

## Intergovernmental Relations

**\*\*NOTE:** This document is intended to summarize the priority issues and recommendations put forward by the Walker Mallott Transition Team Intergovernmental Committee; this is not a complete transcription of the entire committee process and does not document all aspects of discussion, ranges in agreement, or all the dynamics that occurred within the team meetings.

The Intergovernmental Relations working group agreed that it is imperative for the State of Alaska to formally recognize the Tribes in Alaska and ensure funding is shared across governments to support intended programs and provide rural governments dependable revenue sharing. We agreed that the state should reestablish Coastal Zone Management with amplified local control. We agreed that we can build trust and increase cooperation between governments if data is made interoperable between departments and accessible to the public. And we suggest a long term plan for the State of Alaska is created that also includes implementing intergovernmental decision-making, and that all departments are aligned with the Governor’s intergovernmental priorities.

### PRIORITY ISSUES

1. Tribal – State relations need to be on a formal government-to-government basis
2. Funding between governments needs to flow, inclusive of revenue sharing/offshore leases/etc. so that money meant for Tribes and local governments goes to them
3. Reestablish, reinstate Coastal Zone Management
4. “State” administrative issues, based on a lack of trust for other governments, causes not knowing stakeholders, bad/lack of communication, no access to data and no long-term plan
5. Structural issues within the State cause silos to be created - such as the Department of Transportation, Division of Elections/voting problems etc.

### PRIORITY SUCCESS ELEMENTS & ACTIONS

The following charts for each priority attempt to summarize a great deal of dialogue, refinement and critical thinking. The barriers that were identified by the committee have been absorbed and/or responded to in the success actions/steps as much as possible. Many of the priority areas and success elements are complimentary to and build upon each other. There may also be some crossover and where that happens it is to be interpreted as “and” not “or”; as an opportunity for collaboration. A final summary is included at the end of this document.

#### 1. Tribal – State relations need to be on a formal government-to-government basis

Tribal Friendly Administration	Formal Tribal Recognition	Forever (Made Permanent)
Utilize critical timeline of new administration already willing to work with Tribes in paradigm changing ways <ul style="list-style-type: none"> <li>• Administrative Action</li> <li>• Executive Order</li> </ul>	Expedite timeframe, begin to progressively advance State-Tribal relations <ul style="list-style-type: none"> <li>• Executive Order</li> <li>• Legislative Action</li> </ul>	Implement long term strategy resulting in permanent, formal recognition of Tribes by the State <ul style="list-style-type: none"> <li>• Executive Order</li> <li>• Legislative Action</li> </ul>
<b>Educate/Public Relations Campaign:</b>	<b>Educate/Public Relations</b>	<b>Educate/Public Relations</b>

<ul style="list-style-type: none"> <li>• Cabinet &amp; administration(internal)</li> <li>• Legislature (intra-gov't)</li> <li>• Public (external)</li> </ul>	<p><b>Campaign:</b></p> <ul style="list-style-type: none"> <li>• Cabinet &amp; administration (internal)</li> <li>• Legislature (intra-gov't)</li> <li>• Public (external)</li> </ul>	<p><b>Campaign:</b></p> <ul style="list-style-type: none"> <li>• Cabinet &amp; administration (internal)</li> <li>• Legislature (intra-gov't)</li> <li>• Public (external)</li> </ul>
<p><b>Short Term:</b></p> <ul style="list-style-type: none"> <li>• Administrative Action: Use tools such as the Millennium Agreement to start off quickly on right foot; State of the State address to highlight priority, short and long-term strategy; the symbolic power of office to invite Tribes to functions &amp; build relationships ; collaborate with other States making progress in this area (e.g. Arizona, New Mexico, Montana); pause current and ongoing lawsuits against Tribes and Alaska Native peoples to reassess positions and legal direction/interpretation; bring Tribes and State government together for an annual government to government dialogue</li> <li>• Issue Executive Order: 1)condemning use of waivers of sovereign immunity clauses against Tribes and other internal mechanisms that seek to find fault with Tribes; establish ongoing statewide educational webinar emphasizing vision, direction, and internal mechanisms that affirm respectful, gov't to gov't relations between State and Tribes and highlight opportunities – both financial and otherwise for why these are key strategic relationships for the State</li> </ul>	<p><b>Short Term:</b></p> <ul style="list-style-type: none"> <li>• Amplify cohesion on this issue at the executive leadership level and internal education at all levels</li> <li>• Issue Executive Order to implement and utilize Millennium Agreement in the immediate term as a longer term permanent solution is crafted and implemented</li> </ul> <p><b>Long Term:</b></p> <ul style="list-style-type: none"> <li>• Legislative Action (law) to formally and permanently recognize the Tribes of Alaska and to facilitate and affirm respectful and on-going government to government relations between the State and the Tribes</li> <li>• Judicial Action- continue to support and emphasize the critical ongoing judicial work advancing stronger partnership, and recognition of sovereignty and jurisdiction between the courts of Alaska and the Tribes and their courts in Alaska.</li> </ul>	<p><b>Short Term:</b></p> <ul style="list-style-type: none"> <li>• Hire and embed a commission/cabinet level position on “Alaska Native Affairs”</li> <li>• Utilize position to help craft and lead long term strategy and permanent solution</li> </ul> <p><b>Long Term:</b></p> <ul style="list-style-type: none"> <li>• Legislative action is taken that permanently and forever recognizes the Tribes of Alaska on a government to government basis</li> <li>• Not subject to changes in Administration or legislative leadership</li> <li>• Affirmed with appropriate budgetary support as needed and identified in long term strategy process</li> <li>• Commissioner/Cabinet level position is also made permanent and embedded legislatively, administratively, and judicially.</li> </ul>

**2. Funding between governments needs to flow, inclusive of revenue sharing/offshore leases/etc. so that money meant for Tribes and local governments goes to them.**

<b>Revenue Sharing</b>	<b>Survival of Rural Governments</b>	<b>Congressional Legislation</b>
<ul style="list-style-type: none"> <li>• No less than \$60 million for revenue sharing (this is a floor, not a ceiling)</li> <li>• Revenue sharing with a Permanent Fund Municipal Dividend program</li> <li>• The State needs to share revenues now that it already received for offshore leases with impacted communities</li> </ul>	<ul style="list-style-type: none"> <li>• Limit % of state overhead in pass-thru grants to no more than 10% by the most permanent mechanism and/or regulation</li> <li>• Secure consistent funding</li> <li>• Provide capacity building for rural governments (as defined and measured by the rural governments, meant to increase local decision-making, ability to achieve aspirations, etc...)</li> <li>• State grant process to rural governments is simplified; bureaucratic mind-set removed. For example, the State needs to stop forcing Tribes to waive their sovereign immunity when entering into contracts, which they force even when it's pass through federal dollars</li> </ul>	<ul style="list-style-type: none"> <li>• Needed for offshore revenue sharing that would benefit both the State and rural governments</li> <li>• The Alaska delegation and other appropriate congressional bodies need to be brought on board to ensure Alaska is included in offshore revenue sharing</li> </ul>
<p><b>Educate/Public Relations Campaign:</b></p> <ul style="list-style-type: none"> <li>• Cabinet &amp; Administration (internal)</li> <li>• Legislature (intra-gov't)</li> <li>• Public (external)</li> </ul>	<p><b>Educate/Public Relations Campaign:</b></p> <ul style="list-style-type: none"> <li>• Cabinet &amp; Administration (internal)</li> <li>• Legislature (intra-gov't)</li> <li>• Public (external)</li> </ul>	<p><b>Educate/Public Relations Campaign:</b></p> <ul style="list-style-type: none"> <li>• Cabinet &amp; Administration (internal)</li> <li>• Legislature (intra-gov't) &amp; Congress (inter-gov't)</li> <li>• Public (external)</li> </ul>
<p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>• Fully develop and implement a permanent fund municipal dividend (pfmd)</li> <li>• Account for and distribute revenues already received by the State for offshore leases</li> </ul>	<p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>• Revisit, revise as needed and re-implement the recommendations of the 'urban-rural divide' study</li> <li>• Educate legislature on local community impacts and the real need for additional resources to manage them</li> <li>• Governor and his administration makes this a priority</li> <li>• Find someone with common sense and understanding of what it is like on the other side to manage the process</li> <li>• Amplify State interagency communication and cooperation</li> </ul>	<p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>• Evaluate programs in other states and share information</li> <li>• State push/persuade congressional delegation to include Alaska in legislation for offshore revenue sharing</li> <li>• Local governments support State in this effort in the form of resolutions to persuade congressional delegation to include Alaska in legislation for offshore revenue sharing</li> </ul>

### 3. Reestablish, reinstate Coastal Zone Management

Re-establish	Governor's Support	Inform
<ul style="list-style-type: none"> <li>Coastal Zone Management (CZM) must be re-established in Alaska</li> </ul>	<ul style="list-style-type: none"> <li>In order for it to be successful, the Governor and his Administration need to fully supporting re-instating CZM</li> </ul>	<ul style="list-style-type: none"> <li>Due to past issues, it is essential to educate stakeholders on the necessity of local control</li> <li>Grow trust in municipality management of coastlines</li> </ul>
<p><b>Educate/Public Relations Campaign:</b></p> <ul style="list-style-type: none"> <li>Cabinet &amp; Administration (internal)</li> <li>Legislature (intra-gov't)</li> <li>Public (external)</li> </ul>	<p><b>Educate/Public Relations Campaign:</b></p> <ul style="list-style-type: none"> <li>Cabinet &amp; Administration (internal)</li> <li>Legislature (intra-gov't)</li> <li>Public (external)</li> </ul>	<p><b>Educate/Public Relations Campaign:</b></p> <ul style="list-style-type: none"> <li>Cabinet &amp; Administration (internal)</li> <li>Legislature (intra-gov't)</li> <li>Public (external)</li> </ul>
<p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>Requires legislative enactment</li> <li>Federal Approval (EIS)</li> <li>State approval of muni C7 plans</li> <li>Use a transparent process</li> </ul>	<p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>Draft and introduce CZM legislation that minimizes obstruction and delay for CZM projects</li> <li>Work to streamline/consolidate federal, state, local permits</li> </ul>	<p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>Municipalities and stakeholders communicate with State legislators and public regarding the need and value of CZM</li> <li>Educate non-coastal communities regarding CZM reinforcing value and role of local government; especially emphasizing local voice on issues like this</li> <li>Engage with resource companies to address concerns and attempt to build consensus position; identify benefits</li> </ul>

**4. “State” administrative issues, based on a lack of trust for other governments, causes not knowing stakeholders, bad/lack of communication, no access to data and no long-term plan**

<p><b>Intergovernmental Affairs Office</b></p>	<p><b>Data Strategy</b></p>	<p><b>Building Trust and Long Term Plan</b></p>
<ul style="list-style-type: none"> <li>• Need an Office reporting to the Governor responsible for coordinating inter-governmental affairs, building solid and respectful working relations across governments and the State, and holding all departments to same standard as well as being accountable for working with Tribes, Feds and the local governments in Alaska, and communicating to key stakeholders*</li> </ul>	<ul style="list-style-type: none"> <li>• Data needs to be made easier to access both in ability to acquire and ease in utilizing. It is a necessity to ensure that there is ‘interoperability’ with the data</li> </ul>	<ul style="list-style-type: none"> <li>• A key component of moving forward, building trust, and creating strong intergovernmental partnerships is the creation of a long term plan that resonates with, includes, and creates the ability for Tribes and rural governments to be participant decision-makers in relevant components of the plan</li> </ul>
<p><b>Educate/Public Relations Campaign:</b></p> <ul style="list-style-type: none"> <li>• Cabinet &amp; Administrative (internal)</li> <li>• Legislature (intra-gov’t)</li> <li>• Public (external)</li> </ul>	<p><b>Educate/Public Relations Campaign:</b></p> <ul style="list-style-type: none"> <li>• Cabinet &amp; Administrative (internal)</li> <li>• Legislature (intra-gov’t)</li> <li>• Public (external)</li> </ul>	<p><b>Educate/Public Relations Campaign:</b></p> <ul style="list-style-type: none"> <li>• Cabinet &amp; Administrative (internal)</li> <li>• Legislature (intra-gov’t)</li> <li>• Public (external)</li> </ul>
<p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>• Create department interface</li> <li>• Open office and hire commissioner who will conduct time-sensitive strategic planning with direct inclusion of primary stakeholders</li> <li>• Implement strategic plan, with a focus to increase trust with a transparent and open process and communications</li> <li>• <b>*Note:</b> Priority #1 above also specified a need for a department/commission/cabinet level position and potential exists for both so long as both are recognized as critical and distinct components and named in title (ie. Department of Alaska Native &amp; Intergovernmental Affairs) or</li> </ul>	<p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Create strategy for data structure that spans departments (making it ‘interoperable’)</li> <li>• Create, make accessible, and disseminate data that is useable for analysis and planning</li> <li>• Create interoperable data team (<u>making data open source</u>); they will clarify scope through interdepartmental collaboration,</li> <li>• Conduct time sensitive mapping of current databases</li> <li>• Conduct time sensitive strategic planning, including hardware, software and governance to achieve interoperability,</li> <li>• Issue an RFP for developing interoperable data system</li> </ul>	<p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Identify, neutralize or remove those within State departments who based on their position, attitude, abilities, and skills function to work against progress, keep people in or out, cause hardship and divisiveness amongst people, cause unnecessary and duplicative work for others, abuse their actual authority and may even perceive themselves to have more authority than they do, etc...- also known as ‘gatekeepers’, ‘bureaucratic trolls’, long term staff with turf issues, or staff who feel ‘tenured’</li> </ul>

<p>they can be separate entities; it was recognized that both are needed and important</p> <ul style="list-style-type: none"> <li>Alaska has a history of trying to coordinate within government, there was even a division of governmental coordination at one time.</li> </ul>	<ul style="list-style-type: none"> <li>Implement</li> <li>Example: State of Alaska Extractive Industry Transparency Initiative (<a href="http://doi.gov//EITI/index.cfm">http://doi.gov//EITI/index.cfm</a>) increase trust, reputation, analysis of natural resource revenue, transparency</li> <li>Keep eye on long term benefits and efficiencies of scale; articulate business case of long term savings and increase efficiency in government</li> </ul>	<p>and abuse their positions, undermine the ability for trust and transparency to advance the State</p> <ul style="list-style-type: none"> <li>Provide appropriate training for remaining staff to ensure these issues are not endemic</li> <li>Encourage external partnerships and collaboration with philanthropy/private institutions, etc...</li> </ul>
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**5. Structural issues within the State cause silos to be created - such as the Department of Transportation, Division of Elections/voting problems etc.**

<p><b>Cabinet level Intergovernmental Coordination</b></p>	<p><b>Increase State investment in local economies</b></p>	<p><b>State share jurisdiction with Tribes to address local issues</b></p>
<ul style="list-style-type: none"> <li>• Structural issues within the State government and between governments must be removed to produce more efficient and effective governance</li> <li>• In order to maximize what intergovernmental partnerships and fluidity across the State, need to ensure there is accountability above and outside of departments as well as intergovernmental coordination within departments</li> </ul>	<ul style="list-style-type: none"> <li>• It is essential to increase both the expertise and money invested by the State in local economies</li> </ul>	<ul style="list-style-type: none"> <li>• In order to provide the protections and services Alaskans deserve and have equal right to no matter where they live, the State should be incentivized to collaborate and partner with Tribes to ensure this responsibility is met, especially in looming fiscally restrictive times</li> </ul>
<p><b>Educate/Public Relations Campaign:</b></p> <ul style="list-style-type: none"> <li>• Cabinet &amp; Administrative (internal)</li> <li>• Legislature (intra-gov't)</li> <li>• Public (external)</li> </ul>	<p><b>Educate/Public Relations Campaign:</b></p> <ul style="list-style-type: none"> <li>• Cabinet &amp; Administrative (internal)</li> <li>• Legislature (intra-gov't)</li> <li>• Public (external)</li> </ul>	<p><b>Educate/Public Relations Campaign:</b></p> <ul style="list-style-type: none"> <li>• Cabinet &amp; Administrative (internal)</li> <li>• Legislature (intra-gov't)</li> <li>• Public (external)</li> </ul>
<p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>• Actively work to 'dethrone' silo's especially those that operate as fiefdoms, not accountable for their actions, behaviors, or decisions to the people of Alaska, the other governments, or the leadership of the State</li> <li>• Do system review of the State's communications to ensure using new technologies as appropriate</li> <li>• Governor's office resume intergovernmental coordinator position (in the short term) then as member</li> </ul>	<p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>• Consolidation of governmental functions at local level (MOUs/MOAs) between relevant governments, establish working group to generate ideas for potential consolidation and/or collaboration between Tribes and municipalities</li> <li>• Develop template agreements for use by local governments</li> <li>• "insource" to local governments</li> <li>• To increase State investment in local</li> </ul>	<p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>• Establish working group to generate ideas for potential jurisdiction sharing between the State and Tribes; develop template agreements for use</li> <li>• Ensure the Department of Law understands this critical priority with leadership from the Governor's Office; utilize government to government relationship for partnerships and to address issues (such as working out tort liability etc). For instance, State and Municipalities agree to carry risk for state and municipal functions performed by Tribes (like Federal Tort Claims Act (FTCA)) and Tribes</li> </ul>

<p>of Cabinet (for the long term, see Priority Issue #1; it is vitally important to have both Alaska Native and Intergovernmental, not only one and distinctly named in title if position is combined (i.e. Department of Alaska Native and Intergovernmental Affairs)</p> <ul style="list-style-type: none"> <li>• Implement at no additional (net) cost, ensure the implications of the fiscal crisis are understood and illuminated internally at the State to ensure onboard and supportive of effort</li> </ul>	<p>economies establish project criteria – what will be supported, identify resources that will be provided – expertise and/or money, fund program(such as requiring community matching funds or limiting funding to only projects with a market rate of return)</p> <ul style="list-style-type: none"> <li>• Create a project team consisting of long term staff –from various departments- with shared priorities, and educate staff on administrative priorities</li> <li>• Address turf battles from the outset, educating on the implications of the fiscal crisis</li> </ul>	<p>agree to quality standards they define regarding performance; meant to be a government to government collaborative process not the State forcing a ‘standard’</p> <ul style="list-style-type: none"> <li>• Review and stop excessive litigation against Tribes/Native peoples, stop forceful, often mis-application of ‘waivers of sovereign immunity’ against Tribes (example of a city airport, not owned in any way by Tribe, forced to sign waiver of sovereign immunity for city airport to move up priority list of State DOT)</li> </ul>
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## FINAL SUMMARY

### Intergovernmental Relations as a Pathway to Advancing Alaska

It is clear that visionary governance in the area of Intergovernmental Relations is absolutely essential for Alaska. This state needs the ability to see, understand, and utilize the various and unique roles each government has and can have in advancing Alaska. These relationships are keystone to our state’s welfare- economically, culturally, socially, and morally. It is absolutely necessary to view this as an imperative for good governance so that Alaska is a place where equity is a shared value that brings us all to the table without having to diminish who we are or what we offer our citizens.

### **Call to Action to the Administration**

- Our priorities need to be advanced, use the Intergovernmental Relations committee as a resource, keep us in the loop on direction, and thank you for the inclusive transition process.

### **What We Learned:**

- By creating an inclusive, transparent and diverse process and group of people, we were able to clearly identify our top five priorities, identify potential barriers and solutions, along with actionable steps in a simple, clear and direct manner
- Stepping outside of ‘adversarialism’- through engaged and participatory dialogue conducted in good-faith with one another, we were able to really listen to each other and create bridges. Removing our ‘hats’ of representing others, and speaking as Alaskans, frees us to focus on the heart of the matter and come up with creative and workable solutions, exemplified by our top five priorities

- Many Intergovernmental issues actually overlap with the other committee’s subject areas (e.g., health care, education, natural resources, arctic policy, wildlife, subsistence...); cross-pollination may be fruitful to bring forward unidentified opportunities especially in terms of collaboration, consolidation of effort through partnership, especially in providing for the same needs of the same citizen base, and diversifying funding streams for all of the governments involved.

### **Truths that Became Evident**

- Inclusivity matters, our diversity is a strength –both in this committee and overall as a state, and we need to utilize this as a tool to move forward
- We need to stop using “rural” as a euphemism or code word for Alaska Native
- There is a strong consensus that Alaska is ready for the state and tribal issues to be worked out, the State-Tribal priority of this committee is ‘ripe and ready to go’
- In the same way the State has frozen its relationships with Tribal governments, it has also done the same with municipalities and local governments, and this needs to stop
- There is tremendous opportunity for municipalities and Tribes to work together on issues they have mutual interest in, including and beyond their relationships with the State – this does not make them the same, or their efforts duplicative or redundant- it makes them great potential partners.

### **What We Gained**

- Deeper knowledge of Alaska, our new Governor and Lt. Governor, better relationships between one another, better understanding of the diverse interests involved, inspiration for what Alaska can be when we work together.

### **How We’d Like to Stay Involved**

- Continued connection between the Intergovernmental Relations committee members, used as a resource by the administration and each other, reconnecting as a full transition team down the road.