Council Minutes

MARCH 16, 1985

MEETING: Regular Tribal Council
DATE: March 16, 1985
TIME: 9:00 A.M.
PLACE: Tribal Community Center

COUNCIL MEMBERS PRESENT:

Delores Pigsley, Chairman; Arthur Bensell, Vice-Chairman; Mary Alice Muncey, Secretary; Vernon Brown, Alta Courville, Frank Simmons, Alfred (Bud) Lane, Kristi Martin, Douglas Brown.

MOTION #1 — Arthur Bensell moved to enter Executive Session to discuss Personnel, 9:05 a.m. Seconded by Bud Lane. Motion unanimously approved 9-0-0.

MOTION #2 — Arthur Bensell moved to return to Regular Session, 12:00 noon. Seconded by Douglas Brown. Motion unanimously approved 9-0-0.

The following adjustments were made to the agenda: Add B.I.A. Report by Nelsen Witt following Health Concerns; move Approval of Minutes, Chairman's Report, Tribal Council Concerns and Travel Reports to end of agenda to begin at 6:00 p.m.

MOTION #3 — Arthur Bensell moved to approve the agenda as adjusted. Seconded by Vernon Brown. Motion unanimously approved 9-0-0.

Health Concerns — Elouise Case — Elouise spoke about the dangers of smoking and the effects it has on both smokers and non-smokers in the office. She suggested that Council might consider doing something about it because some lawsuits have been won by non-smokers who are affected by other people's smoke in office areas. Elouise handed out packets of information about the dangers of smoking and how to quit. She also asked that Council require all staff to attend a smoking presentation in the near future which she will be organizing. Kristi Martin suggested that the health program set up a program to help people quit smoking.

BIA Report — Nelsen Witt — Nelsen reported that the Agency will have a new staff person on board on the 14th. Ben Picotte has been assigned to the Agency as a 638 Specialist. Have also received approval for a clerical position. The current staff person will become a Property and Supply Specialist. The Community Services position was not approved. Will be rewriting the position as an Economic Development person and Credit and Finance. T.O. Traversie, from Portland, was here yesterday and discussed the service area expansion request. Nelsen has recommended to the Area Director that this request be approved. Mr. Traversie will be discussing this with the Solicitor. Will be starting work on the FY 87 Budget process in April. Will be holding hearings soon. Nelsen said that on contracts with no budget, the Bureau will negotiate with Tribes. Nelsen reported that Arthur Bensell's Fee to Trust is in the Area Office. Mary Alice Muncey's is almost completed.

Lunch Break 12:20 to 1:20 p.m.

Enrollment — Judy John reported that Shirley Strickler has been in the hospital, so has been going down to the Enrollment office to take care of some of the work. Judy spoke to Shirley while in the hospital and typed a memo to Council at her request. The memo requested that Council waive the posting requirement and approve the list of 13 for enrollment. All documentation has been received, however, due to going into the hospital, Shirley was unable to post the names in the offices. Discussion followed as to the legality of waiving the posting requirement. Judy pointed out that one of the names may be involved in a Child Welfare case, and therefore request that, at the least, this one be approved.

MOTION #4 — Arthur Bensell moved to approved enrollment of the Indian Child Welfare case and post the others. Seconded by Alfred Lane.

Doni White pointed out that this one name is not currently involved in a case. LeRoy Wilder said that the Ordinance states that the case must be in State Court before the posting requirement can be waived.

MOTION #4 WAS WITHDRAWN.

Council instructed that the names be posted. Discussion followed about training a person in Enrollment for emergency purposes. Phil Rilatos was instructed to follow up on this.

Timber Report — Mike Cloughesy — Mike requested approval of the Interim Forest Management Plan. Council has received copies of the Plan for review. Mike reviewed the Plan, section by section. This is the interim plan, the final approval is due on January 1, 1986.

MOTION #5 — Arthur Bensell moved to approve the Interim Forest Management Plan. Seconded by Alfred Lane. Motion unanimously approved 9-0-0.

Mike said that he has two more timber sales that need to be approved, but will not have committee approval until this Friday. Would like to get these advertised as soon as possible. If the Timber Committee approves the sales, Mike will mail the information to all Council members, then a telephone poll will be conducted.

Housing — Jeff Williams — Jeff said that he has been on board now for three months, Jim Willis has been a big help in getting to know the program. Jeff attended training in Oklahoma on HIP, which was very good. The training focused on construction, inventories and funding. The FY 84 Housing Program had a three month extension into FY 85, but all projects have now been completed. In FY 84, HIP funded three category "A", eight category "B" and eight category "C". Everyone is pleased with the jobs that were done. Four of these projects also received IHS water and sanitation services. Jeff reported that the Housing Inventory in the eight counties was completed in December. The inventory reflects that about 28% of the Tribal Members reside in substandard housing. About 10% of the households could not be contacted. To date in FY 85, three category "A" have been completed and one category "B". Have been notified that one of the four waivers has been approved. Will be putting together more information on the other three and resubmit them to the Bureau. LeRoy Wilder suggested that this be done right away because there is probably a 30 day deadline for appeals. Jeff said that he does not have any more information on an Indian Housing Authority. Cal Hewitt will contact HUD for information. Jeff reported that there has been a number of IHS water and sanitation projects in this area. Jeff then requested that Council appoint one more member to the Housing Committee, so there will be an uneven number. This will be taken care of when additional committee assignments are considered.

Economic Development — Kristi Martin — Kristi reported that the Planning Committee had a meeting on March 9 and discussed a joint venture with Chemawa. A report was also made on the Washington, D.C. trip. The Planning Committee has also recommended various fact-finding missions to other Indian enterprises and the Department of Defense to get some economic development ideas. The Committee selected at least one Council member, committee member and staff person to attend the sessions. Suggestions were as follows: To Mississippi Choctaw — Jim Willis, Bud Lane, Vernon Brown; to Warm Springs — Doni White, Tina Jones, Mary Alice Muncey, Frank Simmons; to Blackfeet Reservation — Jessie Davis, Phil Rilatos, Kristi Martin, Art Bensell; to Devil's Lake — Kristi Martin, Douglas Brown, Mike Cloughesy; to Department of Defense — Delores Pigsley, LeRoy Wilder, Phil Rilatos, Alta Courville. Kristi said that the cost for the first trip, Choctaw, is $1,872.00, and will be on April 13-16. Discussion followed about setting aside funds for all of the trips, instead of having to approve them each time. It was decided that $10,000.00 should cover the expenses. It was also suggested that all the travels be authorized now so supersaver fares might be used. Andrew Viles asked why the General Manager is not included in any of the trips. Chairman explained that Bob Lockyear is no longer here, Phil Rilatos is the Acting General Manager.

MOTION #6 — Kristi Martin moved to approve $10,000 from Timber Revenue for Economic Development fact-finding missions. Seconded by Alta Courville. Motion unanimously approved 9-0-0.

MOTION #7 — Alta Courville moved to approve the following Economic Development fact-finding missions: Jim Willis, Alfred Lane and Vernon Brown to Mississippi Choctaw on April 13-16; Doni White, Tina Jones, Mary Alice Muncey and Frank Simmons to Warm Springs; Jessie Davis, Phil Rilatos, Kristi Martin and Arthur Bensell to Blackfeet Reservation; Delores Pigsley, Phil Rilatos, LeRoy Wilder and Alta Courville to Department of Defense; Kristi Martin, Douglas Brown and Mike Cloughesy to Devil's Lake. Seconded by Frank Simmons. Motion unanimously approved 9-0-0.

Cultural Committee Report — Andrew Viles — The job announcement is in the newsletter for Cultural Information Gatherers. Are now waiting for applicants. The Cultural Committee is concerned about the interview process. Asked that the Committee be involved when interviews are conducted. Vernon Brown asked if Tribal Members only need apply. Doni White responded that we are required to follow the management manual policies.

Bingo Update — Bud Lane — Bud reported that there is a vacancy in the concession stand at the moment. The Committee will be evaluating the Manager at the next meeting. Have held 21 games to date. Judy John handed out financial statements for the month of February and year-to-date. LeRoy Wilder reported that the City was concerned about the concession stand violating the agreement of no competition with businesses in Siletz. A meeting was held with the City Council and they agreed that there was no violation.

Health Committee Report — Delores Pigsley — The Health Committee is interested in holding the Health Fair on the Saturday of the Pow Wow if it will not interfere with Pow Wow plans. Would like the Pow Wow Committee to consider this when making plans. Doni White reported that each year we need to update the Annual Implementation Health Plan. The goals of the Plan identify Tribal Members needs. This year the Plan identifies the reduction of cardio-vascular diseases as the main goal with related objectives. Doni also reported that the Tribal Specific Health Plan needs to be updated. Will be modifying the CHN budget in order to complete a socio-economic survey. Doni requested that Council adopt the Annual Implementation Health Plan for FY 86 with the goal identified as reduction of Cardio-Vascular diseases.

MOTION #8 — Mary Alice Muncey moved to adopt the Annual Implementation Health Plan for FY 86 with goal identified as the reduction of Cardio-Vascular diseases. Seconded by Alfred Lane. Motion unanimously approved 9-0-0.

Delores Pigsley reported that information has been received from the Health Board requesting comment on the President's Budget. Someone needs to put some testimony together, specifically, the Community Health Representatives have been eliminated from the budget. Doni White reported that IHS is eliminating the line item for Management Support, which is the money that is given to Tribes to do research and planning for contracting. Arthur Bensell said that at the last alcohol meeting, they got support for the Health Bill. The next meeting of the Health Committee will be April 2 at Chemawa.

General Managers Report — Phil Rilatos — Phil reported that Harold Culbertson has completed the FY 83 audit. He had 34 questioned costs, and in the end got only one disallowed cost for $10.00. Mr. Culbertson will be back on the 18th to begin auditing FY 84. Phil congratulated Karen, Sharon and Mary for their hard work in getting ready for their second audit in three months. Phil requested that Council adopt a resolution for the Auditor's contract to perform the FY 84 audit. The contract has not been received, however, the amount has gone down from $10,000 to $9,000. The cost went down because he has less work, with less disallowed costs.

MOTION #9 — Arthur Bensell moved to approved contract with Harold Culburtson as Auditor, in an amount not to exceed $9,000.00. Seconded by Alfred Lane. Motion unanimously approved 9-0-0.

Phil and Bob Lockyear recently attended training in San Diego on Indirect Cost. It was very good training, suggested that some Council members receive some of that training. Delores and Nelsen Witt took Phil to Portland this week. Phil reported that the Indirect rate for February was 24.3%. Phil then reviewed the February expenditure reports. These were the first financial reports completed by the computer. Phil explained how to read the reports. Mary Alice Muncey asked for a more simple report on timber revenue. Phil then requested that Council approve an additional Letter of Credit Signer. Had a problem this week getting a signer.

Bud Lane reviewed the recommendations made by the ad hoc committee on where to construct the bull pen. He drew a picture on the board of where they would like the pen built. They had Alton Butler look for graves in this area and he found two possible graves farther out from the Aldridge house, about 40 feet. The committee will continue to gather information as to whether there are graves in that area.

MOTION #10 — Alfred Lane moved to approve the following as Letter of Credit Signers: Delores Pigsley, Kristi Martin, Arthur Bensell and Douglas Brown. Seconded by Arthur Bensell. Motion unanimously approved 9-0-0.

Doni White then reported that we have received notification from the Department of Labor that we are again approved as grantee for the JTPA Program. Will be receiving $327,300.00 for Program Year 1985. Have also received $9,429.00 for a Summer Youth Opportunity Program. This will support eleven positions, 4 in Salem, 3% in Siletz and 3% in Springfield. The Plan is due by the end of next week. Vernon Brown said that Siletz should have the four positions and 3% in the other areas. Doni said that she has another proposal to present later.

MOTION #11 — Vernon Brown moved to approve resolution in support of SYEP Program. Seconded by Douglas Brown. Motion unanimously approved 9-0-0.

Doni also requested a resolution for the JTPA Annual Plan for FY 85. It is basically the same as last year. The Plan is due on April 15.

MOTION #12 — Alta Courville moved to approve JTPA Annual Plan for FY 85. Seconded by Kristi Martin. Motion unanimously approved 9-0-0.

Doni reported that a Tribe sued DOL for the carryover money when the program was eliminated, and won the case. We may be receiving these funds, about $20,000.00.

Doni said that she received a letter from the National Indian School Board requesting that we become a member, the Board will be focusing on support for Johnson O'Malley. Bob Tom researched the organization and suggests we become a member in the name of the Education Committee. Membership dues are $50.00 annually. LeRoy Wilder spoke in favor of the Board. Council all agreed to become a member, funds to come from the membership line item in the Tribal Government Budget. No action was necessary.

Doni also reported that the Lincoln County Mental Health Department had requested that Council recommend members for the Siletz Indian Alcohol Advisory Committee. The Committee will oversee the local Indian Alcohol Program. Doni suggested that the Health Committee act in this capacity, as they monitor all other health matters.

MOTION #13 — Arthur Bensell moved that the Siletz Indian Alcohol Advisory Committee be made up of the Health Committee. Seconded by Alta Courville. YES: Delores Pigsley, Arthur Bensell, Kristi Martin, Alta Courville, Alfred Lane, Douglas Brown, Frank Simmons, Vernon Brown. NO: -0-. ABSTAIN: Mary Alice Muncey. Motion approved 8-0-1.

Doni received a letter from the Director of Education for the Yakima Tribe requesting that Siletz support continued funding to American Indian Scholarships, Inc. Currently, the Bureau contracts with A.I.S., Inc. to operate a scholarship program for Indian students. The Bureau is considering putting this money out for proposals.

MOTION #14 — Kristi Martin moved to support continued funding to American Indian Scholarships, Inc. Seconded by Frank Simmons. Motion unanimously approved 9-0-0.

Doni reported that modifications for carry-in money is due by the 25th. There is a large amount of carry-in in enrollment and community services. Have been working on ways this money can be effectively utilized. Doni is suggesting that some of these funds be used to fund a Summer Youth Program, which would be similar to the program two years ago. Doni is suggesting a budget of $7,300, which would create about seven positions here in Siletz. If Council agrees, this would require a resolution.

MOTION #15 — Mary Alice Muncey moved to modify Element 20 carry-in funds to fund a Summer Youth Program. Seconded by Vernon Brown. Motion unanimously approved 9-0-0.

Doni also reported that she plans to modify the Scope of Work in the Enrollment contract to provide 638 training. Aid to Tribal Government has that training in the grant, but not enough money. The additional funds will be used to cover costs of facilities, consultants and travel. Doni said that staff has been working on the 1986 ZBB, trying to find ways to fund the Planner position. Doni suggested that Council consider paying the Council Secretary from Timber Revenue next year, which would free-up money for the Planner. EDA and ANA both have said that they will not fund a position next year. Will have to start on the 1987 ZBB this April.

Chairman said that some things were discussed in Executive Session which should be taken care of at this time.

MOTION #16 — Alta Courville moved to terminate Robert Lockyear as of March 16, 1985. Seconded by Douglas Brown. Motion unanimously approved 9-0-0.

Council then discussed awarding severance pay to Mr. Lockyear. LeRoy Wilder pointed out that the Management Manual states that severance pay will not be awarded. It was the opinion of most Council members that the General Manager position does not come under the Manual.

MOTION #17 — Vernon Brown moved that we do not pay severance pay to Bob Lockyear. MOTION DIES FOR LACK OF SECOND.

MOTION #18 — Kristi Martin moved to award two weeks severance pay to Robert Lockyear from Timber Revenue. Seconded by Alta Courville. YES; Delores Pigsley, Arthur Bensell, Kristi Martin, Alta Courville, Mary Alice Muncey, Alfred Lane, Douglas Brown, Frank Simmons. NO: Vernon Brown. Motion approved 8-1-0.

Mary Fisher stated that no action can be taken in Executive Session, everyone should have been informed of the decision immediately after returning to Regular Session. Chairman stated that there was no action taken in Executive Session, that this was the appropriate time to take action. Phil Rilatos has agreed to act as General Manager for the interim.

Attorney's Report — LeRoy Wilder — LeRoy discussed HB 159, the Bill which authorizes the Governor to enter into agreements with Indian Tribes. The Bill was placed on the back burner, but Kathy Gorospe, from Commission on Indian Services, got it back on. LeRoy will be preparing testimony and present it to Council. LeRoy congratulated Council on their hard work and their ability to make the tough decisions that need to be made. LeRoy then requested Executive Session to discuss Economic Development.

MOTION #19 — Kristi Martin moved to enter Executive Session to discuss Economic Development, 5:15 p.m. Seconded by Alta Courville. Motion unanimously approved 9-0-0.

MOTION #20 — Arthur Bensell moved to return to Regular Session, 5:30 p.m. Seconded by Kristi Martin. Motion unanimously approved 9-0-0.

LeRoy then discussed the modification to the General Council contract. Council has agreed that LeRoy will be involved in all of its Economic Development activities as well as the other legal duties required. Have agreed that LeRoy will go on a flat fee basis to do all of the legal work for an average of ten days per month or 120 days for one year, pushing the legislative effort for the land, Chemawa project and anything else required.

MOTION #21 — Alfred Lane moved to approve in principle, a General Council contract with LeRoy Wilder, for 120 days per year, for one year, or the amount of $54,000, to be paid in twelve equal installments. Seconded by Frank Simmons. Motion unanimously approved 9-0-0.

LeRoy then presented the February attorney invoice for approval.

MOTION #22 — Vernon Brown moved to approved payment of February Attorney invoice. Seconded by Alta Courville. Motion unanimously approved 9-0-0.

Hunting & Fishing Report — Ted Werth — Ted reported that the new Chairman of the Hunting & Fishing Committee is Keith Hatch. The Committee discussed pick-up of road kills and has agreed to pay a flat fee of $15.00 to pick up a deer carcass at the police station, and $25.00 if a person has to pick up and field dress and haul the carcass. They also set a rate of $35.00 to pick up an elk, or $5.00 per hour, whichever is more. Violation notices have been sent out to those Tribal Members who have not returned unused tags. The Committee is recommending a meat distribution in the Area Offices in April. Recommend distributing 200 pounds of sausage and some hamburger. If approved, an article will be put in the newsletter. A Biologist will have some figures from the State on Sams Creek, Euchre Creek and Mill Creek, then the Committee will recommend a site. Ted reported that Mr. Sparling has not responded yet as to access on the Rock Creek site, Ted has requested that the Columbia River Intertribal Fish Commission attend the Tribal/State meeting this Friday.

MOTION #23 — Kristi Martin moved to approve meat distribution in the three Area Offices in April. Seconded by Alta Courville. Motion unanimously approved 9-0-0.

Ted announced that he has just returned from a meeting in Warm Springs of the Native American Press Association. Ted submitted the Siletz News for an awards competition, and the Siletz News was one of five to receive an award