

Council Meeting Minutes

APRIL 20, 1985

MEETING: Regular Tribal Council
DATE: April 20, 1985
TIME: 10:00 A.M.
PLACE: Tribal Community Center

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

Judy John, Secretary; Phil Rilatos, General Manager; Mary Fisher; Shirley Strickler, Enrollment Mgr.; Jane John; Doni White, Human Res. Mgr.; LeRoy Wilder, Attorney; Ted Werth, H&F/News Editor; Nelsen Witt, Superintendent; Andy Viles

Chairman Delores Pigsley, called the meeting to order at 10:00 a.m. Invocation by Vernon Brown. Roll Call was taken with all Council Members being present. Changes to the agenda were as follows: 2:00 p.m. Break for Memorial Service; 4:30 p.m. Culture Committee Report by Andy Viles.

MOTION #1 — Bud Lane moved to approve agenda as amended. Seconded by Frank Simmons. Motion unanimously approved 9-0-0.

MOTION #2 — Vernon Brown moved to enter Executive Session to discuss personnel, 10:15 a.m. Seconded by Douglas Brown. Motion unanimously approved 9-0-0.

MOTION #3 — Mary Alice Muncey moved to return to Regular Session. Seconded by Douglas Brown. Motion unanimously approved 9-0-0.

MOTION #4 — Mary Alice Muncey moved to approve minutes of 3/16/85 and 4/6/85. Seconded by Douglas Brown. Motion unanimously approved 8-0-0. (Kristi Martin absent).

MOTION #5 — Vernon Brown moved that anything pertaining to Tribal Chairman business be conducted through our Tribal Chairman's Office. Seconded by Mary Alice Muncey.

Discussion — Douglas Brown asked if there have been any problems. Delores Pigsley, Phil Rilatos and Doni White responded that there have been none.

RECAP MOTION #5 — Vernon Brown moved that anything pertaining to Tribal Chairman business be conducted through our Tribal Chairman's Office. Seconded by Mary Alice Muncey. YES: Mary Alice Muncey, Vernon Brown. NO: Delores Pigsley, Arthur Bensell, Kristi Martin, Alta Courville, Alfred Lane, Douglas Brown, Frank Simmons. ABSTAIN: -0-. Motion defeated 2-7-0.

Lunch Break 12:00 to 1:00.

Tribal Council Concerns — Mary Alice Muncey stated that Resolution number 85-117 was incorrect. The Resolution adopted the FY 1986 Annual Implementation Health Plan with the goal as the reduction of cardio-vascular diseases. Actually, what the resolution should have stated was that Council adopts the goal only. Doni White stated that she was aware of the error, and will present this in her report.

Delores Pigsley said that her concern was whether Council members can receive travel and time to attend a committee meeting when they are not a member. Vernon Brown received a travel advance to attend an Education Committee meeting in Salem, and he is not a member of that committee. Frank Simmons stated that they should not, if interested, should attend on their own. Bud Lane said that he was concerned about Council members being the only paid members of the committees. Vernon Brown stated that he was contacted by two tribal members requesting his attendance at the committee meeting. Vernon stated that he thinks Council members should be paid to attend the committee meetings. LeRoy Wilder read the Tribal Council Rules and Procedures ordinance. The wording in the ordinance is not clear. LeRoy suggested amending the ordinance to resolve the question.

Kristi Martin was concerned about what time is chargeable. Council members should not submit time for social activities, such as attending a Pow Wow. LeRoy said that Council needs to clarify the intent of the ordinance. Andy Viles stated that if a Tribal member had a concern about the committee, they should contact the Chairman of that committee. Council authorized LeRoy Wilder to draft some wording to amend the ordinance.

Pow Wow Update — Vernon Brown — Douglas Brown is the Chairman of the Pow Wow Committee. Everything is coming together. Zek Towner said that he will not be able to serve on the Pow Wow Committee, but will be available as an advisor. The Committee will present a budget at the next Council meeting. Bill Towner is in charge of the drums, Joella Kline is in charge of the Pageant and Vernon Brown is in charge of concessions. Have not yet discussed security. Arthur Bensell asked if the Committee was going to get bleachers. Yes, may be able to get two sets. Have had one volunteer, Bonnie Peterson.

Superintendent's Report — Nelsen Witt — Nelsen reported that the Solicitor has determined that the Tribe's service area can be expanded Administratively. Council needs to adopt a resolution stating the number of Indian people native to the reservation residing in the area, written designation by the Council that members of their tribe are family members who are Indian residing in the area are socially, culturally, and economically affiliated with the tribe, geographical proximity of the area to the reservation and administrative feasibility of providing an adequate level of services to the area. The Area Office has agreed to support this effort. Regarding providing services to that area, will provide outreach services for the present. This will not increase our allocations from the Bureau.

MOTION #6 — Douglas Brown moved to approve resolution requesting Administrative expansion of the service area, including specific information required by the Bureau of Indian Affairs. Seconded by Frank Simmons. Motion unanimously approved 9-0-0.

Nelsen reported that the Agency has been getting more local authority. The Agency can now approve tribal rolls, timber sales and have procurement authority of \$10 to \$25,000. The Area Office can now approve guaranteed loans. Ben Picotte is now on the job. The Agency is hosting a Budget Training Session at the Embarcadero on May 6 and 7. Council members attending will be Delores, Alta, Vernon, Mary Alice, Kristi, Bud, Frank and Arthur. Nelsen requested a day with Council to provide training just for Council. The training would include the budget process, attorney contracts and the service area. Nelsen reported that it has been directed to dispose of the superintendent's quarters off site at Chemawa. This means relocating the building. The Tribe may want to make an effort to have the Bureau dispose of enough land and keep the building on the site. Chairman said that the Tribe has used the

building in the past for JOM. Chairman will contact Van Peters.

Break for memorial service for Mrs. Newman, 1:55. Meeting continued at 2:10, as the service had not begun.

Enrollment — Shirley Strickler — Shirley recommended 13 for approval.

MOTION #7 — Bud Lane moved to approve 13 for enrollment. Seconded by Douglas Brown. Motion unanimously approved 9-0-0.

Shirley recommended that two applicants be rejected.

MOTION #9 — Mary Alice Muncey moved to approve 5 name changes. Seconded by Douglas Brown. Motion unanimously approved 9-0-0.

Shirley recommended approval of 3 birthdate changes.

MOTION #10 — Douglas Brown moved to approve 3 birthdate changes. Seconded by Bud Lane. Motion unanimously approved 9-0-0.

Enrollment has recieved two requests for relinquishment from Siletz, to go to Grand Ronde.

MOTION #11 — Alta Courville moved to approve two relinquishments. Seconded by Douglas Brown. Motion unanimously approved 9-0-0.

Shirley reported that enrollment is now 1753. Frank Simmons asked why deceased Tribal members were removed from the roll. Shirley said that is just a formality, all information is kept on file. Delores Pigsley asked about the yearly posting of the roll, the Ordinance states that each year a roll will be posted in the Area Offices. Chairman said that this should be done, with names and roll numbers only. Shirley said that the only problem is that the roll is not in alphabetical order after number 1057. Need a terminal in order to get this done.

Attorney's Report — LeRoy Wilder — LeRoy reviewed the agenda for the delegation to Washington, D.C. Will meet with staff in the White House to talk about the land acquisition effort. Will meet with Lynn Engles to review another ANA Proposal, will meet with Sid Mills on roads, with BLM staff regarding land acquisition program. May meet with the new Secretary of the Department of Interior, Don Hodel. LeRoy briefly reviewed the ANA proposal. The Administration for Native Americans has sent out a Request for Proposals regarding housing and zoning requirements. A draft proposal dealing with land use planning and a modular housing construction company is in the process of being typed and will take it to Washington, D.C. for review. Will ask for a Special meeting before the General Council meeting on May 4 to receive authorization to submit the proposal.

LeRoy then presented the new Attorney Contract for consideration. Council has had the proposal for several weeks for review. LeRoy suggested that the contract be approved on a three month trial basis. May not need to have him here ten days a month.

MOTION #12 — Alta Courville moved to approve Attorney Contract with LeRoy Wilder, Chairman is authorized to sign the Contract. Seconded by Kristi Martin. YES: Delores Pigsley, Arthur Bensell, Kristi Martin, Alta Courville, Alfred Lane, Douglas Brown, Frank Simmons, Vernon Brown. NO: Mary Alice Muncey. ABSTAIN: -0-. Motion approved 8-1-0.

Break for memorial service 2:30 to 3:00 p.m.

LeRoy presented the March Attorney Invoice for approval. Douglas Brown questioned charge for meeting with City, should be charged to Bingo. LeRoy said that what the issue was whether we had violated the agreement with the City.

MOTION #13 — Alta Courville moved to approve March Attorney's Invoice. Seconded by Kristi Martin. YES: Delores Pigsley, Arthur Bensell, Kristi Martin, Alta Courville, Mary Alice Muncey, Alfred Lane, Frank Simmons, Vernon Brown. NO: Douglas Brown. ABSTAIN: -0-. Motion approved 8-1-0.

Hunting & Fishing Report — Ted Werth — The State recently planted Coho smolts and fingerlings in Euchre Creek. The Hunting and Fishing Committee will have a tour on May 4, before General Council. Have not received a response from Mr. Sparling, who owns property on Rock Creek. Have checked into three parcels of property with access to Sams Creek, all of these are owned by one person. The owner has indicated willingness to sell the property. He is asking \$49,000 for the best piece of property, a little over two acres, the County lists the true cash value at \$15,190. Prices for the other two parcels are more conservative. If Council wishes to consider these, would have to negotiate with the State for this site. Chairman agreed that this is worth pursuing to see if the State would approve this site. Council authorized Ted to contact Rollie Rousseau for a meeting to discuss a possible site on Sams Creek.

General Manager's Report — Phil Rilatos — Job Corp is willing to construct the comfort facilities. Phil will get estimates on the electrical and plumbing. Total cost of the project should not exceed \$35,000. Phil will also get more bids for comparison. The Job Corp can complete the project except for tiling, will come back after the Pow Wow to tile the facility. Have checked on the taxes on the Judd Property, there are no additional taxes due. Met with Lincoln County Commissioners and gave them a check in the amount of \$71,527.57, in accordance with the agreement that the Tribe would pay the County 5 percent of gross timber sales. County Commissioner, Mr. Jantzi, suggested that the Tribe make totem poles and sell them to tourists. The Commissioners said that there are openings on the County's Economic Development Committee and an Alternate on the Economic Development Commission. The Commission is the decision making body, it has residency requirements. Phil Rilatos is not in the area for eligibility on the Commission, but agreed to sit on the Committee. Chairman asked for a volunteer for recommendation on the Commission, none were received.

MOTION #14 — Mary Alice Muncey moved to recommend Phil Rilatos be appointed as Tribal Representative to the Lincoln County Economic Development Committee. Seconded by Bud Lane. Motion unanimously approved 9-0-0.

Phil reported that Mike Cloughesy will begin working on the bull pen. Have received letter from the County stating that the County Surveyor will survey the Lincoln City cemetery. Regarding direction received to get a back up person in the enrollment office, Phil suggested an amendment to the Personnel Manual, Section 617.6 that states, "No employee of the Tribe will be allowed to hold another job within the Tribal organization that would exceed a combined 40 hour work week." This would allow Kelly Strickler to apply for the position.

MOTION #15 — Kristi Martin moved to approve amendment to Section 617.1.6 of the Personnel Manual to read "No employee of the Tribe will be allowed to hold another job within the Tribal organization that would exceed a combined 40 hour work week." Seconded by Frank Simmons. Motion unanimously approved 9-0-0.

Phil reported that a full staff meeting was held last Friday. Discussion included the amendments to the Personnel Manual. Have received confirmation

from the insurance company regarding the Disability Plan that in order to be covered, an employee must work at least 30 hours per week, this excludes the Tribal Court Judges, Cultural Information Gatherers, Court Clerk, Bill Wallace and Denise Wilson.

The Job Descriptions with salary ranges and salary ranges for the top five positions were discussed in Executive Session, Phil requested approval at this time.

MOTION #16 — Bud Lane moved to approve Job Descriptions for Assistant General Manager, Business Manager and Programs Manager, and to approve salary ranges for the following positions: Asst. General Manager — \$28,178 to \$30,316; Business Manager — \$24,941 to \$26,188; Programs Director — \$24,941 to \$26,188 and Forester — \$24,941. Also approve that the top five positions will be salaried positions. Seconded by Frank Simons. Motion unanimously approved 9-0-0.

Delores Pigsley said that a Selection Committee will need to be appointed, consisting of two or three Council members. It was decided that Council members appointed to the Committee will be Arthur Bensell, Alta Courville and Vernon Brown. Phil will now begin in-house advertising for two of the positions.

Phil reported that the timber sales for Gunn Creek did not receive bids. However, the upcoming sales, Bales Creek, Burbank Creek and Little Rock Creek, have a better chance of receiving bids.

Phil asked Council if it was a directive to Bob Lockyear to start the Job Bank. If not, Phil would prefer not to do that, or refer people to the JTPA Program. Council consensus was not to continue with the program.

Dan Rilatos has submitted a request to buy a tiller and front-end loader. The Maintenance Budget has enough funds to cover all but about \$500, Phil requested approval to buy this equipment.

MOTION #17 — Mary Alice Muncey moved to approve purchase of tiller and front-end loader in the amount of \$2,495.00 from Maintenance Budget. Seconded by Vernon Brown. Motion unanimously approved 9-0-0.

Phil requested approval of the FY 85 Timber Revenue Budget to reflect the additions that have been approved to include the payment of 5 percent to the County, Economic Development Travel, Land Acquisition Travel, Judd Property, Architect and Timber Sales Assessment.

MOTION #18 — Bud Lane moved to approve modification to FY 85 Timber Revenue budget with additions. Seconded by Frank Simmons. Motion unanimously approved 9-0-0.

A request has been received from Arlis Chatterson to borrow a tee pee. Dan Rilatos normally handles property loans. Dan said that the last two loaned, he had to go get them. This is OK, not to exceed one month.

Phil said that the insurance company is having trouble placing a value on our baskets. Delores Pigsley said that she will help with that.

Phil then reported that a Council training is identified in the ATG grant again this year. Decisions need to be made on what the session will cover, when and where to hold the training, and whether to invite other tribes. Council decided to schedule the training for July 13 and 14. Topics will cover 93-638 contracting, A-102 Audit, Indirect Cost, Tribal Council organization and responsibilities.

MOTION #19 — Vernon Brown moved that Council training site be the Embarcadero. Seconded by Mary Alice Muncey. YES: Delores Pigsley, Arthur Bensell, Kristi Martin, Alta Courville, Mary Alice Muncey, Douglas Brown, Vernon Brown. NO: Alfred Lane, Frank Simmons. ABSTAIN: -0-. Motion approved 7-2-0.

MOTION #20 — Vernon Brown moved that second choice for Council training site be Kah-Nee-Ta. Seconded by Frank Simmons. YES: Delores Pigsley, Arthur Bensell, Kristi Martin, Mary Alice Muncey, Alfred Lane, Douglas Brown, Frank Simmons, Vernon Brown. NO: Alta Courville. ABSTAIN: -0-. Motion approved 8-1-0.

MOTION #21 — Vernon Brown moved to include other tribes in the Council Training Session. Seconded by Douglas Brown. YES: Delores Pigsley, Arthur Bensell, Mary Alice Muncey, Douglas Brown, Frank Simmons, Vernon Brown. NO: Kristi Martin, Alta Courville, Alfred Lane. ABSTAIN: -0-. Motion approved 6-3-0.

Phil reported that Art Bensell has indicated an interest in either selling the USDA warehouse to the Tribe or increasing the rent. Another party has been contacting Mr. Bensell wanting to pay cash for the site. Currently, the Tribe rents the building for \$403 a month. We pay \$721 a month for the Salem Area Office, \$500 for the Springfield Area Office and \$400 for the Salem USDA warehouse. Art Bensell said that he would prefer holding onto the building with an increase in rent, if the Tribe expressed an interest in possible purchase in the future. Dolly Fisher pointed out that if someone else bought the building, the rent would probably be increased a lot higher. Council expressed an interest in possible purchase in the future. Staff was instructed to find out what can be negotiated with USDA. Chairman said that we will be holding a Special meeting before General Council, may have an indication from USDA by then.

Doni White said that the JTPA staff is leaving tomorrow to attend a National Indian and Native American Employment and Training Conference. Mary Lane is requesting that she be given approval to vote as the Tribal Representative at this meeting. If approved, Chairman will have to sign a form. Council agreed to Chairman signing the form.

Doni White then explained that Resolution number 85-117 was not written correctly. Actual approval was adoption of the goal of reduction of cardio-vascular diseases among Tribal members. Doni requested that Council rescind resolution 85-117 and adopt the goal.

MOTION #22 — Mary Alice Muncey moved to rescind Resolution 85-117 and adopt as goal for FY 86 the reduction of cardio-vascular diseases among tribal members. Seconded by Kristi Martin. Motion unanimously approved 9-0-0.

Doni reported that the Department of Labor conducted an on-site visit to review the JTPA records. They found no major problems.

HUD has sent out a Request for Proposals for FY 85 funds for about 220 units. The proposal is due by June 1. Doni would like to put together a proposal to see if the Tribe can get funding for some units. This is the last year that HUD will have available funds until 1988. Will have to identify some Tribal land that is in trust. If funded, have to do a minimum of 25 units. Jeff Williams sent out a model Housing Authority Ordinance for Council review, if funded, Council would have to adopt a Housing Authority Ordinance. Doni requested that Council review that ordinance.

Continued Page 14