

## 2010 State-Tribal Leaders Summit

### **Tribal Issues and Requested Actions Regarding Tribal Infrastructure**

*The following issues and proposed actions have been developed by the 2010 State-Tribal Leaders Summit Planning Committee based on input from the majority of the 22 tribes, nations and pueblos. The Committee is comprised of the tribal leaders of eight of the tribes, nations and pueblos or their designated representatives. The following will be the core issues and actions presented to and discussed with Governor Richardson at the upcoming 2010 State-Tribal Leaders Summit on April 15, 2010.*

**Problem Statement:** Infrastructure is the foundation on which tribes and the State build and sustain economic development and the quality of life for our shared citizens. However, tribal communities in New Mexico continue to have a documented lack of basic infrastructure, including water and wastewater systems, roads, healthcare facilities and electrical service. Over the next five years, tribes have estimated that they will need approximately \$1 billion to replace, improve and develop priority and critical tribal infrastructure. The enactment of HB 162 (Severance Taxes for Tribal Infrastructure) provides a unique opportunity to better address tribal infrastructure needs, but additional mechanisms need to be created to ensure that priority tribal projects are fully-funded and completed in a timely manner using a variety of federal, state, philanthropic and tribal funds. In addition, tribes as sovereign governments, continue to face challenges in fully accessing funds managed by the New Mexico Finance Authority including the designation of the courts of jurisdiction, and the authority of the tribe to issue tax-exempt debt and perceptions on the part of rating agencies. We acknowledge and recognize there are issues regarding tribal sovereign immunity. Also, Governor Richardson's Capital Outlay Freeze process demonstrated that not all state agencies use the same terms and conditions in the Intergovernmental Agreements they use with tribal governments. Finally, some tribes have experienced that the Uniform Funding Application ("UFA") does not accurately gauge tribal water and wastewater systems and includes questions that are not directly applicable to tribal governments and water systems.

### **Actions Requested of Governor Richardson for the 2010 State-Tribal Leaders Summit:**

- 1) Direct the Indian Affairs Department and Department of Finance and Administration to create and implement a "Uniform Tribal Application Portal and Process" that will provide an effective mechanism for federal, state, philanthropic and tribal entities to evaluate and prioritize tribal infrastructure needs and combine funding streams to complete priority projects. This should include creating a streamlined process for the state and tribes to track tribal Capital Outlay and Tribal Infrastructure Fund projects.
- 2) Direct the New Mexico Finance Authority to collaborate with tribes to develop a legislative solution to current jurisdictional/choice of law/venue issues and add a specific tribal representative to the NMFA Board and seek enactment of such legislation in the 2011 Session.
- 3) Mandate consistent terms and conditions among state agencies for Intergovernmental Agreements (IGAs).
- 4) Direct the New Mexico Environment Department and other state agencies to implement a revised Uniform Funding Application to more accurately evaluate tribal water and wastewater applications.