



Tribal Cultural Resources

OREGON SECRETARY OF STATE

Final | October 2019

Online version available at <https://sos.oregon.gov/pages/tribal-relations.aspx>

Oregon Secretary of State is pleased to offer this report regarding tribal cultural resources in conjunction with the Governor's Executive Order 17-12.

As a constitutional office established at statehood, the Secretary of State is not subject to the provisions of executive orders. Nevertheless, the Secretary has directed the agency to *voluntarily* participate in activities related to Executive Order 17-12. This direction comes, in part, because the agency is home to the [State Archives](#).

The State Archives houses permanently valuable documents, including the State's Constitution, the Great Seal of Oregon, maps and photographs from various time periods and locations within the state's boundaries. In addition, the State Archivist and her team oversee promulgation of administrative rule and records management for all state agencies.

To be clear, the State Archivist does not *directly* manage all records for all state agencies, but instead provides training and technical support to agency records managers to help them stay in compliance with state law regarding public records.

OTHER DIVISIONS

In addition to the State Archives, Secretary of State as an agency is home to the Secretary's Executive Office and three public-facing divisions. These include the [Audits Division](#), the [Corporations Division](#), and the [Elections Division](#). The agency houses three divisions that are purely internal. These include the Business Services Division (which provides administrative oversight and support for the entire agency), the Human Resources Division, and the Information Services Division.

Tribal Cultural Resources

TYPES OF RECORDS

The Oregon Tribal Cultural Items Task Force provided a report to the Governor in November 2018 regarding their work on her Executive Order 17-12. In part, this report provided a helpful, three-part definition of tribal cultural resources. Included in this definition are descriptions and definitions of human remains/funerary objects, archaeological materials, and historic objects and documents.

In reviewing the types of documents and objects that Secretary of State as an agency has in its control or possession, there are very few objects. However, we do produce or have within our possession documents that may fit the "Historical" definition of Tribal Cultural Items.

From a records retention perspective, there are two types of documents that all state agencies (including Secretary of State) produce, retain and (in most cases) eventually destroy. These include administrative records and special documents.

Administrative Records

This class of document (regardless of media type) is administrative in nature. Examples of these documents would include payroll and procurement records. The standard for administrative records is found in Oregon Administrative Rules 166, Division 300 (found online at

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=591>).

These records are related to the business functions of the agency and are not expected to be of cultural interest to the Tribes.

Special Documents

Special records retention schedules for Secretary of State are specific to each of the public-facing programs for which the agency is responsible. For example, completed audits of public bodies would be part of the Audits Division special retention schedule.

Oregon Records Management Solution

This tool, known as ORMS, is a records management solution that provides public access to a variety of digital records from Secretary of State. Access to ORMS is online at

<http://records.sos.state.or.us/ORSOSWebDrawer/Search>.

Methods

Secretary of State is a relatively small agency with just over 200 employees. Given the size of the agency, the workgroup determined that a survey of division directors would be the most expedient and effective way to find any documents or objects that meet any part of the definition of tribal cultural items.

Then Secretary of State Dennis Richardson, his Deputy, and agency directors were provided copies of the definition of tribal cultural items for the first time shortly after the 2018 Summit where the Task Force report was presented. The documents were presented in conjunction with a brief explanation of the history of the Executive Order and the Secretary's decision to voluntarily comply. Current Secretary of State Bev Clarno and her Deputy Rich Vial received these same documents and briefing; and affirmed that the agency should move forward with its plans to voluntarily comply with this Executive Order.

The informal process of "looking around" began at that time. In June 2019, the agency's workgroup met and discussed the types of documents, items and objects that may be in agency possession.

Directors were asked to provide the agency's tribal liaison with an inventory of any items, objects or documents in their division's possession that could possibly meet the definition of tribal cultural items. Reminders were provided, via email and in person at directors meetings, until all directors responded.

Findings

OBJECTS

The Secretary of State has on display in her office a hand-carved paddle from the Coquille Tribe. The paddle was presented to her Legislative Director, who attended the 30th Anniversary of Restoration on behalf of the Secretary in June, 2019.

In addition, there are several items in agency possession that were presented to Secretary Richardson in conjunction with his travels to China and/or when Chinese officials visited Oregon. There are a few items with unknown provenance that are currently in agency possession. All of these objects are documented as Appendix A and provided online at <https://sos.oregon.gov/business/Documents/Tribal/appendix-a-objects-in-agency-possession.pdf>.

While the Secretary's Executive Office is located in a suite of offices within the Capitol building, the rest of the agency's divisions are located in two buildings owned by the Oregon Department of Administrative Services – the Archives Building and the Public Service Building. Both buildings contain artwork installations tracked by the Oregon Arts Commission database online at <https://state-of-oregon-art-collection.org/final/Portal.aspx>. Useful search terms are “Archives” and “Public Service.” Both search terms should yield images and information associated with each building's art installations. It is important to note that these art installations are owned and controlled by the Department of Administrative Services, not Secretary of State.

HISTORICAL DOCUMENTS

Because the State Archivist is responsible for overseeing and supporting records management for all state agencies, Secretary of State as an agency is very well organized. Following are portal links to documents that may be of interest to Tribes.

The State Archives web page on Archival Records can be found online at <https://sos.oregon.gov/archives/Pages/records.aspx>. Note that there are a number of different databases and collections. For example, the Early Oregonians Database was a project completed as part of the state's Sesquicentennial celebration. It attempts to document all individuals who lived in Oregon prior to statehood. The Early Oregonians Database can be found online at

<https://secure.sos.state.or.us/prs/personProfileSearch.do?earlyOregonian=true&searchRet=true>.

Another example is the Provisional and Territorial Records Guide (online at <https://sos.oregon.gov/archives/records/provisional-guide/Pages/default.aspx>). This contains some historical maps, a history on county government development, and links to related historical records.

The State Archives website also contains a web portal for records management and retention schedules. Other than those for Secretary of State, Tribes may find it useful to access this portal to gain access to administrative rules regarding records management, as well as special retention schedules for all state agencies. Access this online at https://sos.oregon.gov/archives/Pages/state_admin_schedules.aspx.

In addition to the resources already mentioned, the State Archives is responsible for biennial production of the state's Blue Book. The digital version of this collection of information about Oregon can be found online at <https://sos.oregon.gov/blue-book/Pages/default.aspx>. Federally recognized tribes with a political headquarters in Oregon are mentioned in the Blue Book. Tribes that would like to work with the Archives Division to update or otherwise change the narrative about their tribe can contact the State Archivist, Stephanie Clark. Her contact information is found on page 7 of this report.

Records Retention Schedule

A copy of the records retention schedule for Secretary of State is compiled and [posted online as Appendix B](#). Records retention schedules are subject to change. The "living" version of the document can also be found online in pdf form at <https://sos.oregon.gov/archives/Documents/recordsmgmt/sched/schedule-secretary-state.pdf>.

Within the schedule, you will find program descriptions for each division of the agency, along with the Executive Office. The document itself does not contain an index or table of contents, so one is provided here.

Pages 2-5: Executive Office
Pages 6-19: Archives Division
Pages 20-30: Business Services Division
Pages 31-39: Corporation Division
Pages 40-50: Elections Division
Pages 50-53: Human Resources Division
Pages 54-56: Information Services Division

Oregon Records Management Solution

As noted above, access to digital documents for Secretary of State is through the ORMS web portal online at <http://records.sos.state.or.us/ORSOSWebDrawer/Search>.

Archives Holdings

A spreadsheet of State Archives holdings as of September 9, 2019, is posted online at https://sos.oregon.gov/business/Documents/Tribal/OSAExportio_9_19.xlsx as Appendix C. Note that this document is best viewed online because of the large number of columns and rows in the spreadsheet.

Present and Future Access

Secretary of State Bev Clarno, her executive support team and all divisions of the agency are eager to work with the Tribes to provide access to items of interest. The agency desires to maintain strong working relationships with the Tribes as part of its overall government-to-government strategy. To this end, the agency has several suggestions for providing direct access to documents of interest to the Tribes.

Those historical documents contained in State Archives have high potential to be of interest. Tribal staff and members may obtain credentials to access to the Reference Library by visiting Archives during their regular operating hours (M-F, 8-12, 1-4:45). Reference librarians are available to assist in searching for specific documents.

In addition, tribal officials and staff are invited to request a tour of the Archives. The Legislative Commission on Indian Services Cultural Resources Cluster toured the Archives in February 2019. The tour takes participants behind the scenes and into climate and humidity controlled rooms that house the permanent collection, including maps and photographs.

The Archives collection is not fully itemized. There are boxes of photographs and stacks of maps that are organized by type, by agency and/or by date of creation or submission to the Archives. For tribes that have an interest in digging more deeply into these resources, the Archives Division would be pleased to host an intern on behalf of a tribe or tribes to start the process of indexing documents of interest.

Tribes who find that other divisions of Secretary of State produce documents (historical or contemporary) of interest may contact the Agency's Tribal Liaison to arrange a meeting with the Division Director and the Liaison. Contact information for the Tribal Liaison is found on page 6 of this report.

Government to Government Strategy

In accordance with ORS 182.164, Secretary of State developed and began implementation of an agency policy on relationships and cooperation with tribes. Initially, the agency's approach was simple – to develop and nurture strong working relationships with federally

recognized tribes in Oregon, to ensure that all agency impacts to the tribes and their members are positive, and to swiftly and transparently deal with negative impacts.

While the core values of this strategy remain at the heart of the agency's approach to tribal relations, the agency has opted to provide greater detail to support these strong values.

STRATEGY

Within the agency, the tribal liaison is tasked with identifying programs that may impact tribes and/or their members and ensuring that such impacts are positive in nature. The tribal liaison reports to the Secretary on such programs, recommends action when appropriate, and works to promote positive communications and relations between the agency and the tribes.

Programs with impacts on tribes identified thus far include:

- Audits – performance and financial
- Archives – permanent collection, records retention responsibilities and expertise, connections to other organizations that retain objects or documents of interest
- Corporations – business registry for tribally owned or chartered entities ([HB 2325](#) passed in 2019 to lower “foreign” fees to domestic rates for such entities), notary commissioning and regulation, uniform commercial code filings, Small Business Advocacy office
- Elections – ability of tribal members to register and participate in non-tribal elections

As a means to further ongoing communication, the agency's tribal liaison participates in two Legislative Commission on Indian Services cluster groups: Economic Development and Community Services and Cultural Resources.

The agency is still working to identify clusters and key contacts that would provide opportunities for communication regarding elections and audits.

WORKING GROUP CONTACT INFORMATION

To facilitate the process of authoring this report and providing future access to documents of interest to the Tribes, the Secretary formed a working group. Tribal leadership, staff and members who have an interest in learning more about tribal cultural resources at Secretary of State are encouraged to contact the Tribal Liaison. Members of the group and their contact information follow:

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