

# VICE CHAIRMAN'S REPORT

The issue: Can a Tribal Council member be a tribal employee at the same time?

As many of you have heard by now, there's a very serious issue facing the Siletz Tribe. The issue is whether a Tribal Council member can, at the same time, be a tribal employee.

Tribal members have a right to know what this issue is all about and where it stands as of the publication of this issue of *Siletz News*.

Although I've been asked my opinion regarding this issue, it would be inappropriate for me to express my personal views at this time. I hope that in the near future, tribal members will have an opportunity to hear both sides of this very important issue.

For the present, I'll describe the issue as objectively as I can.

First of all, it's important to know that the Siletz Constitution in Article VI, Sec. 3, sets forth specifically the qualifications for membership on the Tribal Council:

"Candidates for Tribal Council must be duly enrolled members of the Confederated Tribes of Siletz Indians of Oregon, who will be at least eighteen (18) years of age on the date of election and who have never been expelled in accordance with Article VII, Section 4. Candidates must file statements of their candidacy with the Election Board not less than forty-five days before the annual election."

## Help Locate Retired Oregon Law Enforcement Officers

The Department of Public Safety Standards and Training (DPSST) is asking for help in locating Oregon law enforcement officers who retired from their agencies within the past five years.

New rules recently were approved that allow these officers to maintain their certification if they meet certain requirements. Because retired officers no longer are associated with their agencies, however, DPSST has no reliable way to let these public servants know about the rule change.

"This new rule addresses the long-standing desire of officers and agencies throughout Oregon to allow retired police officers to maintain the certifications that recognize their

However, the Tribal Constitution under Article IV, Sec. 1, also states that the

"Tribal Council is empowered to exercise all legislative authority of government except that vested in the General Council, and executive authority of the government, including the right to delegate authorities as it deem appropriate ..."

It was under this provision of the Constitution that the Tribal Council, exercising its legislative and executive authority, enacted three ordinances prohibiting Tribal Council members from being, at the same time, employees of the Siletz Tribe.

That policy was specifically spelled out in the following three tribal ordinances, each one unanimously adopted by the Tribal Council—Operation Rules and Procedures, Personnel Manual, and Ethics Ordinance. The wording of the policy is identical in all three documents, as follows:

"A tribal employee who has been elected to the Tribal Council shall be deemed to automatically terminate his/her employment with tribal government and/or other tribal entities upon taking the oath of office. Members of the Tribal Council shall not be employed as a member of the tribe."

However, exercising his right, this policy was challenged in Tribal Court

professional achievements and standing," says Mary Gaines, supervisor of DPSST's Certification and Records section.

The retired officer certification process also will allow retired officers to continue working part-time in certified positions, so that the value of their many years of knowledge and expertise is not lost to the state.

Officers who retired from their agencies anytime within the past five years are encouraged to contact Gaines at 503-378-2427 for more information. Information on retired officer maintenance standards are on DPSST's Web site at [http://www.dpsst.state.or.us/sc/sc\\_home.htm](http://www.dpsst.state.or.us/sc/sc_home.htm).



Vice Chairman Jessie Davis

by Bud Lane, an employee of the Cultural Department who recently was elected to Tribal Council. He contended that his constitutional and civil rights were denied.

On March 6, 2004, Chief Judge Calvin Gantenbein heard the case and handed down his decision in Bud's favor. The exact wording of the full decision had not been made available as of the publication of this issue of *Siletz News*.

On Feb. 9, although the Tribal Court would render its decision, the Tribal Council felt the need to settle the issue by an amendment to the Tribal Constitution. With this in mind, the Tribal Council adopted a resolution by a vote of five for and four against, to request the Bureau of Indian Affairs (BIA) to conduct a constitutional election. The election will give the general membership an opportunity to vote on the following proposed amendment:

"Tribal Council members shall not be or become employees of the tribe during their term of office. Tribal employees who become Tribal Council members by election or appointment shall be terminated during their time in office."

This provision, if adopted, will be added as a new Section 7 to Article VI of the Siletz Constitution.

According to the Siletz Constitution, any election on a proposed amendment to the tribe's Constitution must be conducted by the BIA. The BIA has 180 days from the date of the tribe's request for a constitutional election to conduct the election.

All tribal members 18 and older soon will receive a ballot to vote on this

issue. If you haven't already done so, please update your mailing address with our Enrollment Department. The BIA will use the most current address the tribe has. All tribal members 18 and older can exercise their right to vote.

## Tribal Use of Gaming Revenues

The Tribal Council will seek input from tribal members on how gaming revenues (excess pledge revenues) generated from our gaming enterprise should be allocated. We'll consider programs and services under the five general categories—Tribal Government, General Welfare, Economic Development, Investments, and Charitable Donations.

With this in mind, community meetings have been scheduled for all four areas, each starting at 6:30 p.m., as follows:

- April 13 – Eugene Area Office
- April 15 – Siletz Tribal Community Center
- April 20 – Salem Area Office
- April 22 – Portland Area Office

## Chemawa Station

Planning for the development of the 16-acre Chemawa property that was turned over to the Siletz and Grand Ronde tribes by the BIA is moving steadily forward.

Meetings are held on a monthly basis, with Chemawa Station Limited Liability Corporation (LLC) staffs of both tribes meeting first, followed by the two Tribal Councils. The LLC staffs also have been meeting with the representatives of the city of Keizer and the Oregon Department of Transportation on road access issues.

Based on their contacts with these city and state officials and discussion of developmental issues, the LLC staffs report their findings and recommendations to the joint councils.

A local consultant has been hired who already has presented a schematic design of proposed businesses suitable for location on the property. The two Tribal Councils are discussing the viability of the proposal.

Siletz representatives involved in the joint project are Chairman Delores Pigsley and council members Jane John and myself. Grand Ronde representatives are Bob Haller, Jan Reiback, and Reyn Leno.