necessary. The IAD will also provide updates to the tribes on the agencies' progress during the course of the year as they are reported to department.

The IAD also hosted a "Communication and Collaboration Policies State-Tribal Planning Meeting" to bring together state agencies and tribal representatives to plan the process for developing the agency policies. We had participation from the majority of the state agencies and many of the tribes. Agency and tribal representatives, in working groups, developed recommendations for key principles and content, garnering tribal participation and feedback and a timeline/process for developing the policies. These recommendations were then submitted to the Governor's Office for consideration.

As for other provisions in the STCA, 59 State Tribal Liaisons have been designated throughout all 33 cabinet level agencies. In addition, to assist agencies with the development of their annual reports, the IAD convened a workgroup with state tribal liaisons to gather input in producing the annual report guidelines. The IAD Policy Unit then produced two documents, the 2009 Agency Report Guidelines and Report Template, which were disseminated to all agencies.

In addition to these efforts, the IAD will be working with the State Personnel Office, as well as with the state tribal liaisons, to create a training curriculum pursuant to the STCA which will be used to educate state employees on effective communication and collaboration processes for developing positive state-tribal relations as well as identifying methods for providing culturally competent services to American Indians and Alaska Natives. In the upcoming year, we hope that our efforts will lead to an effective and collaborative process between agencies and with tribes that will result in all cabinet level departments meeting compliance with the STCA.

During legislative session, the PIO posted and updated analysis of all Indian-related legislation to the IAD website so that constituents could be informed and track Indian-related legislation, as well as involve tribal leaders and other interested citizens and community members in the state legislative process. The PIO disseminated media and press releases about Indian Day, the proposal of the State-Tribal Collaboration Act (SB 196) by Senator John Pinto, the Amendments to the Subdivision Act (HB 37), the passage of these bills, the signing of the State-Tribal Collaboration Act by Governor Bill Richardson as well as coverage of the first ever State-Tribal Summit, one of the mandates of the Act, and its outcomes. Press coverage of these items included local, statewide and national in both mainstream news venues as well as special Native American publications.

The IAD General Counsel drafted and the IAD distributed a legal memorandum for state Cabinet Secretaries and General Counsels regarding Navajo Nation tribal sovereignty and how to

implement state-tribal collaboration in the face of a tribal internal question about which branch of the tribal government the state should engage for state-tribal consultation.

*Objective 2.2 – Increase mutual understanding and respect between state and tribal governments*

The IAD made great strides with government-to-government relations over the past year. Upon Secretary Warren's confirmation in January 2008, he and members of the IAD staff met personally with all 22 tribal leaders in the months of March through May 2008 to discuss tribal priorities and ways to further collaboration between the IAD and tribes. The IAD also held a Policy Summit in June 2008 to bring together a cross-section of decision makers and stakeholders in developing potential goals and strategies in the issue areas of healthcare, government-to-government relations, tribal infrastructure, and tribal economic development. Tribal leaders and their representatives, members of state government, tribal liaisons, the Indian Affairs Commission, universities, foundations and non-profits met together to contribute to this discussion. From this input and strategizing, the IAD created the 2008-2010 Strategic Plan and legislative initiatives and proposals for the 2009 Legislative Session, which included SB 196, The State Tribal Collaboration Act, and HB 37, Amendments to the New Mexico Subdivision Act.

The IAD Policy and Capital Outlay units met with tribal leaders and staff to conduct training on state policy making, capital outlay and budget processes. The Policy Unit provided tribal leaders and staff with trainings on the legislative process and the workings of state government so they may more successfully participate in the policy making process. These trainings were also beneficial in that they instruct tribes about the state budgeting process and important timelines. The trainings also emphasize the importance of staying involved throughout the process especially when requesting monies and other funding from the state. Four of these training sessions were held in FY2009.

In addition, the Policy Unit worked throughout the year to develop and maintain consistent and meaningful state-tribal relations by convening regular meetings with state agency tribal liaisons and with tribal leaders on important topics and issue areas that arise. The Policy Unit also created the IAD 2009 Legislative Report which highlighted key Indian related legislation impacting tribal and other Native American interests. The report was distributed to constituents in May 2009.

The IAD's public relations, communications, and community outreach achievements for FY2009 include:

- Vastly improving and expanding the IAD's internet news letter ("I-News") into a signature monthly publication featuring interviews with prominent Indian leaders and articles about Native American policy issues and concerns in New Mexico;
- Expanding and augmenting information provided on the IAD website to foster improved interagency coordination and service to constituents (the IAD website hits have tripled in one year);
- Launching six major press releases, which yielded dozens of article in local, national, and Native American publications;

- Assisting in preparing materials for Governor Richardson for the State-Tribal Leaders Summit;
- Significantly increasing the visibility of the IAD's mission and vision through increased press/media coverage and over 100 public speeches, presentations and appearances by Cabinet Secretary Warren
- Making frequent visits to tribes, nations and pueblos, including special celebration/gathering days, and other opportunities for community outreach;
- Improving daily Native American news and announcements (including American Recovery and Reinvestment Act) updates;
- Helping develop and maintain the IAD New Mexico Recovery website page;
- Coordinating response to constituent requests/complaints to Governor's office;
- Gathering new and existing tribal leader contact information in early January and publishing information on the IAD website;
- Ensured congratulatory correspondence from Governor's Office and IAD to new and returning tribal leaders;
- Updating the IAD website with bill and policy information during the Legislative Session, and
- Staying in dynamic communication with agency Public Information Officers and tribal liaisons.

Of particular mention, the IAD hosted the 22<sup>nd</sup> American Indian Day on February 6, 2009 at the New Mexico Legislature. The 14 member planning committee conducted 4 meetings. On the eve of Indian Day, a special reception was held for tribal and state leaders at the Eldorado Hotel in Santa Fe with distinguished speakers, including Regis Pecos, Chief of Staff for House Speaker Ben Lujan.

Indian Day kicked off with a breakfast at the Capitol for tribal leaders hosted by Lt. Governor Denish, and included a joint session between tribal and state leaders at the state legislature. Governor Richardson declared February 6, 2009 as "State-Tribal Collaboration Day" by proclamation. 39 organizations presented information about state-tribal collaboration efforts at 24 tables. Tribal leaders and Native Americans from all over the state traveled to the State Capitol with record attendance. Tribal leaders addressed a joint session of the Senate and the House of Representatives. The day ended with a special meeting with tribal leaders hosted by Governor Bill Richardson in the Governor's Cabinet Room. Throughout these events, numerous state and tribal leaders spoke to significant progress made in state-tribal relations in the areas of health and human services, education, infrastructure, natural resources, and the environment.

*Objective 2.3 – Facilitate consideration of Native American concerns and recommendations in state policy making, resource allocation and service provision*

To facilitate consideration of Native American concerns and recommendations in state policy making, resource allocation and service provision, the IAD Policy Unit works with state departments and tribal leadership to create policies intended to improve the quality of life for Indian citizens of New Mexico. Under the direction of Governor Richardson, tribal leadership,

the IAD Secretary Alvin Warren, and members of the New Mexico Indian Affairs Commission, the IAD Policy Unit works to:

- Identify state-tribal policy priorities and conduct research;
- Bring together state and tribal decision makers and policy experts to implement state-tribal policy priorities;
- Serve as a clearinghouse to provide information to state and tribal decision makers and policy experts;
- Support and monitor governor and tribe-approved state legislative initiatives during New Mexico's legislative sessions;
- Provide information and training to state departments and tribal governments; and
- Attend the Interim Indian Affairs Committee and respond to questions and requests for information from the committee.

Much of the Policy Unit's activities are significantly affected by the outcomes of the yearly legislative session, which this year's 2009 legislative session proved to have tremendous impact on state-tribal relations. With the passage of the STCA and HB 37, Amendments to the New Mexico Subdivision Act, Indian tribes are in a stronger position today than ever before to exercise their rights of sovereignty and self-governance in serving their communities, while at the same time pursuing opportunities to collaborate with state and federal entities.

The IAD was proud to play a key role in coordinating state and tribal support for SB 196 and HB 37. From the June 2008 Policy Summit onward, the IAD worked in concert with tribal leadership, state agencies and other interested stakeholders to shape and refine both bills. Prior to the legislative session, the IAD convened several meetings and met with tribal leaders, state agencies and others and also solicited comments via email to ensure that the IAD addressed their concerns with the draft legislation. The IAD incorporated the feedback into both bills which were endorsed by the Interim Indian Affairs Committee.

Throughout the session, the IAD produced and disseminated flyers, which included information about the bills and listed key supporters, and provided regular updates to our constituents on the status of both bills. The IAD also provided tribal leadership with draft letters of support and talking points to consider when communicating with key legislators. Additionally, the IAD met with legislators to hear and address their concerns with the legislation and convened meeting between legislators, tribal leadership, state agencies and other stakeholders when necessary. Our efforts resulted in the overwhelming presence and support of SB 196 by the tribal leadership and state agencies which were reflected in the unanimous passage the STCA in all committees and both houses.

While the STCA passed without opposition, HB 37 went through substantial debate as it made its way through the various committees and on the Senate Floor. The IAD worked tirelessly throughout this process to keep tribal leaders and the affected state agencies involved and to ensure that tribal interests were preserved in the many revisions that were made to the bill. What emerged from this process was a compromise that reflects the diverse interests of those concerned with subdivision development in New Mexico. In addition to the significant substance of HB 37, the good faith negotiations and debate that produced the final bill

demonstrate the benefits of collaborating and communicating between the state, tribes and other key stakeholders in addressing areas of mutual concern.

There was an increase in Indian participation in the passage of other Indian-related legislation that was a direct result of numerous tribal leaders, elders, youth and community members directly engaging in the political process. There was a demonstrable growing commitment of the State of New Mexico, as well as many local governments, to working with tribal governments in addressing the needs of all its citizens.

The session also provided opportunity for the IAD to initiate efforts to secure funding to the Tribal Infrastructure Trust Fund and the Tribal Project Fund to promote economic development and sustainability for New Mexico's tribes. The Tribal Infrastructure Funds not only brings basic utilities, transportation and services to tribal communities, but also help to enhance tribal education, employment and economic development efforts. Without basic infrastructure such as electricity, paved roads, safe water and wastewater systems, it is difficult for tribal communities to pursue economic development opportunities. The need for basic infrastructure affects many aspects of the Governor's priority goals such as health, education and economic development. The Laws of 2009 provides an allocation of \$5 million to address this identified need.

We also saw an increase in Indian participation with numerous tribal leaders, elders, youth and community members directly engaging in the political process. This resulted in the passage of over forty (40) Indian related bills and memorials. During the session, the Policy Unit identified and tracked over 150 Indian related bills and sent regular legislative updates to our constituents via email and posted the updates on the IAD website. Of these bills, the Policy Unit received 96 Fiscal Impact Report ("FIR") requests from the Legislative Finance Council. We also worked very closely in assisting our sister agencies with their key legislative initiatives such as the Higher Education Department's HB 50, American Indian Post Secondary Education Act, and the Taxation and Revenue Department ("TRD") and Department of Veterans' Services' ("DVS") SB 541, Native American Veterans' Tax Settlement Fund

There are many notable outcomes from previous legislative sessions that had important impacts on tribal communities and Native American families. In August 2008, Governor Richardson called the Legislature into session for a Special Session to address legislation that would help New Mexicans with the rising gas and energy prices at the time. He signed several bills including the Refundable Personal Income Tax Credit and the Working Families Tax Credit Increase Tax Credit which provided financial relief for qualified families. The IAD worked hard with the Taxation and Revenue Department during this session to ensure that Native families would be eligible to receive the tax credit even if they did not previously file state tax returns. And once the bills were signed, the IAD assisted TRD in outreach to tribal communities to ensure that Native families had the opportunity to take advantage of the one-time tax credits.

Immediately following the Session, the Policy Unit analyzed several of the bills passed and made recommendations to Governor Richardson. Our goal for the coming year will be to build upon these past efforts and continue to look for innovative ways to address Native American issues and concerns.

In 2006 and 2007, the Legislature appropriated a total of \$450,000 for the production of an educational documentary regarding the contribution of the Navajo Code Talkers. The Professional Services Contract (PSC) terminated in 2007. The producer of the film, in violation of the clear provisions of the PSC, claimed independent copyrights to the product, and failed to produce appropriate broadcast formats, stalling its release. The IAD General Counsel is coordinating the legal matters with outside counsel, and monitors legal services provided to the IAD by outside counsel. The IAD consulted with the Governor's Office, and the New Mexico Film Office, who both agreed that the film was of unacceptable quality. In FY2010, the IAD will collaborate with the New Mexico Film Office to host a pre-screening feedback session with the Navajo Code Talkers Association to solicit their thoughts and recommendations about the film and pursue options to secure a more appropriate product that best reflects the profound contribution and sacrifice of the Navajo Code Talkers.

The Department of Public Safety ("DPS") currently has funding to assist tribes in the implementation of Federal Adam Walsh Act (the "Act") requirements. Each Indian nation, tribe and pueblo must institute sex offender registry ordinances by July 2010, or the state's regulations will be imposed upon the tribes. The state systems may not work for tribes, and tribes may feel the Act is a violation of sovereignty. The DPS is engaging in outreach to tribes, and offering financial and technical assistance. As of this time, only four of twenty-two tribes are in compliance with the Adam Walsh Act requirements, or have entered into MOUs with the state. The IAD General Counsel is collaborating with DPS and the Sex Offender Management Board on this issue. The IAD General Counsel attends and meaningfully participates on the Sex Offender Management Board (SOMB), and is on the SOMB legislative proposal sub-committee.

The 2009 Legislative Session provided opportunity for the IAD to initiate efforts to secure funding to the Tribal Infrastructure Trust Fund and the Tribal Project Fund to promote economic development and sustainability for New Mexico's Tribes, Nations, and Pueblos. The Tribal Infrastructure Funds not only brings basic utilities, transportation and services to tribal communities, but also helps to enhance tribal education, employment and economic development efforts. Without basic infrastructure such as electricity, paved roads, safe water and wastewater systems, it is difficult for tribal communities to pursue economic development opportunities. The need for basic infrastructure affects many aspects of the Governor's priority goals such as health, education and economic development. The Laws of 2009 provides an allocation of \$5 million to address this identified need.

The IAD also participates on over twenty state boards, commissions, and committees some of which are highlighted below.

#### **Governor's Poverty Reduction Taskforce**

Governor Richardson signed Executive Order 2008-025 in May 2008, establishing a taskforce made up of state agencies, poverty experts, community advocates, and educators to examine possible solutions to combating poverty in New Mexico. The IAD was one of several members representing Native American interests and communities on the taskforce. Traveling around the state to both non-Native and Native communities, taskforce members heard from community members and experts on a broad range of issues and solutions in the areas including income support, access to post-secondary education, childcare, food stamps, and access low-income

housing. The IAD and other Native American representatives worked to make the committee aware of the great needs in Native American communities, and through a subcommittee of the taskforce, researched and presented to the committee specific needs and recommendations for combating poverty among Native American populations. In the final report to the Governor, released in September 2008, the IAD worked to ensure that Native American concerns were incorporated, particularly in supporting access to existing state and federal poverty reduction programs.

### **Behavioral Health Purchasing Collaborative**

The IAD is a voting member of the Interagency Behavioral Health Purchasing Collaborative. As such, the IAD is responsible for attending and staffing the meetings as well as participating in subcommittees and initiatives of the Collaborative.

### **Behavioral Health Planning Council**

The IAD is statutorily named an ex-officio member of the New Mexico Behavioral Health Planning Council, a statewide behavioral health policy and planning council of members appointed by the Governor. The IAD monitors and participates in the following initiatives and issues:

- The reorganization and sustainability of the Planning Council;
- The development of the FY 2010 Planning Council Strategic Priorities;
- The first annual Behavioral Health Conference, held Dec. 3-5, 2008;
- The chairmanship of the Native American Subcommittee of the Planning Council.

### **Governor's Women's Health Advisory Council**

The Governor's Women's Health Council is the focal point for women's health issues. The Council strives to redress inequities in research, services, and education that have historically placed women at risk. The Council works in policy development, coordinating women's health activities, developing public/private partnerships, being health advocates through education and outreach, and promoting health care innovation to benefit women's health. The IAD is an appointed member of the Governor's Women's Health Advisory Council. The IAD believes that its participation on the council is vital to support and advocacy for the health needs of Native American women in New Mexico.

### **American Indian Health Advisory Council**

The American Indian Health Advisory Council ("AIHAC") was created in 2006 to provide guidance to the New Mexico Department of Health on issues impacting American Indian populations residing in New Mexico. The Council develops strategies to: (1) Eliminate health disparities among American Indian populations residing in New Mexico; (2) Identify and provide technical assistance and strategize training needs for American Indian communities; and (3) Identify and address gaps in the existing healthcare delivery systems. The IAD is an ex-officio member of AIHAC and currently involved with AIHAC's subcommittee on domestic violence.

### **Executive Order 2007-006 E911 State Coordinating Committee**

The State E911 Coordinating Committee was established by E.O. 2007-006 to address issues of public safety related to interoperability between public safety systems, to improve the "end-to-

end communication infrastructure,” and to coordinate funding. The Governor appointed the IAD to the committee along with other state agencies and technical experts from communication providers in the state. The E911 committee will present its findings to the Information Technology and Telecommunications Oversight Committee or its successor committee, the Legislative Finance Committee and the Office of the Governor by October 31, 2009.

*Objective 2.4 – Improve interagency coordination to better address Native American needs and concerns*

Throughout the year, the IAD works continuously to improve inter-agency coordination to better address Native American needs and resources. We convened three State Tribal Liaison meetings to better coordinate the efforts of the tribal liaisons as well as share best practices.

**HB 37 Amendments to the State Subdivision Act**

To assist the counties and tribes with the implementation of HB 37, the IAD developed a Frequently Asked Questions (“FAQ”) sheet and flowchart that was presented at a June 18, 2009 meeting the IAD convened in Albuquerque. In attendance were several tribal leaders/representatives, developers, realtors and county representatives. The meeting provided the opportunity for open discussion on the implementation of HB 37. All those in attendance found this meeting to be beneficial and appreciated the effort of the IAD to bring all the parties together. The IAD will continue to offer its assistance to both counties and tribes as HB 37 is further implemented.

**SB 541 Native American Veterans Tax Settlement**

On June 18, 2009, the IAD assisted the Department of Veterans’ Services (“DVS”) and the Taxation and Revenue Department (“TRD”) with the Native American Veterans’ Withholding Forms and Regulations Consultation and Collaboration Meeting which included representation from 11 tribes. In the upcoming year the IAD will continue to collaborate with DVS and TRD in finalizing the proposed regulations and in conducting outreach to tribes and Veterans groups.

**Census Information Center**

The IAD signed an original MOA with the US Census Bureau to become a Census Information Center (CIC) in Nov. 2006. We renewed our MOA with the Census on January 8, 2008 and this MOA will be in effect until Dec. 31, 2010. CICs are “national, regional, and local nonprofit organizations representing and/or serving the interests of underserved communities (racial/ethnic groups, children, rural areas, disabled etc). The CICs provide awareness of and access to Census Bureau data for program planning, needs assessment, policy development analysis, and advocacy by underserved communities.” As a CIC, the IAD’s duties for the coming year include disseminating census data to our communities and providing access to census data and products; providing technical assistance to data users; and supporting outreach, promotion, and recruitment efforts associated with the 2010 Census.

## **Constituent Requests**

The IAD receives a number of constituent requests throughout the year from the Governor's Office and directly from tribal leaders, Native Americans and the general public. As part of our mission and goals of the department, we work to respond to constituent requests in a timely fashion, providing needed information or connecting them with resources they need. For example, in the summer of 2008, the IAD assisted the Pueblo of Santo Domingo with identifying and securing resources for emergency repairs to its Head Start facilities. Also, in January, 2009 the IAD worked with the Governor's Office, the Department of Transportation and the Department of Homeland Security and Emergency Management to assist the Pueblo of Taos with obtaining resources to address significant snowfall that threatened to damage their historic village buildings.

## **Interagency Communication**

The IAD PIO keeps tribal liaison contact information current, communicates regularly with liaisons, and invites liaisons to contribute articles to our I-News newsletter. The PIO communicates regularly with other agency PIOs and shares information on issues that affect New Mexico Tribal communities. We also use regular news and announcement distributions to help constituents remain up to date on matters that concern tribal communities and may impact state-tribal relations.

GOAL 3: Improve tribal governmental capacity to effectively compete for greater funding for and complete infrastructure projects.

*Objective 3.1 – Explore establishment of a “Planning and Technical Assistance” program within the IAD*

During the fall of 2008, the IAD Capital Outlay Unit (COU) completed an evaluation of the need for a Planning and Technical Assistance Program. Based upon this, the IAD submitted an expansion request in our FY2010 budget request to create a new full-time Training and Technical Assistance Coordinator. This new position was approved in House Bill 2 and we anticipate that the position will be filled in the 1<sup>st</sup> Quarter of FY2010.

*Objective 3.2 – Support creation of up-to-date comprehensive tribal infrastructure plans*

In FY2009, the IAD and the American Indian Chamber of Commerce of New Mexico (AICC) collaborated to design and use a Tribal Assessment Tool to research and address important tribal infrastructure needs and interests and to bring greater and more diverse opportunities for economic development to the 22 tribes of New Mexico. AICCNM conducted a survey with the following anticipated outcomes: 1) a profile of the status of the tribe's essential infrastructure; 2) a determination of whether the tribe may need to create or update their comprehensive infrastructure plan; 3) an assessment of other funding and technical assistance available to support the creation of such a plan; 4) an assessment of each tribe's existing economic development conditions and readiness for economic development; and 5) an identification of assistance that the AICC and State of New Mexico could provide to each tribe's economic

development and infrastructure efforts. The IAD is currently analyzing the results of the Assessment and will formalize a plan in FY2010 to address the findings of the Assessment.

The New Mexico Tribal Assessment Tool was finalized with the participation of 19 New Mexico Pueblos, 2 Apache Tribes, and 48 Chapters of the Navajo Nation who reported on tribal infrastructure, economic development, and civic capacity. Part One of the report addressed the Capital Infrastructure capacity of tribal communities and assessed capital facilities and land assets under public ownership, or operated or maintained for public benefit, that are necessary to support development and redevelopment and to protect the public health, safety and welfare. Infrastructure systems include transportation, energy, telecommunications, farmland retention, water supply, wastewater disposal, storm water management, shore protection, open space and recreation, recreational facilities, solid waste management, public health care, public education, higher education, arts, historic resources, public safety, justice, corrections, public administration, and public housing. Part Two addresses Economic Development capacity, including infrastructure, facilities and programs that contribute to economic development potential such as industrial sites, zoning that matches market realities, transportation infrastructure etc. Part Three addresses Strategic Planning and Civic Capacity including the community vision, strategic planning, trained leadership, functional organizations, partnerships and collaboration. These items increase the likelihood of successful community and economic development strategies or projects. For more information about the findings of the study, please consult the Final Report.

*Objective 3.3 – Encourage and assist the Navajo Nation with implementing policies and practices to improve capital outlay project planning, approval and completion*

Our efforts in this area have been ongoing for several years now. For instance in 2006, the IAD COU and Navajo Nation Capital Improvement Office formalized their process to reconcile the capital outlay status information on (at least) a quarterly basis. The meetings are held in Window Rock and Santa Fe alternately, and allow both entities to discuss Capital Outlay projects in depth. Status lists are provided by the IAD. Each Navajo Nation capital outlay project status is reviewed and discussed. Of particular concern are projects that have been reauthorized one or more times and are not progressing. Projects with no scope of work or contractual issues are examined for justification. Other initiatives in process are discussed and follow-up assignments are distributed for the next meeting. This process has proved to be quite successful as it allows both entities to identify problem areas that need follow-up to assure progress and project close-out in a timely manner.

In furthering our goal of improving tribal government capacity, the IAD initiated a contract in FY 2010 to further address its objective to “encourage and assist the Navajo Nation with implementing policies and practices to improve capital outlay project planning, approval and completion.” The IAD hired a Navajo contractor to work with Chapter officials, staff and others in the field to ensure capital projects are completed. This contract has proved to be quite successful, and will benefit the Navajo Nation and the 54 Chapters located in the State of New Mexico. It also important to note that the Capital Outlay process has been improved and projects are being completed in a much more efficient and timely manner. The IAD department newsletter featured an article on Capital Outlay trainings done by our Capital Outlay Unit, that

included best practices, as well as a press release issued by the Office of Governor Bill Richardson highlighting the historic milestone achievement of the Master Intergovernmental agreement with the Navajo Nation.

Also in support of this objective, Secretary Warren convened a workgroup to foster communication and collaboration toward successful funding and completion of Navajo Nation Capital Outlay projects. This process will encourage and assist the Navajo Nation with implementing policies and practices to improve capital outlay project planning, approval and completion. The Work Group concept was discussed and supported by the Navajo Nation and the Speaker of the House. By meeting regularly, the Work Group can assist with identifying solutions to ongoing issues which can delay capital projects. In the upcoming year, the IAD hopes to enhance the IAD-Navajo Nation Capital Outlay workgroup to include Department of Finance and Administration and additional Navajo Nation leadership.

Finally, as described above, the IAD efforts to work with the Navajo Nation since 2005 to develop and implement a Master Intergovernmental Agreement (“Master IGA”) reached fruition in FY2009. The IAD implemented the Master IGA twice during FY2009 for Navajo Nation projects.

#### *Objective 3.4 – Provide tribal-focused infrastructure planning workshops*

Since 2004, the IAD COU has provided training and technical assistance to tribal communities throughout the State. The training curriculum focuses on preparation for the Legislative Session and implementation, execution, and completion of capital outlay projects. In addition, the training components stress the importance of comprehensive planning intended to get tribes to set forth a “road-map” for implementing capital projects. In FY 2009, IAD staff presented at 10 different tribal entities with over 275 participants. The outreach and training sessions included a presentation from the Economic Development Department on the Certified Communities Initiative (CCI) and other initiatives being pursued by that State Agency.

The IAD COU provides individualized daily technical assistance to tribes by telephone, meetings in the office and on location in New Mexico’s tribal communities. COU staff focuses their discussions on capital project allocations, approaches, recommendations and alternatives to completing State funded capital projects. This includes review of contract compliance issues and guidance on how to complete and submit Quarterly Status Report/Request for Payment. Staff also provides an overview on the requirements for planning and designing a project including necessary clearances such as environmental and archaeology clearances, right of way, etc.

The IAD COU also serves as an organizing partner for New Mexico Infrastructure Finance Conference, now in its 14th year. The conference provides workshops relevant to New Mexico communities and provides information about financing and technical assistance to facilitate the planning and implementation of much-needed capital projects throughout New Mexico. The conference provides three days of sessions and workshops filled with presentations about planning, tourism, utilities, water and wastewater, economic development, transportation, and other public infrastructure. The conference also offers the opportunity to meet with key contacts that can answer questions and guide communities as they bring planned projects to

reality. This year's theme is "The Up Side of Down" and COU has organized a "Tribal Track," offering four workshops specifically relating to tribal communities and initiatives. Proposed workshops for October 2009 include: "NM Tribal Infrastructure Profile and Economic Development Assessment Tool;" Emerging Economic Development Opportunities for New Mexico Tribes;" E-Solutions for Tribal Infrastructure Resource Development;" and "Community Planning – Putting the Plan into Action." The Tribal Track has resulted in increased attendance from tribal communities throughout the State.

In support of this objective, the IAD entered into contract with the UNM Indigenous Planning Institute to produce a tribal planning resource guide. The purpose of the Guide is to develop a resource guide that will assist statewide training efforts of the IAD by providing an internet-based guide on tribal capital infrastructure and comprehensive planning. The Guide will contain funding sources and resources for tribal infrastructure planning and development; examples of tribal comprehensive plans; local, regional, and national reports on tribal planning; and case studies. The IAD COU will utilize the document for its fall 2009 training sessions.

*Objective 3.5 – Explore options to improve capability of the Tribal Infrastructure Fund (TIF) to provide consistent and adequate financial resource*

In the Laws of 2008, Chapter 81 further amended the Tribal Infrastructure Fund Act such that unexpended capital outlay appropriations made after January 1, 2007 from the general fund to the Indian Affairs Department or the Aging and Long-Term Services Department will revert to the Tribal Infrastructure Project Fund. This preserves the appropriations' original intent to promote and develop the physical infrastructure of New Mexico's Tribes, Pueblos and Nations. Approximately \$43,000 has reverted to TIF pursuant to this law.

In FY2009, the IAD held meetings with the Department of Finance and Administration (DFA), the New Mexico Mortgage Finance Authority (NMMFA), and the New Mexico Finance Authority (NMFA) to begin crafting a comprehensive approach to increasing and stabilizing the Tribal Infrastructure Fund.

At the recent 2009 State-Tribal Leaders Summit, tribal perspectives were solicited regarding Tribal Infrastructure -- the issues, proposed solutions and commitments. Most notably, the Vice-President of the Navajo Nation, Governor of Zuni Pueblo, and President of the Jicarilla Nation asked the governor to support legislation to establish a permanent funding stream to the Tribal Infrastructure Trust Fund. In response the Governor directed the Department of Finance and Administration and the IAD to work with tribes to develop legislative proposals and options to increase funding and create a permanent funding source for the Tribal Infrastructure Fund.

In the upcoming year, the IAD COU will continue to work with the Governor's Office and DFA to identify options for enhancing and stabilizing funding for the TIF.

Goal 4: Improve use of comprehensive funding strategies for tribal infrastructure projects.

*Objective 4.1 – Assess need and opportunities to prioritize and increase funding for tribal infrastructure projects*

The IAD has begun discussions with the Aging and Long Term Services Department about their process. In FY2010 we will build on these discussions and work with tribal leaders to explore the advisability and options for prioritizing tribal projects, particularly in light of the significant decrease in funding available to support capital outlay projects statewide due to the global economic downturn.

*Objective 4.2 – Create a database on the IAD website of existing funding sources*

In support of this objective, the IAD entered into contract with the UNM Indigenous Planning Institute to produce a tribal planning resource guide. The purpose of the Guide is to develop a resource guide that will assist statewide training efforts of the IAD by providing an internet-based guide on tribal capital infrastructure and comprehensive planning. The Guide will contain funding sources and resources for tribal infrastructure planning and development; examples of tribal comprehensive plans; local, regional, and national reports on tribal planning; and case studies. The IAD COU will utilize the document for its fall 2009 training sessions.

In FY2010, the Training and Technical Assistance Coordinator will research funding resources for infrastructure and planning and will work to create a database of existing funding sources that tribes will be able to access via the IAD website.

*Objective 4.3 – Implement the Uniform Funding Application for TIF projects*

In FY2009, the IAD worked with various state agencies to determine how the UFA could be implemented for TIF projects. A presentation was made to the TIF Board and it was determined that the UFA would be made available to TIF applicants on a voluntary basis. The TIF Board also stipulated that the IAD should prepare to fully integrate the UFA for TIF funding in FY2010.

*Objective 4.4 – Ensure effective management of Tribal Infrastructure Act projects and funding*

Since FY2005, 56 projects have been funded by TIF totaling \$17,806,879. In FY2009, the Tribal Infrastructure Fund Board allocated infrastructure grant funds to 10 projects and planning grant funds to 6 projects, totaling \$4,952,856. The review process is coordinated by the IAD staff and requires a staff member from each agency represented on the Board. TIF tribal representatives also participate in the review process. Tribal entities with top ranking proposals are given an opportunity to make a ten minute presentation to the TIF Board at the October TIF Board meeting. The Laws of 2009 provided an allocation of \$5 million and the Notice of Funding Availability was released in July 2009. The TIF Board will meet in mid-October 2009 to consider project applications and make recommendations for funding. For FY2010, we will develop and implement agreements to provide funding to tribal entities selected for TIF funding and to continue monitoring the progress on all TIF-funded projects.

As part of our ongoing efforts to ensure effective management of the Tribal Infrastructure Act projects, the COU conducts regular project analysis. Technical assistance is provided to tribal entities regarding questions pertaining to the scope of work (“SOW”), especially as it pertains to the budget justification sections, whether Art in Public Places (AIPP) applies, and other

allowable costs. COU also provides project status spreadsheets to tribal entities upon request, including status on projects with regard to the signature process. The IAD COU engages in daily communications with tribes regarding capital project reauthorizations, current balances and/or any new purposes. The COU also provides assistance and coaching to tribal entities on the Request for Payment forms, Guidelines, and offers guidance with regard to the required supporting documents needed for reimbursement.

To effectively manage and administer the Tribal Infrastructure Fund, the IAD is seeking approvals from DFA to hire a Manager to oversee all TIF projects. In Section 6-29-7(C) NMSA 1978, the Tribal Infrastructure Act provides that “[b]eginning in fiscal year 2006 and in subsequent years, the lesser of one percent of the project fund or one hundred thousand dollars (\$100,000) is appropriated from the project fund to the department of finance and administration for expenditure in the fiscal year in which it is appropriated, to administer the project fund.”

In addition, the IAD General Counsel provides legal analysis and opinions regarding the administration of capital outlay projects. In 2009, the General Counsel also:

- Developed a contract approval process that reduces the delay in contract execution, and promotes accuracy and efficiency in contract language;
- Studied and interpreted laws, court decisions, ordinances, rules, and other legal authorities, and prepared or provided legal opinions to the COU, as needed;
- Collaborated with the COU to ensure timely publication of TIF meeting notices, and compliance with the Open Meetings Act; and
- Provide legal advice to the Cabinet Secretary at TIF Board meetings.

#### *Objective 4.5 – Ensure effective allocation and management of tribal capital outlay Appropriations*

In FY2009 the IAD COU managed 452 capital outlay projects totaling \$67,722,245. To ensure effective allocation and management of tribal capital outlay appropriations, the COU performs regular monitoring and compliance of all tribal projects. This includes daily review of Request for Payment submittals from tribal entities to ensure that expenditures meet the approved scope of work and legislative intent of the appropriation. Quarterly narrative reports are reviewed to monitor the progress of all COU projects. As projects are coming to a close, site visits are scheduled to inspect the completed project and record accomplishments to the agency file for future reference. Budget revisions are submitted by tribal entities when there is a diversion from the original scope and budget. These requests are reviewed and a determination is made to approve if it is within the legislative intent or it is denied if deemed inappropriate.

In addition to these efforts, the COU provides frequent technical advisements as required with DFA Comprehensive Annual Financial Reporting regarding payments on projects for correction, transfers, operating transfers, journals, reversions, wire transfers (ACH deposits) and all financials regarding Capital Outlay Projects. The COU engages in on-going communication with NM State Board of Finance (“SBOF”) regarding Severance Tax Bond draw request for invoices received, reversions, operating transfers, questionnaires & certification. The COU also has daily discussions with Capital Projects Bureau regarding established appropriation budgets,

processed CapBuds, Capital Budget Reallocation Forms, transfers, reauthorizations and updating Capital Projects Monitoring System on a quarterly basis. Daily discussions are held with tribal entities that request assistance with completing the COU Request for Payment forms. The COU also provides status on payments being processed, regarding ACH direct deposits, and responds to SBOF requests for project Questionnaires and Certification.

During the last half of 2008, the New Mexico State Government responded to the global financial crisis and its effect on state revenue by implementing a plan to curb spending. In an effort to balance the state's budget, operating expenses were reduced and capital outlay projects that were not moving forward were deauthorized. The Capital Outlay Cuts and Reauthorizations Act, HB 9, was crucial to addressing the FY 09 budget shortfall which was estimated at \$454 million. Approximately \$91.6 million was voided from the general fund and \$47.7 million in severance tax bond (STB) capacity was restored for viable capital projects. Of the amount voided, \$370,000 came from tribal capital outlay projects being administered by the IAD. In accordance with Department Finance and Administration (DFA) criteria, the IAD and other state agencies that manage capital outlay appropriations were directed to identify projects that were stalled, ineffective or inadequately funded. The IAD worked closely with tribal leadership over the course of six months to inform them of the revenue challenge and the fact that some of their projects may be considered for deauthorization. The IAD's goal was to ensure that DFA had the most accurate information about the current status of tribal capital outlay projects and reinforce the critical importance of capital outlay funding to tribal communities and entities. This outreach included a special television interview by Cabinet Secretary Warren.

Ultimately, a relatively small amount of tribal capital outlay projects were identified for potential deauthorization. Governor Richardson line item vetoed six tribal projects that were allocated to other tribal projects that could be completed. The IAD ultimately reverted \$304,207. (NOTE: Of the projects identified totaling \$370,000, valid project expenditures reduced this amount to \$304,207.) The Executive action of deauthorization underscores the importance of tribes prioritizing, planning and executing their projects effectively so that once funding has been secured projects can be completed in a timely manner. It also serves as a reminder of complying with the terms and conditions of the Intergovernmental Grant Agreements, including Quarterly Reporting, so that the IAD and other state agencies are kept informed of project progress.

Finally, for the past two years the IAD COU compiled and produced a Project Status Report for Legislators with Native American constituents to reference capital outlay projects funding in prior years. The Project Status Report provides a summary of each project, contractual information, amount funded, amount expended and a brief status report on the projects. The IAD COU will continue these efforts in FY2010.

GOAL 5: Collaborate with appropriate state agencies, tribal governments and corporations and Indian organizations to enhance state government support for Native American economic development ventures.

The Indian Affairs Department has been working to enhance state government support for Native American economic development opportunity. Several initiatives and activities were implemented in 2009 in line with our strategic objectives.

*Objective 5.1 – Collaborate with the Economic Development Department (EDD) to increase Native American participation in targeted state government economic development programs*

The IAD and the Economic Development Department (EDD) have developed mutual goals that strengthen support for tribal economic development. Some of the goals identified include:

- Work to create a Tribal Economic Development Task Force to examine further legislative options to encourage tribal economic development, including a tax incentive program;
- Coordinate the development of proposals for Native American Enterprise Zones and other incentive programs modeling other state programs;
- Provide more public information about statewide and regional benefits of tribal economic development;
- Feature successful tribal economic development projects in issues of I-News;
- Coordinate the review of new field training on the EDD programs, services and initiatives that support tribal economic development;
- Develop a work plan to create the Native American Market Tax Credit and Economic Development Assistance Guide starting with the IAD input and review to current EDD initiatives and products, then assisting with the communication to tribal entities;
- Increasing tribal access to New Market Tax Credits; and
- The IAD and the EDD will co-host a one-day Tribal Economic Development Summit.

In FY2009, the IAD administered three Economic Development projects: 1) The American Indian Chamber of Commerce (AICC) was funded \$50,000 to coordinate and produce the annual NM Native American Economic Development Summit; 2) the AICC was also funded \$47,000 to conduct research and compile the Tribal Self-Assessment Tool; and 3) the Pueblo of Jemez Walatowa Visitor Center was funded for \$51,533 to develop tourism programs to market to the visiting public who travel the Jemez Mountain Trail for recreation purposes.

The IAD collaborative efforts include:

1. The IAD partnered with the EDD to fund and participate in the American Indian Chamber of Commerce Economic Development Forum;
2. The IAD collaborated with the EDD to deliver various presentations including the Conference of Western Attorneys General, and the American Indian Chamber of Commerce Tribal Economic Development Forum; and
3. The IAD assisted the Tax and Revenue Department with ensuring that Native Americans who live and work on their reservations could seek a tax rebate.

In addition, the IAD General Counsel has assisted with preparing documents associated with the creation of an Economic Development Task Force that will include tribes and state agencies.

*Objective 5.2 – Support EDD and the Department of Workforce Solutions (DWS) in increasing tribal capacity to develop successful economic development ventures*

The IAD is continuing efforts in capacity building for tribal community and economic development as these abilities are vital to the sustainment of tribal communities and an important part of the IAD Strategic Plan. In FY 2009, the IAD incorporated a presentation by the Economic Development Department on the Certified Communities Initiative (CCI) and other initiatives being pursued by that state agency.

In addition, the IAD contracted with JJ Clacs & Company (“JJ Clacs”), a 100 percent-Native owned and operated consulting firm, to manage a project entitled—*Building Capacity for Community & Economic Development*, that continues through February 2010. To assure effectiveness, JJ Clacs takes a hands-on approach and facilitates a process using assessment, data collection, coaching, training, and guidance to help build capacity among our tribal constituents.

The year-long program includes a tribal assessment of economic development capacity for each tribe, pueblo, and nation in New Mexico; interactive training workshops based on analysis of current capacity; resource and tool development in support of capacity building within tribal communities; direct follow-up with tribes and technical support to tribes on self-selected projects.

Tasks accomplished to date by JJ Clacs include personal visitations among the 22 Indian tribes, as available, and data collection and determination of current capacity and needs. This assessment helped JJ Clacs build the first training workshop specifically designed for the leaders from the NM tribes. Conducted June 22, 2009 at the All Indian Pueblo Cultural Center in Albuquerque, NM, the training workshop helped 10 participating tribal representatives better understand community and economic development through reviewing a common set of terms; discussing the importance of leadership, vision/mission and strategic planning; exploring the benefits and challenges of tribal sovereignty; and relevant planning with the focus on leadership execution within each tribe.

Building on the identified needs and from the base of the first training workshop, JJ Clacs has the next training workshop scheduled for August 25 and 26, 2009. The program will continue the theme of active learning (first knowledge, then practice, then proficiency). The training workshop will include regional and community analysis, economic base and market analysis techniques, growth potential, marketing (opportunities and constraints), business attraction/retention and entrepreneurial development, and analysis of proposals (e.g. financials, due diligence).

The goal throughout the training workshops and other interactions is exposure, retention and application of knowledge in their tribal communities so they can build from where they are today with a strong, dynamic focus on the future while maintaining core values and balancing tradition with economic development. This program works to synchronize key initiatives, including our Tribal Summit and our infrastructure assessment, to present a comprehensive approach to community and economic development in tribal communities.

*Objective 5.3 – Highlight the positive aspects of tribal economic development and the unique contribution of tribes and Indian people to the State of New Mexico*

The IAD highlighted the EDD film industry initiatives in articles featuring trainings done in New Mexico tribal communities by Trish Lopez at the Film Office, an interview with actor Wes Studi, and sharing the press release from the Office of Governor Bill Richardson announcing Robert Redford's Sundance initiative. The IAD also advertised the tribal economic summit sponsored by the American Indian Chamber of Commerce (AICC), and publicized the EDD tribal liaisons.

*Objective 5.4 – Collaborate with the EDD to develop a database of key economic development and demographic information about tribes for marketing, business recruitment, business expansion, and capacity building*

Specific the IAD/EDD goals that speak to this objective include:

- Provide more public information about statewide and regional benefits of tribal economic development; and
- Coordinate the review of new field training on the EDD programs, services and initiatives that support tribal economic development.

In FY2010, the IAD and the EDD are committed to identifying successful tribal economic development initiatives as model projects and communicating these to a broad audience through the IAD I-News newsletter, posting articles on the IAD website, and highlighting these stories in our daily news blasts. In addition, the EDD has begun the development of a new tribal economic development field manual that the IAD will review. These success stories, the new field training manual and the resource guide can be rolled out during the proposed Economic Development Summit in the Fall of 2009.

Finally, the JJ Clacs tribal economic development capacity building initiative includes the development of tribal profiles and marketing, business recruitment, and business expansion plans.

#### *Other Economic Development-Related Initiatives*

##### American Recovery and Reinvestment Act

President Barak Obama signed the American Recovery and Reinvestment Act (ARRA) into law on February 17, 2009, providing \$787 billion for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization. Broad purposes of the ARRA are to:

- Create or save more than 3.5 million jobs,
- Computerize Americans' health records,
- Revive the renewable energy industry,
- Undertake the largest weatherization program in history,
- Increase college affordability,
- Invest in new infrastructure,
- Provide tax credits and tax cuts for working Americans, and
- Require unprecedented levels of transparency, oversight, and accountability.

According to a Resource Guide developed by New Mexico's Washington DC delegation, approximately \$1.8 billion in ARRA funding is available to all New Mexicans. Although there are little Native American set asides coming through state agencies, the report also indicates the availability of \$2.6 billion in funding and more than \$2.4 billion in bond authority in direct and competitive grant funding for Native Americans nationwide.

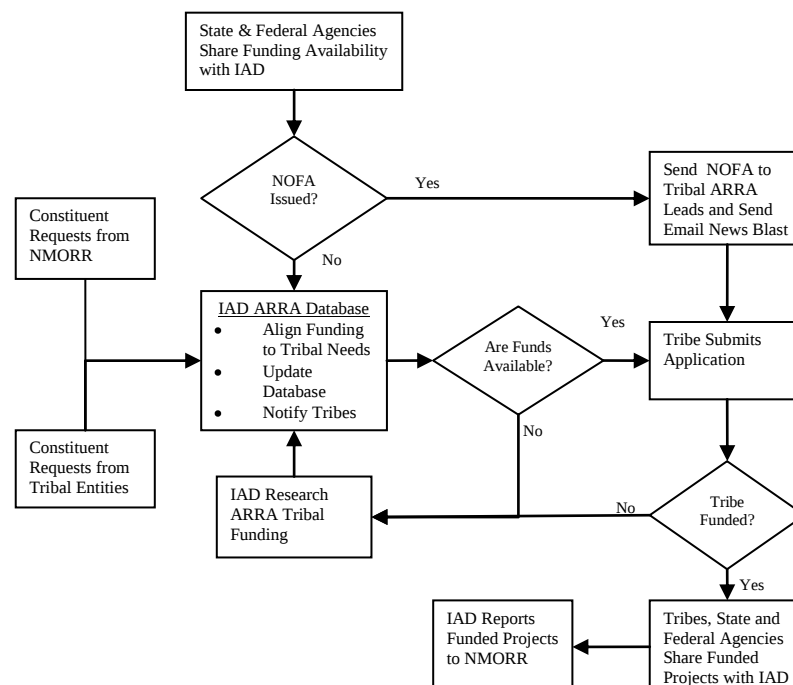
### New Mexico Office of Recovery and Reinvestment

On March 11, 2009, Governor Bill Richardson announced the New Mexico Office of Recovery and Reinvestment (NM ORR). He appointed former Governor Toney Anaya to lead the office to work closely with state agencies to facilitate access to funding, assist with compliance, and promote transparency throughout the ARRA process. The NM ORR asked state agencies to develop Agency Plans to include broad goals and describe how the state agency will coordinate efforts toward successful implementation and monitoring of ARRA funding.

Although the IAD will not administer any ARRA funding, our Agency Plan was submitted describing our goal of serving as facilitator, liaison, and partner to other state and federal agencies in their assistance to tribal constituents with ARRA funding opportunities. The IAD works to accomplish our goal through three objectives: serve as an information clearinghouse, provide technical assistance, and provide a report of the uses and outcomes of ARRA state and federal funding amongst the tribes, nations, and pueblos in New Mexico.

Marvis Aragon, the IAD Deputy Secretary, is identified as the department's ARRA lead person. Rebecca Martinez, the IAD Capital Outlay Manager, provides direct technical assistance and support, and the IAD is looking to fill the full-time position of Training and Technical Assistance Coordinator who will assist with ARRA related activities. Other IAD staff has been assigned to monitor specific state agencies and entities that will be allocating ARRA funds.

To effectively and efficiently assist tribal constituents with access to ARRA funding opportunities we developed a Standard Operating Procedure (SOP) to document an ARRA Service System to be implemented in FY 2010. Our ARRA Service System is represented by the following flowchart:



Our progress with implementing our Agency Plan and achieving our objectives includes the following accomplishments:

- Sharing ARRA funding opportunities with tribes via email news blasts;
- Developing a list of tribal ARRA lead people with their contact information;
- Coordinating a list of tribal “shovel ready” projects that can be matched, in cooperation with other state and federal agencies, to state and federal funding sources;
- Implementing an operating policy (through Governor Richardson’s Office) of cooperation and collaboration amongst state agencies to best serve tribal constituents and maximize the amount of ARRA funding coming to New Mexico;
- Launching a web page on the NM ORR website that includes general information of the IAD’s role with regard to ARRA funding opportunities; and
- Developing tracking mechanisms with state and federal agencies to monitor ARRA funding in tribal communities.

#### Competitive Grant Advisory Team

On April 23, 2009, Governor Bill Richardson signed an Executive Order creating the Competitive Grant Advisory Team (“CGAT”) to assist local communities throughout New Mexico compete for ARRA funding.

The CGAT was chaired by Rick Homans, Secretary of the New Mexico Taxation and Revenue Department, and comprised of New Mexicans from around the state representing a wide variety of professions and interests. Although not a named member of the team, the IAD accompanied the team as they met with local communities to inform them about competitive grant opportunities under the ARRA and to encourage and empower communities to apply. The IAD also helped the CGAT with seeking local partners in state applications for clean energy grids, broadband and health information technology funding.

The meetings where the IAD presented ARRA funding information include:

- May 4 **Acoma Pueblo**, State-Tribal Leader Summit
- May 11 **Gallup**, Northwest New Mexico Council of Governments
- May 21 **Albuquerque**, American Indian Chamber of Commerce Economic Summit
- May 28 **Santa Fe**, Interim Indian Affairs Committee Meeting
- June 9 **Gallup**, Navajo Nation ARRA Symposium
- June 10 **Santa Clara Pueblo**, Tribal Environmental Summit
- July 13 **Albuquerque**, Interim Indian Affairs Committee Meeting

#### Funding to Native Americans in New Mexico

Monitoring the amount of ARRA funding awarded to benefit Native Americans living in New Mexico has proven to be a challenging task. We continue to encourage state and federal agencies to share funding information with us and we have made the same request of the tribes, nations, and pueblos.

Based upon current information, funding awards to New Mexico tribes include:

- Energy Efficiency and Conservation Block Program - \$7,819,000

- Byrne JAG - \$134,000
- Child Care and Development Fund - \$855,557
- Tribal Community Services Block Grant - \$721,473
- Tribal Nutrition Service Programs - \$212,940
- Housing and Urban Development - \$6,840,646
- Bureau of Indian Affairs
  - Construction and Renovation \$25,434,000
  - Housing and Improvement Program \$1,425,000
  - Road Maintenance \$30,672,000
  - Workforce Training \$1,715,000
- Indian Health Service
  - Health Facilities Construction \$227 million
  - Maintenance and Improvements \$100 million
  - Health Information Technology \$85 million
  - Sanitation Facilities Construction \$68 million
  - Health Equipment \$20 million

The American Recovery and Reinvestment Act provides an excellent opportunity for tribal governments, entities and individual citizens to sustain their local economies and advance their initiatives. The IAD will continue to support tribal constituents with ARRA funding opportunities through implementation of our Agency Plan and through our ARRA Service System. We are encouraged to hear of funding awards to tribal governments and entities who have expressed appreciation for our effort.

GOAL 6: Establish clear and aligned Departmental procedures that position the IAD as the leading organization within state government for building relations with tribes and tribal organizations.

*Objective 6.1 – Develop standard and streamlined operating procedures for the Administrative Services Division*

In FY2009 the IAD completed operating procedures for contracts and DFA Submittals. In FY 2010 the IAD ASD will continue to develop operating procedures for Human Resources.

In addition, the IAD General Counsel provided operating procedures regarding responses to Bankruptcy notices to ensure a timely response to the NM Attorney General Office.

*Objective 6.2 – Establish the Administrative Services Division as a “Relationship Building Unit”*

The Employee of the Month recognition program is currently being reviewed. Employee birthdays are acknowledged with an employee potluck. The IAD holds full staff meetings once a month to share information across divisions and units about departmental initiatives and efforts. Job descriptions and scopes of responsibility for the current 15 staff members were completed in August 2008. Absenteeism changed from 5 call-ins per month in FY 2008 to 3 call-ins per month in FY 2009. We plan to implement more staff outreach in FY 2010 such as employee training in policy subjects like the domestic violence policy, telework policy, and records

retention policy. The department will also support work skills training like computer software training.

## **2008 Staff Retreat**

The objectives for the staff retreat were to identify 2010 goals and strategies, and begin to think about larger questions, such as:

- What is our collective purpose?
- What are our long-term goals as a Department?
- How will we encourage each other as we realize these goals?
- Build stronger alignment as a team.

Using the technique of “Appreciative Inquiry” the retreat facilitator collected stories of peak experience and identified qualities that give life to the IAD’s programs and efforts. These related to the IAD accomplishments and how staff has responded to challenges. Staff members were also able to identify the “best of what is”—our most effective practices and our key values as a Department. They are:

- **Common Purpose** – We are inspired by a common purpose of assisting tribes and Native American people.
- **Spirit** – We work with heart, spirit, energy and a sense of community.
- **Camaraderie** – We are compassionate and willing to help each other.
- **Professionalism** – We are accountable; each of us does his or her part.
- **Recognition** – We value positive reinforcement and acknowledge each person’s contribution.
- **Shared History and Opportunity** – We are strengthened and motivated by a shared sense of history and our opportunity to make a difference.
- **Humor** – We remember to lighten our work with humor.

The retreat offered the opportunity for the IAD staff to build a practical vision for the department. In addition, through reviewing the 2008 Tribal Policy Forum results and the IAD statutory responsibilities the IAD staff got a better understanding of challenges, commitments and new opportunities. Finally, in small groups and as a total group, the IAD staff identified specific accomplishments that could be made from 2008-2010 in the areas of Health Care; Infrastructure Funding; Economic Development; Government-to-Government Relations; and the IAD Administration. Each unit reviewed the goals and identified key quarterly milestones and objectives, and assigned a timeline for each milestone.

## **January 2009 Staff Retreat**

We had a dynamic past year, complete with major successes and daunting challenges. The IAD has strengthened relationships with tribal leaders and other agencies, improved operations, and completed a new strategic plan. At the same time the IAD, the smallest department in New Mexico State government, has contended with staff changes in management positions, transitions in state government, and the fall-out from the emerging state budget deficit. Staff has sometimes

had to work long hours to respond to various executive and legislative directives with very short turnaround times.

With the 2009 Legislative Session starting on January 20, 2009 the entire staff decided to invest time in a one-day team-building and planning retreat at the Audubon Society in Santa Fe, in order to reinforce the IAD's core values as well as an overall sense of teamwork. The specific objectives achieved through the retreat were to:

- Build a strong sense of alignment and teamwork as a staff;
- Acknowledge and discuss concerns and challenges facing the Department in anticipation of the 2009 Legislative Session; and,
- Establish structures and standards for effective team communication and accountability.

*Objective 6.3 – Ensure Administrative Services Division and Capital Outlay Unit staff cross-trained in areas of overlapping responsibilities*

The ASD sought training from DFA on the SHARE Financial and HCM Module system but was informed that such training is no longer offered. The ASD will continue to work with DFA to seek this training.

In FY2009 the ASD and the COU staff were fully crossed trained on data entry functions of SHARE and the HCM modules. Duties such as answering incoming calls and responding to constituent requests are alternated as the need arises.

Beginning in September 2009, the ASD will survey other agencies to evaluate best practices in educational accountability.

*Objective 6.4 – Process Special Projects and Appropriations effectively*

In FY 2009, the COU managed and administered 7 Special Appropriations totaling \$197,200 and 15 Special Projects totaling \$1,534,533. Of this amount, 15 of the projects funded were for community development, 4 of the projects funded were for cultural development, and 3 of the projects funded were for economic development. Generally the award letters are sent out in June of each year, requesting a scope of work. Upon receipt of the requested documents, the IAD COU drafts the contract and sends it back to the tribal entity for signature. This contract negotiation process generally takes 2 weeks to 6 months. Special projects and appropriation site visits are completed by the Capital Outlay Unit staff. In FY2009, site visits were conducted with 33% of the funded special projects.

The ASD works to produce a monthly budget status report to the Secretary and Deputy Secretary by the 20<sup>th</sup> of the following month. Cash balances and DFA journal posting to the general ledger are not available until the second week of each month.

The IAD General Counsel provides legal assistance regarding the issuance of any RFP announcements, manages the timeline and procurement code issues, reviews the proposals, and reviews final Professional Services Contracts.

## **Tobacco cessation**

Pursuant to 6-4-10 NMSA 1978, the state Tobacco Use Prevention and Control Program ("TUPAC") appropriated to the IAD \$500,000.00 from the State Tobacco Settlement Program Fund in July 2008. The overall goals for the Tobacco Cessation and Prevention Program are to promote cessation and prevention of commercial tobacco abuse in Native communities with special emphasis on Native youth and to promote cultural awareness of the Native traditional and ceremonial use of tobacco as a means to strengthen cultural identity and resistance to commercial tobacco.

The opportunity to apply for a portion of the FY2009 \$500,000 appropriation was provided to all 22 tribes. Eight tribes and organizations received funding: four mini grants in the amount of \$15,000 each were awarded and four RFP sole-source contracts ranging from \$72,815 to \$105,500 were also awarded.

The IAD hired Keres Consulting, Inc. in FY2009 to: evaluate program reporting and monitoring; be a liaison with TUPAC and the IAD funding grantees; develop and administer a survey of youth tobacco use and awareness; provide programmatic recommendations to the IAD regarding funding grantees; plan and implement a Youth summit in July, 2009; make recommendations for grant allocation for FY 2010 and assist with developing a presentation and report to the Legislature's Tobacco Oversight. In addition, the IAD retained Keres to conduct site visits to evaluate the Tobacco Cessation and Prevention programs funded through the IAD. These visits underscored that each tribal Tobacco Cessation and Prevention program operates uniquely in order to be effective and relevant to each of the respective communities. The information received from these site visits allowed the IAD to identify the various successes achieved in FY2009 by several of the grantees and also helped us to identify the challenges programs encounter in an effort to continuously improve the program. As part of these efforts, a meeting was held with TUPAC in May to better understand the organization's survey tool.

For FY2010 only \$400,000 was appropriated to the IAD for Tobacco Cessation and Prevention Programs. On May 19, 2009 a notice of funding availability was sent to all 22 tribes. An evaluation team consisting of two IAD staff members and one consultant reviewed eight proposals submitted for funding consideration for FY2010. In FY2010 we will complete the award process and seek to complete the award process at least one month earlier than in FY2009. We will also continue to work with a consultant to improve oversight and management of the Tobacco Cessation and Prevention projects

Also in regards to Tobacco Fund projects the IAD General Counsel provides legal assistance regarding the issuance of the funding announcement, manages the time-lines and procurement code issues, reviews the proposals, and reviews the final Professional Services Contract prior to its release.

*Objective 6.5 – Conduct regular tracking, evaluation, reporting of strategic plan progress and make modifications, as necessary*

The IAD Performance Management System continues to be developed. Our first task was to implement a process of quarterly reviews of our strategic objectives and actions, which began in the 3<sup>rd</sup> and 4<sup>th</sup> Quarters of FY2009. As we continue, we will evaluate departmental and unit performance using qualitative and quantitative measures through “dash board performance metrics.” These performance indicators will then be summarized on a quarterly basis and discussed amongst the IAD management team.

*Objective 6.6 – Ensure effective management of the IAD funds*

The ASD worked with the cabinet secretary and deputy secretary and the various unit and division directors to compile the IAD’s FY 2010 General Fund operating budget and other related budgets and appropriation requests and submitted the requests to DFA on September 5, 2008. After the budget hearings were held in April 2009, the General Fund operating budget and other related budgets and appropriations were prepared and submitted to the DFA and the Legislative Finance Committee. The Department’s most significant change was the recommendation by the Executive Branch to decrease the General Fund Appropriations by about \$270,000 below FY09 operating levels. The recommendation included a \$100,000 decrease from the Tobacco Settlement Program Fund to continue to tobacco cessation and prevention programs for Native American communities.

Per House Bill 2, the overall base budget amount is \$4,059,900. In Category 200, Personal Services and Employee Benefits, the approved amount is for \$1,261,300. This amount covers the salaries and benefits for 16 employees including six Governor Exempt and 10 Classified positions. Under Category 300, Contractual Services, the approved amount is \$1,356,300. This amount is for payment to contractors that have been awarded an appropriation through the legislature. Category 400, Other, in the amount of \$1,442,300 includes \$1,200,300 which goes to the Grants and Services line item. The remaining balance of \$242,000 is used for general operations of our agency. For FY2009, the IAD sought and was fortunate to be awarded a grant from the Kellogg Foundation in the amount of \$200,000.00. The grant will supplement programs and projects that provide services to tribal communities.

In FY2010 the ASD will continue working in coordination with DFA Financial Control and Budget Division to assure timely submission of the financial documents relating to the operating budget and the SHARE system reporting requirement.

In accordance with the Procurement Code and 2.2.2 NMAC “Requirements for contracting and Conducting Audits of Agencies” The IAD engaged Robert Rivera, CPA to perform the annual financial audit. The financial report is designed to provide our citizens and taxpayers with a general overview of the Department’s finances and to demonstrate the Department’s accountability for the money it receives.

The process involved the preparation of documentation such as the A611-balance sheet, the trial balance and personnel liability reports. The ASD department and the COU staff assisted the CPA with random selection and population of financial documents.

The IAD received an unqualified audit for FY 2008.

*Objective 6.7 – Ensure departmental policies are kept current*

After studying and interpreting federal and state law, policy and other authorities, the IAD General Counsel submitted to the cabinet secretary an updated policy on the administration of the American's with Disabilities Act. Legal counsel also submitted an updated leave policy to the deputy cabinet secretary, and is currently completing the updates to the IAD Telework Policy. General Counsel also drafted and compiled the Domestic Violence in the Workplace Policy, and submitted the cabinet secretary approved policy to the NM DV Commission, and to the State Personnel Office for review. The IAD ASD submitted our Alternative Work Schedule Policy to the State Personnel Office for review and approval.

## **SECTION V. TRAINING AND EMPLOYEE NOTIFICATION**

In FY2009 the IAD and the State Personnel Office (SPO) have coordinated research and planning to develop and provide training as required by the STCA. In FY2010 we will convene a workgroup of state and tribal representatives to identify objectives, curriculum and materials for this training. Additionally, the IAD and SPO will continue conducting extensive research on training models from other state agencies and looking at curriculum from other state and federal agencies. We are anticipating at least one training session be conducted before December 31, 2009. All IAD employees will be required to attend a training.

At the June 30, 2009 "Communication and Collaboration Policies State-Tribal Planning Meeting" the IAD PU provided an overview of cultural competency to both state and tribal representatives. The presentation included key definitions for cultural competency and suggested ways for improving quality of services and organizational outcomes by incorporating cultural competency into the agency structure.

The IAD notified all personnel of the STCA's key provisions during its March 25, 2009 staff meeting. On a monthly basis, the IAD PU provides additional updates to all staff on the implementation of the STCA. New employees will be informed about the STCA during their orientation.

## **SECTION VI. KEY NAMES AND CONTACT INFORMATION**

The IAD is located in Santa Fe, NM. Our address is 1220 S. St. Francis Drive, Santa Fe, NM 87505. Our office is open from 8-5pm Monday through Friday, closed between 12-1pm for lunch. The IAD's main office number is (505) 476-1600.

The following are key contacts for the department:

Alvin Warren, Cabinet Secretary  
[Alvin.Warren@state.nm.us](mailto:Alvin.Warren@state.nm.us)

Mavis Aragon, Deputy Cabinet Secretary  
[Marvis.Aragon@state.nm.us](mailto:Marvis.Aragon@state.nm.us)

Tammi Lambert, General Counsel  
[Tammi.lambert@state.nm.us](mailto:Tammi.lambert@state.nm.us)

Francine Hatch, Senior Policy Analyst  
[Francine.Hatch@state.nm.us](mailto:Francine.Hatch@state.nm.us)

Rebecca Martinez, Capital Outlay Manager  
[Rebecca.Martinez2@state.nm.us](mailto:Rebecca.Martinez2@state.nm.us)

Lillian Brooks, Administrator Services Director  
[Lillian.Brooks@state.nm.us](mailto:Lillian.Brooks@state.nm.us)

Public Information Officer  
Position vacant

Christina Stick, Policy Analyst  
[Christina.Stick@state.nm.us](mailto:Christina.Stick@state.nm.us)

Mark Holyan, Policy Analyst  
[Mark.Holyan@state.nm.us](mailto:Mark.Holyan@state.nm.us)

## **SECTION VII. APPENDICES.**

### **A. Glossary of key agency terms and acronyms.**

AIPP – Art in Public Places  
AIPC – All Indian Pueblo Council  
AIHAC – American Indian Health Advisory Committee  
CDED – Continental Divide Electric Co.  
COU – New Mexico Indian Affairs Department Capital Outlay Unit  
DFA – New Mexico Department of Finance and Administration  
DOJ – Department of Justice  
D&E – Design and Engineering  
FIR – Fiscal Impact Report  
GA – Grant Agreement  
HB – House Bill  
IAD – New Mexico Indian Affairs Department  
IGA – Intergovernmental Grant Agreement  
IHS – Indian Health Service  
IPCC – Indian Pueblo Cultural Center  
JPA – Joint Powers Agreement  
MIGA – Master Intergovernmental Grant Agreement  
MOA – Memorandum of Agreement

NCAI – Nation Congress of American Indians

NN – Navajo Nation

NTUA – Navajo Tribal Utility Authority

OEH – Office of Environmental Health

QR – Quarterly Report

RFP – Request for Payment

ROW – Right of Way

SB – Senate Bill

STB – Severance Tax Bond

SOW – Scope of Work

STCA – State Tribal Collaboration Act

TIF – Tribal Infrastructure Fund

B. Agreements, MOUs/MOAs with tribes that are currently in effect.

| Tribe                               | Agency | Broad Activity           | Agreement Name                                           | Current Status      | Contact(s)                | Phone #      |
|-------------------------------------|--------|--------------------------|----------------------------------------------------------|---------------------|---------------------------|--------------|
| Albuquerque Indian Center           | IAD    | Community Development    | Albuquerque Indian Center                                | In effect           | Mary Garcia               | 505-268-4418 |
| American Indian Chamber of Commerce | IAD    | Economic Development     | American Indian Chamber of Commerce Economic Development | In contract process | Ted Pedro                 | 505-766-9645 |
| Cochiti Pueblo                      | IAD    | Community Development    | Cochiti Youth Language Program                           | In effect           | Governor John F. Pecos    | 505-465-2244 |
| Isleta Pueblo                       | IAD    | Community Development    | Isleta Recreation Program                                | In contract process | Governor Robert Benavides | 505-464-4494 |
| Jemez Pueblo                        | IAD    | Community Development    | Jemez Pueblo Utilities                                   | In contract process | Governor David Toledo     | 505-869-3111 |
| Jemez Pueblo                        | IAD    | Economic Development     | Jemez Walatowa Visitor Center                            | In effect           | Governor David Toledo     | 505-869-3111 |
| Jicarilla Apache Nation             | IAD    | Cultural Development     | Jicarilla Apache Heritage Preservation Project           | In contract process | President Levi Pesata     | 575-759-3242 |
| McKinley County                     | IAD    | Community Development    | Tohatchi Fight Back Inc. Youth Development               | In contract process | Levon Benally             | 505-733-2994 |
| McKinley County                     | IAD    | Community Development    | Tohatchi Fight Back Youth Development                    | In contract process | Levon Benally             | 505-733-2994 |
| Navajo Nation                       | IAD    | Streamlining contract    | Master Intergovernmental Grant Agreement                 | In effect           | President Joe Shirley     | 928-871-6352 |
| Navajo Nation                       | IAD    | Community Assistance and | Navajo Nation Emergency Management                       | In contract process | Sampson Cowboy            | 928-871-6581 |

|                          |     |                       |                                           |                     |                          |              |
|--------------------------|-----|-----------------------|-------------------------------------------|---------------------|--------------------------|--------------|
|                          |     | Development           |                                           |                     |                          |              |
| Navajo Nation            | IAD | Community Assistance  | Navajo Nation Uranium Workers Office      | In contract process | Lawrence Martinez        | 505-368-1261 |
| Santa Fe Indian School   | IAD | Community Development | Santa Fe Indian School Leadership Program | In effect           | Carnell Chosa            | 505-989-6303 |
| University of New Mexico | IAD | Cultural Development  | UNM Tribal Language Certification         | In contract process | Professor Christine Sims | 505-277-3165 |

### C. New Mexico Indian Affairs Department-Boards, Commissions, and Committees

| New Mexico Indian Affairs Department-Boards, Commissions, and Committees |                                 |                                                                     |
|--------------------------------------------------------------------------|---------------------------------|---------------------------------------------------------------------|
| STAT                                                                     | <b>NMSA § 6-4-10</b>            | Tobacco Settlement Fund Projects; 6-4-10 (2000)                     |
| STAT                                                                     | <b>NMSA § 9-3-13</b>            | Sex Offender Management Board; NMSA § 9-3-13 (2007)                 |
| STAT                                                                     | <b>NMSA § 9-7-6.4</b>           | Behavioral Health Purchasing Collaborative; NMSA § 9-7-6.4. (2004)  |
|                                                                          |                                 | Supportive Housing Leadership Group                                 |
| STAT                                                                     | <b>NMSA § 9-21-13</b>           | Indian Affairs Commission                                           |
| STAT                                                                     | <b>NMSA § 9-25-10</b>           | Higher Education Advisory Board; NMSA § 9-25-10 (2005)              |
| STAT                                                                     | <b>NMSA § 22-23A-6</b>          | NM Indian Education Advisory Council; NMSA § 22-23A-6 (2007)        |
| STAT                                                                     | <b>NMSA § 24-1-28</b>           | Behavioral Health Planning Council; NMSA § 24-1-28 (2004)           |
| STAT                                                                     | <b>NMSA § 24-1-28C(e)</b>       | Native American Sub-Committee; NMSA § 24-1-28 (2004)                |
| STAT                                                                     | <b>NMSA § 24-11-1</b>           | Office of Medical Investigator Board; NMSA § 24-11-1 (2003)         |
| STAT                                                                     | <b>NMSA § 28-16A-4</b>          | Developmental Disabilities Planning Council; NMSA § 28-16A-4 (1993) |
| LEG09                                                                    | <b>HM 59</b>                    | American Indian Task Force Recommendations                          |
| EO                                                                       | <b>EO 2003-005</b>              | Gov's Children's Cabinet                                            |
| EO                                                                       | <b>EO 2003-019; EO 2008-037</b> | NM State Drought Task Force                                         |
| EO                                                                       | <b>EO 2006-014</b>              | Gov's Women's Health Advisory Council                               |
| EO                                                                       | <b>EO 2006-068</b>              | Tribal-State DWI Task Force                                         |
| EO                                                                       | <b>EO 2007-006</b>              | E911 Coordinating Committee                                         |
| EO                                                                       | <b>EO 2008-012</b>              | Centennial Taskforce                                                |
|                                                                          |                                 | Coordinated Long-Term Care Services Initiative                      |
| IAD                                                                      |                                 | State Tribal Liaisons                                               |
| IAD                                                                      |                                 | Real ID Task Force                                                  |

|     |                      |                                                                |
|-----|----------------------|----------------------------------------------------------------|
| IAD |                      | American Indian Health Advisory Council                        |
| IAD |                      | NM Focusing on Abilities Leadership Board                      |
| IAD |                      | NM Comprehensive Statewide Traffic Safety Plan                 |
| IAD | <b>MOU ends 2010</b> | Census Information Center                                      |
| IAD |                      | CYFD Domestic Violence Service Definition Manual Working Group |
|     |                      | Plan to End Hunger                                             |
| IAD |                      | Build Tribal Capacity for Community and Economic Development   |
| IAD |                      | Tribal Utilities Workgroup                                     |