

## Proposed Tribal Representation in RTOWest Governance

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1. Non-Discrimination: Any Native American privately owned or operated business not controlled by a tribal government is treated as any other business.
2. Business Function: Any business operated or controlled by an Indian Tribe which meets the eligibility criteria for membership in class a, b, c, or d may participate in the class as may any other non-tribal business.
3. Multiple Business Functions: In the event of multiple entities eligible to participate in more than one class a, b, c, or d, who are under one entity's operation or control, the controlling entity may choose only one class in which to participate. The controlling entity may change its class affiliation only once per annum and must pay a reasonable fee to participate in the class.
4. Regulatory Jurisdiction: In addition to seats within classes which are based on business function, the proper Tribal governments' exercise of its regulatory jurisdiction shall be represented in a manner consistent with the representation of state governments. If up to 10 tribes exercise regulatory jurisdiction within their reservations, they will appoint a representative who will have the same voting rights as 1 state. If 10 or more tribes exercise regulatory jurisdiction within their reservations, the 10 or more tribes shall appoint two representatives who will have the same voting rights as 2 states.

### Justification:

- There should be no consideration of ethnicity in determining voting rights or participation.
- Business entities controlled by Indian Tribes should be treated no differently than any other business entity.
- Tribal Governments have regulatory jurisdiction over tribal lands, and to some extent over non-tribal lands within reservations. Reservations cover large areas, and collectively cover many square miles. Tribes as regulators have different issues, status, and concerns than states as regulators and should be allowed a forum for expressing these regulatory issues and for describing their status so it can properly be considered in decision making.
- Tribal governmental interests are different from tribal business interests and deserve seats based on their function.
- It appears that many in the governance workgroup assume tribes and tribal companies will vote as a group, or will manipulate the system to sway RTO votes by force of tribal numbers. On the contrary, tribes will not participate here unless there is a particular issue affecting their business. Then, tribal businesses will vote and express their opinions on matters based on their business interests and will not vote or express their opinions based on their ethnicity any more than any other ethnic or religious group will vote on RTO matters along ethnic or religious lines.