WHEREAS, The United States has a unique legal and political relationship with Indian tribal governments, established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions; and,

WHEREAS, The New Mexico State Legislature and the Executive Branch of State Government have established precedence and history in support of a State-Tribal government-to-government relationship; and,

WHEREAS, In 2003, the Governor of the State of New Mexico and 21 out of 22 Indian Tribes of New Mexico adopted the 2003 Statement of Policy and Process (Statement), to “establish and promote a relationship of cooperation, coordination, open communication and good will, and [to] work in good faith to amicably and fairly resolve issues and differences.” The Statement directs State agencies to interact with the Tribal governments and provides that such interaction “shall be based on a government-to-government relationship” aimed at furthering the purposes of meaningful government-to-government consultation; and,

WHEREAS, In recognition of that special State-Tribal relationship, Governor Bill Richardson issued Executive Order 2005-004 mandating that executive departments and agencies are charged with engaging in regular and meaningful consultation and collaboration with tribal officials in the development of State policies that have tribal implications, and are responsible for strengthening the government-to-government relationship between the State of New Mexico and Indian tribes; and,

WHEREAS, On March 19, 2009, Governor Bill Richardson signed SB 196, the State Tribal Collaboration Act (“STCA”) into law. The STCA reflects a statutory commitment of the state to work with Tribes on a government-to-government basis. The STCA establishes in state statute the intergovernmental relationship through several interdependent components and provides a consistent approach through which the State and Tribes can work to better collaborate and communicate on issues of mutual concern; and,

WHEREAS, HB 259 enacted in 2005, amended the BEHAVIORAL HEALTH PLANNING COUNCIL that created the "behavioral health planning council" and states that …The council shall consist of the following members, all of whom shall be appointed by and serve at the pleasure of the governor: ...Native American representatives from a Pueblo, an Apache tribe, the Navajo Nation and an urban Native American population; and further states in Part (C), (6), (e) … a Native American subcommittee, chaired by the secretary of Indian affairs or a designee; and (f) other subcommittees as may be established by the chair of the council to address specific issues. All subcommittees may include nonvoting members appointed by the chair for
purposes of providing expertise necessary to the charge of the respective subcommittee; and,

WHEREAS, meaningful dialogue between state officials and tribal officials has greatly improved State-Tribal policy toward Indian tribes and consultation is a critical ingredient of a sound and productive state-tribal relationship; and,

WHEREAS, on or about February 25, 2009, the Behavioral Health Planning Council (BHPC) adopted amendments to the BHPC Subcommittee Bylaws that changed the voting structure of all subcommittees to be more inclusive of the Local Collaboratives (LC), family members, consumers, providers, and advocates, and requires each subcommittee to retain a voting seat for each LC in New Mexico; and,

WHEREAS, the Native American Subcommittee feels the changes to the voting structure have adversely impacted the participation of Native American community members, family members, and advocates in the Native American Subcommittee as these changes do not reflect culturally appropriate Native American traditions of inclusion that allow each person to contribute and feel that their input is valued and considered.

WHEREAS, It is the desire of the Native American Subcommittee to involve participation from Native Americans on reservation and off-reservation communities, designated Region 6 Local Collaboratives and Native American stakeholders in order to better reflect the needs, concerns, issues and interests of the Native American populations and communities that are impacted by Behavioral Health Planning Council Policy. It is also the desire of the Subcommittee to continue to invite participation from all LCs and support a mix of consumers, family members, advocates and providers.

NOW THEREFORE BE IT RESOLVED that the voting membership of the Native American Subcommittee hereby propose the following amendments to the BHPC Bylaws:

Section B. Statutory Sub-Committees, sub-part (i) to add the following paragraphs:

For the Native American Subcommittee, in so far as possible, all LCs, in addition to meeting the qualifications outlined in sub-part (i), shall identify a Native American, a person representing a tribal program or administration, or a family member of a Native American who resides within the boundaries of their LC and appoint that person to participate as the LC representative to the Native American Subcommittee. Subcommittee participants may include those not appointed by an LC.

For the Native American Subcommittee, if, after two months from the start of the fiscal year, an LC chooses not to or fails to fill their reserved seat on the Native American Subcommittee, or an LC representative fails to attend two consecutive meetings, the Native American Subcommittee shall send a letter to that LC to
notify them of the unfilled seat and ask that it be filled according to the guidelines outlined in sub-section (i). If a negative or no response is received by the next subcommittee meeting, the chair of the Native American Subcommittee may redistribute any unfilled seats to council and non-council members at their discretion and consistent with the qualifications outlined in sub-part (i).

The Native American Subcommittee shall maintain each fiscal year a list of twenty-five participants for the purposes of reimbursement and other administrative tasks associated with the Council.

Section B. Statutory Sub-Committees, sub-part (v) to add a third paragraph as follows:

For the Native American Subcommittee, at the first meeting after the beginning of each fiscal year, the Native American Subcommittee shall determine through Resolution and utilize for the remainder of that fiscal year an appropriate method for decision making by the Subcommittee.

CERTIFICATION

I hereby certify that the resolution was presented at a duly called meeting of the Native American Subcommittee held on December 15, 2009, and approved by a majority of the members present.

Native American Subcommittee Co-Chair