

## Remaining Area Management Policies Explained

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office in Klamath Falls. Hall is a forestry graduate from Purdue University and counts as part of his experience six years with the BIA, several years in the consulting business with Mezger, and approximately a year's work with the State of Oregon Tax Commission. Foster is a forestry graduate of Colorado A. & M., with a master's degree from OSC, and has job experience with both the BIA and the U. S. Forest Service. These foresters are principally engaged in administration of the Simplot-Devoe contract and development of a timber program for a long-range period following expiration of the contract (in approximately 4 years). Employed as a full-time scaler during the logging season is Randolph David Jr., a Klamath tribal member. David is a graduate of OTI.

Retained as agricultural advisers are Gordon Barrie and Forrest Cowgill. Barrie is an assistant mgr. and an agricultural representative for the Klamath Falls branch in general and assists in remaining area agricultural matters in a consulting capacity. Cowgill, an assistant trust officer, is agricultural representative for the trust department with offices at the Portland level. He acts in a supervisory capacity. Employed on the Agency farm, handling the irrigation, herd management, etc., is Stephen Pope. Pope gained considerable ranching experience in the nearby Ft. Klamath area.

In the trust office headquarters, U. S. National Bank Bldg., Klamath Falls, acting as administrative assistants to Bradshaw, are Virgil Mills and John Merritt. Mills is a Willamette University graduate with 1½ year's experience in the trust dept. and Merritt is an OSC graduate who has been with the bank, in the commercial dept., since 1936. Merritt is relied on a great deal for realty appraisal. Rounding out the staff are two stenographers, Lorraine Dingler and Ruth Barrie.

Viewing generally his organization's position as trustee for the remainees, Bradshaw observes: "We're given the full responsibility of making the property productive and paying out a maximum amount to the individuals. We are restricted by the factor that this will be a continuing responsibility and not a liquidation program."

Commenting on the nature of the trust, he points out that it is set up so that it may continue

for the period of lives of the 473 original beneficiaries. However, that would be the maximum duration and Bradshaw adds that the agreement could be terminated earlier by an election of the people.

"If the executive committee or representative body of remaining members determines at the 5 year anniversary of the trust that a substantial number of members are interested in terminating the trustee shall hold an election. Depending on the results the trust will terminate at that time or continue. If the trust is terminated management will go on a liquidation basis. The trustee is given a reasonable time to bring about liquidation and pay the people."

All of the persons receiving distributions of income will be entitled to express their opinion by ballot on the termination question.

Considered a very important point by Bradshaw and one that remaining members should be aware of is the fact that their interest in the trust constitutes personal property. This means that in event of death of a member the interest passes according to the terms of his will or to the heirs if there is no will.

"It is important for them to realize they can control this interest, passing it on death to anyone they wish to benefit. Serious thought should be given to disposition of their interest."

In regard to the trustee's relationship with the members themselves, Bradshaw points out that under the trust organization the trustee will consult with the representative body of the remaining group. That representative body is considered at present to be the Executive committee, even though it counts withdrawees among its membership.

The trust instrument provides the following: "It is contemplated that the Tribe may change its legal organization, constituting itself an unincorporated association, a nonprofit corporation or other legal entity. In the event the Trustee determines to its own satisfaction that such a change is made, the Trustee shall treat the governing body of the reconstituted entity as the Executive Committee, to represent the Tribe and perform the duties of the Executive Committee as provided under the terms of this agreement."

"Any reorganization is the job of the remaining members themselves and until such reorganiza-

tion we will continue to restrict our consultations to the executive committee as far as official business is concerned," Bradshaw explains.

As to just what these consultations will consist of, Bradshaw announces that once comprehensive plans for development of forestry, agriculture, etc., are formed, these will be submitted to the representative body.

"The consultations will be largely for their information," he adds, "discussing what our program will be, determining any differences of opinion and considering suggestions from the representative body."

Another responsibility of the trustee, also involving a phase of trustee-beneficiary relations, is that of personnel management. Bradshaw points out that the trustee is under no legal obligation, in hiring personnel, to give priority to any person or persons. Employment will be strictly on the basis of qualifications. However, Bradshaw sees something of a moral responsibility involved where hiring of qualified remaining members is at issue.

"If non-withdrawing members are qualified we would certainly consider them as having some type of job preference."

Concerning whether the trustee could establish any sort of training program for qualified remainees, it is pointed out that the trust instrument specifies that there shall be no accumulation of funds. All net income must be distributed to the beneficiaries within the year in which it is taxable to them.

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### General Council

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"protesting the appraisal review report" which resulted in the slash in the original appraisal by some thirty million dollars. The notice indicates that the resolution also includes tribal support of the original appraisal report by Western Timber Services upon which the election was based.

A fourth resolution concerns the obtaining of Secretarial approval of loans for withdrawing members from private lending agencies.

The present and future status of per capita distributions for remaining members is another matter that is on the agenda to be dis-

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Wilkenson law firm from the 1959 Executive Committee Budget Expense Account savings.

#### Farm Employment Discussed

In a special meeting of the Committee on May 20, Bill Bradshaw, Trust Officer for the US National Bank, was present at the invitation of the Committee to discuss the problems involved in the management of the agency farm. Committee members expressed concern over the recent hiring of Steven Pope, a nineteen year old Ft. Klamath resident to work on the farm. Questions were raised regarding the young man's ability and experience in operating a farm of such a size, and objections were expressed over the fact that preference was not given a tribal member to fill the position.

It was reported that the trust department had discussed employment on the farm with two tribal members with a monthly salary of \$250 being mentioned, but that job went to Pope at a salary of \$300. Bradshaw explained that the salary offer was increased after it was found that a farmer could not be obtained for \$250 per month. He further explained that Pope was hired because he was considered qualified to handle the job.

Bradshaw stated that Pope is given close supervision in his work. However, Committee members questioned why the same type of supervision could not be given to a tribal member. Another objection raised by Committee members related to a possible conflict of interest in view of the fact that the family has holdings in a nearby area. Bradshaw explained that regardless of other interests Pope would be expected to maintain a quality of work necessary to effectuate the bank's aggressive program now being planned for the agency farm.

Bradshaw maintained that it was the trustee's responsibility to manage the farm in an efficient and business-like manner, and that it was their responsibility to hire workers who they feel are qualified to handle the work.

cussed. Other matters will be taken up only if time permits, according to the notice.

It has been announced that lunch will be served about 11:30 A. M. and an evening meal will be served if a quorum of one hundred or more is present at the time of adjournment.