



# FIRST THINGS FIRST

## Tribal Consultation Summary Report June 29, 2022 In-person Consultation

Pursuant to the First Things First (FTF) Tribal Consultation Policy and Arizona Revised Statutes section 41-2051, FTF convened a formal consultation session on Wednesday, June 29, 2022. The purpose of the consultation was to receive feedback on tribal representation in board discussions and planning for the future.

FTF is committed to meaningful consultation with tribes through which elected officials and other authorized representatives of the tribal governments have the opportunity to provide meaningful and timely input regarding the development of policies or procedures that affect Arizona's tribes, Native American children and their families.

### Participants

#### *Tribal Leaders and Representatives*

Robert Miguel, Chairman, Ak-Chin Indian Community

Amelia Flores, Chairwoman, Colorado River Indian Tribes

Andrea LeBeau, Daycare Manager/CCDF Grant Coordinator, Fort McDowell Yavapai Nation

Edmond Tilousi, Vice Chairman, Havasupai Tribe

Malinda Andrews, Senior Advisor, Office of the Chairman, Hopi Tribe

Damon Clarke, Chairman, Hualapai Tribe

Darrick Franklin, Executive Assistant, Navajo Nation

Francisco Muñoz, Council Member, Pascua Yaqui Tribe

Chris McIntier, Grants & Special Projects, Salt River Pima-Maricopa Indian Community

#### *First Things First Board and Staff*

Gerald Szostak, Chairman, FTF Board

Helena Whitney, Vice Chair, FTF Board

Judge Richard Weiss, Board Member

Liz Barker Alvarez, FTF Chief Policy Advisor

Melinda Gulick, Chief Executive Officer

Candida Hunter, Senior Director of Tribal Affairs

In addition, FTF executive leadership, regional and program staff were in attendance to observe the consultation.

## **SUMMARY**

The purpose of the consultation was to receive feedback on 1) consistent Tribal voices in board discussions and 2) planning for the future. The following summary reflects comments and questions raised by Arizona's tribal leaders and their authorized representatives/designees.

### **Consistent Tribal Voices in Board Discussions**

Since its inception, the appointed members of the FTF Board have always coincidentally included one person who was an enrolled member of an Arizona tribe. In 2022, this is no longer the case. While the Board cannot add additional voting or ex-officio members, it can name representatives of government entities whose partnership is vital to the success of the Board's vision and mission. As a result, the Board is considering adding a tribal representative to the FTF Board to also ensure a consistent voice for tribal communities in Board discussions and deliberations. As with other representatives, the tribal representative would receive all Board materials and participate in all Board discussions prior to action being taken. The addition of a tribal representative would not take the place of other avenues previously described through which tribal voices are included in the work of FTF.

FTF requested input from tribal leaders and designees on the following:

- A. Appropriate and fair process for the FTF Board to follow to select a tribal representative
- B. Specific types of knowledge or experience that the tribal representative should have in order to provide insight regarding the indigenous peoples and tribes in Arizona
- C. The other groups/entities that the tribal representative should be engaged with in order to better understand and convey the perspectives of Arizona's tribal communities to the Board
- D. Whether external entities should be a part of selecting the FTF Board's tribal representative
- E. Appropriate term for a tribal representative to advise the FTF Board
- F. Tribal representative position posting and duration

Tribal leaders and representatives shared when considering adding a tribal representative, there should be more than one on the Board because of location differences, diverse cultures and needs of tribal communities. Majority of the tribal leaders and representatives also agreed that FTF does not need an external entity to help select the final candidate(s). Tribal leaders and representatives also suggested the tribal representative serve for four to six years and that they should have an understanding of governing systems and tribal departments. It was also stated that the tribal representative position advertisement be shared with tribal leaders, a number of tribal programs and the position be open for 30 to 60 days depending on the number of submitted applicants.

### ***Considerations for an appropriate and fair process for the FTF Board to follow to select a tribal representative:***

- Navajo Nation Executive Assistant Darrick Franklin said that the tribal leader would have to select the representative to submit their application so that that person understands the tribe's priorities when it comes to early childhood education.
- Colorado River Indian Tribes Chairwoman Amelia Flores suggested that FTF reach out to all 22 Tribes to ask for their recommendation.
- Fort McDowell Yavapai Nation Daycare Manager/CCDF Grant Manager Andrea LeBeau mentioned there would have to be consensus among tribal leaders or the liaisons to have one voice to represent all tribal nations to be on the Board because there are vast location differences among all tribal nations.
- Ak-Chin Indian Community Chairman Robert Miguel stressed the importance that FTF conducts outreach to the other tribes that are not present to provide their inputs before any decision is made on the tribal representative.

He continued that it should not be considered tribal consultation when all tribes have not provided their inputs during the consultation meeting. He also mentioned that each tribe will have their own criterias for who should be selected, they will need to discuss and identify a person to be included as a potential candidate, and having the tribe determine or decide who should be selected is ideal and is key in moving forward with this decision.

- Pascua Yaqui Tribe Councilman Francisco Muñoz said he is glad to have a tribal representative seat open however is concerned that each tribe will have to fight for the seat because each tribe will want to have (rural and urban area) representation at the table. He requested the board consider more than one seat, one would represent the rural area and the other would represent the urban area. Based on experience, he feels that the tribes who live close to the state are usually the ones that are given the attention and would not want that to happen because he truly believes in the FTF mission and enjoys being a part of the regional council.
- Hualapai Tribe Chairman Dr. Damon Clarke agrees with everyone that it will be hard to select one person who represents all the tribes and that there should be more than one position so that there is representation from the different areas in Arizona.
- Colorado River Indian Tribes Chairwoman Amelia Flores recommends that there could be two or three [tribal representatives] that have a rotating seat. She explained that a coalition including five tribes of the lower basin rotates the chair seat every two years to have equal representation..
- Hopi Tribe Office of the Chairman Senior Advisor Malinda Andrews agreed that a rotating tribal representative seat with at least two years on the board may be a fair process so that they bring diversity to the table, especially from the tribes that live in rural areas.
- Mr. Franklin said that there may likely be 22 applications - one from each tribe - since any one specific tribe may not be familiar with the needs of another tribe. He said there should be more than one tribe represented on the Board to ensure that the needs of local children are included.
- Mr. Franklin, Chairman Clarke, Chairwoman Flores, Chairman Miguel, Councilman Muñoz and Ms. Andrews all agreed that FTF should not include external entities to be a part of the selection process for the tribal representative.
- Ms. Lebeau, Councilman Muñoz and Mr. Franklin also stated the Board should work with the tribes to determine the representative.

#### ***Knowledge, experience & entity engagement discussion***

- Chairwoman Flores suggested that the person should be knowledgeable about FTF; someone who had served on the regional council because of their experience and understanding of FTF Governance. She also suggested the person understand policy making within the government.
- Mr. Franklin restated that the tribal representative should be knowledgeable about the needs of the different landscapes in Arizona. In addition, they have to understand the language and culture, the tribal education departments in Arizona and how they work with other education agencies/districts and the Department of Education.
- Dr. Clarke said the tribal representative would need to know all of the communities because they are unique and that may be difficult.
- Salt River Pima-Maricopa Indian Community Grants & Special Projects Chris McIntier added that the tribal representative would have to be knowledgeable of the early childhood education system, the educational system of all tribal areas, social service system, foster care system, and the pediatric health systems as well.

- Chairman Miguel recommends that the tribal representative should have some knowledge and experience in other areas as well due to the impact inadequate or deficit resources have on children such as parental support and education, social services, police department, and substance abuse programs.
- Ms. Andrews stated that the tribal representative should be knowledgeable or have experience [working with] shelters and substance abuse rehabilitation centers in the Metropolitan area in Phoenix because parents from the reservation are now able to bring their children with them when attending those centers and their children are also introduced into the school system.
- Chairman Miguel stated that if there is only one tribal representative that the board considers including a tribal advisory board and a process where the tribal advisory board advises and provides their inputs from the tribes to the tribal representative.
- Chairwoman Flores provided some insights of her time on the Board, she stated that her role on the Board was to visit all of the tribal regional councils to hear their needs and bring them back to the Board.

#### ***Term and job position dissemination discussion***

- Chairwoman Flores restated that they rotate the tribal representative seat every two years and hold meetings in different locations (reservations).
- Councilman Muñoz stated that a two-year [term] might go by quickly and recommends a four-year term so that the tribal representative has the time to pick up and learn about state policies and statutes. He also shared that six years might be sufficient as well.
- Mr. Franklin agreed that a six-year term might be good because [of policies] at the legislative level and after four years, the tribal representative will be able to gain inputs and speak on behalf of the tribes.
- Ms. LeBeau added that if the term is four to six years that there be a process to replace the tribal representative if they are not fulfilling their responsibilities.
- Councilman Muñoz also agreed that there should be [a review] process in place.
- Chairwoman Flores stated that because there are 10 tribal regional councils [divide] that number to determine the number of years the tribal representative services.
- Mr. Franklin recommends sharing the [tribal representative] posting with tribal leadership, tribal education departments, early childhood education programs, Bureau of Indian Affairs and FTF committees.
- Councilman Muñoz agreed that it be shared with education, health departments and tribal leaders and to determine length of posting based on applications received during a period of time.
- Chairwoman Flores shared that the CRIT Education Department works with the [elementary] school and not young children.

#### **Planning for the Future**

Due to the lack of 2020 Census data – and the initial concerns raised regarding over/under counts – the Board’s most pressing need is to identify data sources to determine 2024-2027 funding. The current proposal is to use the 5-year average of the 2016-2020 ACS, which is the most comprehensive, consistent source of information currently available at the level necessary for regional distribution. When looking at overall population numbers in the 5-year ACS average, they appear to be close to the general population counts released for the 2020 Census. However, in many tribal communities, the 5-year ACS average includes higher overall population counts than the 2020 Census, which could potentially ameliorate concerns about possible undercounts in the 2020 Census, at least for the 2024-2027 funding cycle.

Funding amounts allocated using the 5-year ACS average could then be supplemented with the discretionary dollars, which can take into account major shifts in population, as well as issues that may impact service delivery in regions, such as lack of infrastructure, capacity, etc. Once the 2020 Census data regarding young children is released, the FTF Board will engage in a separate consultation with tribal leaders prior to making a decision about how/whether the 2020 Census data will be used in decisions regarding future regional allocations.

With this in mind, the FTF Board requested input from tribal leaders and representatives on the following questions:

- A. Given the statutory requirements faced by the Board, what concerns would tribal leaders have about a proposal to use the 5-year average ACS as a data source for allocating FTF regional dollars only for the 2024-2027 funding cycle?
- B. Other than the 2010 Census and the 2016-2020 American Community Surveys, what readily accessible data source can provide comprehensive, consistent information at the Census block level regarding the population of young children and/or poverty levels on tribal lands?
- C. What types of information should the Board consider when allocating discretionary dollars, and what data sources are readily available to ensure the Board has comprehensive, consistent information with which to make those decisions regarding tribal communities?

Tribal leaders and representatives had no outright objection to the use of the ACS 2016-2020 composite as a data source for funding allocations. However, there were concerns stated regarding the traditional Census undercount in tribal communities. Tribal leaders and representatives in attendance encouraged FTF to do whatever it could to mitigate the impact of the undercount on regional funding. Additionally, tribal leaders made several suggestions of data that might be used to add context to ACS data, including: Indian Health Service; tribal enrollment offices; tribal programs dealing with housing or early education; and Women, Infant and Children (WIC) offices.

#### ***Data Concerns***

- Mr. Franklin asked if regions received enough funding to provide services to determine if that amount was sufficient and that the ACS data has limitations.
- Chairwoman Flores thinks the Board should continue to use ACS because the old data source may cut some funding for CRIT. She also requested the Board to take into consideration that COVID is still impacting tribal communities.

#### ***Potential Data Sources***

- Mr. Franklin recommends utilizing IHS data because that is where children receive services.
- Chairwoman Flores highlighted that CRIT relies on the regional needs and assets reports to apply for grants because it has current information available. Because pregnant women are giving birth outside of IHS, the data from IHS may not be accurate. Chairwoman Flores recommends that FTF reach out to the tribal enrollment departments to obtain the numbers (with no names) for the 0 to 5 years old population.
- Chairman Miguel stated they rely on their enrollment and housing department data. Their housing data includes Housing and Urban Development (HUD) and tax credit homes which could identify those living below poverty. He also restated that no names should be used. In addition, they also use data from their education department which has child enrollment.
- Ms. Andrews mentioned that Women, Infants, and Children (WIC) could potentially be a source as well.
- Chairman Clarke also added Head Start and daycare.

- Ms. McIntier stated that their tribal enrollment data would include if the child lives on or off the reservation and identifiable data would not be shared. She asked if tribal enrollment data could be used in combination with the census or ACS data. In addition, state data from the Department of Economic Security (DES) may be helpful in regards to the poverty level data.