

Tribal Council Meeting

MEETING: Regular Tribal Council

DATE: December 20, 1986

TIME: 9:00 a.m.

PLACE: Springfield Area Office

COUNCIL MEMBERS PRESENT:

Frank D. Simmons, Alta Courville, Mary "Dolly" Fisher; Alfred "Bud" Lane, III, Vice-Chairman; Delores Pigsley, Chairman; Arthur S. Bensell, Mary Alice Muncey, Secretary; Douglas Brown.

COUNCIL MEMBER ABSENT: Lori Johnson

OTHERS PRESENT:

Tina M. Jones, Secretary; LeRoy Wilder, Attorney; Al Courville, Shirley Strickler, Enroll. Mgr.; Bob Tom, Education Spec.; Pauline Ricks, Phil Rilatos, General Manager; Judy John, Programs Manager; Fredie L. McClintock, Bonnie Petersen, Court Clerk, Gladys Staggs, Alice Werth, Social Worker.

Chairman, Delores Pigsley, called the meeting to order, 9:02 a.m. Roll call was taken with 8 Council Members present and 1 absent. Additions need to be made to the agenda. Phil noted the Employment Assistance Manual needed to be approved, in concept, as the deadline for submitting it to the Bureau was December 26th. Douglas did not want to approve the manual without getting a chance to read and review it. Dee suggested reading it and doing a phone poll for approval next week. Council agreed to this.

MOTION #1 — Frank Simmons moved to approve the amended agenda with the following additions: Tribal Member Concerns — 10:15 a.m.; Enrollment — 1:00 p.m.; Employment Assistance Manual — 4:00 p.m. Seconded by Douglas Brown. Motion approved, 8-0-0.

MOTION #2 — Bud Lane moved to enter Executive Session to discuss Personnel, 9:08 a.m. Seconded by Frank Simmons. Motion approved, 8-0-0.

MOTION #3 — Frank Simmons moved to return to Regular Session, 9:58 a.m. Seconded by Dolly Fisher. Motion approved, 8-0-0. Dolly requested that on Motion #8 of the 12/9/86 Special Council Meeting needs to be clarified by adding that Option #2 was contingent upon the reprogramming. Tina will add this.

MOTION #4 — Dolly Fisher moved to approve the amended minutes of the 12/9/86 Special Council Meeting. Seconded by Alta Courville. Motion approved, 8-0-0.

TRIBAL COUNCIL CONCERNS — Frank Simmons was concerned about a discussion on tribal members who work for the tribe not having to pay State or Federal taxes. LeRoy Wilder researched this previously. Tribal Members must live and work on the reservation in order to be exempt from paying income taxes. However, tribal members file individually with the IRS and it does not affect the Tribe. Frank asked why Allison Simmons' AVT application was not approved. Judy noted that her previous AVT application would have been approved but there was a lack of funds. In moving to Portland, Allison would be bettering herself by going from a Receptionist to a Secretary. Judy thought the regulations specified you must be unemployed. LeRoy will check into this. Judy suggested Allison file an application so a determination could be made. Art felt we needed to look out for our people living on the reservation. He felt it was good to get wood for the elderly. The people who worked that day worked hard and didn't stand around. Alta thanked Bob and Leah Tom for working in her place and for bringing her wood. Dolly asked about the Committee budgets being frozen. Bud noted that he ordered them frozen until new budgets were submitted and the Council approved them. He thought committee budgets were for travel to attend committee meetings and not to go to workshops and purchase supplies. Concern was expressed at the number of people attending workshops. Dolly felt that because there were so many workshops going consecutively that more than one or two should attend. Bud felt the Council should attend as they are the representatives. Dee noted when the Council budget was passed the committee budgets were not included, but have been adding them piece-meal. Everyone else is asked to stay within a budget, including Council. This should be resolved during the Tribal Council Budget review at 2:00 p.m. Dolly noted Sacred Lands Preservation Committee wants the Haraney-Evans report Phil presented at the last meeting. Dolly asked about Council abstaining. Dee felt Council Members should abstain when voting directly affects the Council Member or their immediate family. If the Council Member does not fully understand the motion being voted on, they need to ask questions during discussion. It was decided that Council Members have the privilege of abstaining whenever they chose, and do not have to give a reason. Douglas asked about how to file a complaint with IHS. A tribal member has needed an operation for 3 years, but has been put on the deferred list. Alta noted the tribal member needed to have her doctor write a letter to Jim Edge noting the necessity of the operation. Jim Edge will meet with Dr. Nurre. If they do not approve the operation, the tribal member can then appeal to Don Davis in Portland. Dee suggested sending a copy to the tribal Health Committee to keep them informed. LeRoy offered to facilitate this by writing a letter to the doctor in Corvallis in hope of expediting the matter. Pauline Ricks noted another problem has been that IHS will approve a medical treatment over the telephone, but never send the paperwork and the doctor is unable to treat the patient without the written authorization. Dee expressed her appreciation for the volunteers who helped cut wood. The Council desires to compile a list of volunteers for future projects, as well. Dee is concerned about the request for comments for education or Bureau programs. In the new appropriations language, schools in Arizona, New Mexico and South Dakota will be run by the State. The Bureau will give the money to the State. Also, it's proposed that forestry be contracted by people like Weyerhaeuser or Boise Cascade. Committees need to be active in making recommendations and suggestions to the Council. Also, AVT, HIP, Employment Assistance and General Assistance will be combined into one line item called self-help and tribes will have to compete for this money. It is going back to the block grant concept, which is not good for us. We will have to fight that language, which is due out by February. There is concern about committees not being active or tribal members not attending meetings. When the committees are re-appointed, the Council needs to keep in mind those tribal members active on committees. We need to do more as a tribe in giving comments and writing legislators. Committees were asked to submit minutes and we are receiving only from Timber, Sacred Lands Preservation and HIP Committee minutes.

TRIBAL MEMBERS CONCERNS — Fredie McClintock questioned why the Springfield CHR position was abolished. Pauline voiced her concern and frustration about this position being eliminated. She feels it is a violation in the contract and that it was a cold, heartless thing to do. Pauline asked if any research was done prior to this decision. Health, Education and Welfare were the main points when we were trying to get restored. Pauline suggested we look into alcohol/drug money available to help pay for a CHR. This did not go through the Health Committee for their recommendation. She suggested that the Salem CHR position be eliminated since they are close to Chemawa. Dee responded that the Salem CHR position was retained because the Salem CHR would service the Portland area as well. A position needed to be cut because there was \$5,000 the program was unable to absorb. Pauline felt we should not cut, that we should wait for the cuts from the Federal Government to come through. She suggested we use timber money to fund the CHR positions. Dee noted that the federal programs have been cut and the CHR program has always been underfunded. We will need to provide services with less money and by increasing Siletz CHR's time and travel they can do this. A discussion was held on the duties of the CHRs. Pauline requested that a study be done by the Health Committee on services provided, targeted needs, and budgets. They could then make a recommendation to Council on where the cuts should come from. Council agreed to this and are willing to rescind their motion abolishing the Springfield CHR position until this study is completed. Council requested that the Health Committee have their recommendation ready for the January 13th Special Council Meeting.

MOTION #5 — Alta Courville moved to rescind Resolution #87-48. Seconded by Douglas Brown. Motion approved, 8-0-0.

MOTION #6 — Bud Lane moved to approve the amended Option #2 of the Reorganization Plan, (excluding the abolishment of the CHR position in Springfield). Seconded by Alta Courville. Motion approved, 8-0-0.

TRIBAL CHAIRMAN'S REPORT — Channel 8 covered the signing ceremony for the State/Tribal ICWA Agreement. Dee thanked Frank Petersen, LeRoy Wilder and Judy John for their hard work in getting the agreement passed. We are the first tribe to have reached a formal agreement with the State of Oregon. We do not have any word on our reprogramming request from the Bureau. We should hear soon. A meeting was held at Chemawa regarding the tree farm. It sounds like we will be involved in the management of the tree farm. Bob Tom asked about our request for use of buildings at Chemawa. They are structurally sound but are due for destruction when the funds are available. Dee attended the ATNI Meeting in Bellingham. Nick Longley discussed the 15% indirect rate and that the Bureau will be backing out the grandfathered contract support from F.Y. 84 - 86. Tribes need to continue writing letters to their legislators to fight the 15% indirect rate. Dee mentioned the dinner for Governor Atiyeh and asked for names of who would be attending. Pauline suggested that when Art is inducted in the Hall of Fame that Dee or Bud or a tribal representative attend also. Dee suggested it be Mary Alice since Art is her brother. Fundraising is underway to send Delbert Bell. Meeting adjourned for lunch.

SUPERINTENDENT'S REPORT — Nelsen reported that the federal administration is trying to get written into the appropriation act that contracts are based on funding available. This coming year the Bureau is contracting out the management of trust funds in order to get a larger return to tribes. The Mellon Bank has this contract and has developed the lock box in the Republic Bank. They would like to keep the money for at least 24 hours to make use of the money. Negotiations are underway on this contract. They turned over the money used to manage the trust fund to the Mellon Bank for management of the trust funds. The Bureau wants to combine AVT, Employment Assistance, General Assistance and HIP into one line item. It has been discussed for a long time. There is a pilot project at Pine Ridge. They receive general assistance and at the same time get Higher Education or AVT grants. It will be tougher for Northwest Tribes to compete for these grants since the Northwest Tribes do not receive general assistance. The awards would be based on need for housing, education and general assistance. Dee felt it would be discriminatory against the Northwest Tribes because we are ineligible to receive funding for general assistance programs. Other states do not provide general assistance on reservations, but the States of Washington and Oregon do. The BIA received final F.Y. 87 allocations. All contracts received full amounts except Forestry. Forestry was reduced by approximately 29.3% but the Bureau is trying to get it restored. Dee asked Nelsen to explain about the "ungrandfathering." In F.Y. 84 & 85, the Bureau gave tribes money from two sources, program and contract support. They combined it into one contract amount for the tribe's. Our indirect rate went down, so there was more money in contracts. Now they are removing the contract support and awarding it separately, at the indirect rate of 15% in F.Y. 88, regardless of what the Tribe's actual indirect rate is. It is rumored that HIP allocations are reduced by 30%. BIA administration may receive possible rescission of construction funds, so the Area Office is holding 30% back. There will be Employment Assistance/AVT training mid-January. Karen Grey Eyes, Area Office Social Worker, will hold an ICWA meeting in January to disseminate information discussed in Phoenix. A discussion was held on the 1/4 blood degree requirement for Bureau programs. Nelsen was not clear if it is being waived or not. LeRoy felt that the Tribe would be unlawful if they denied any enrolled tribal member who was less than 1/4 blood degree. Nelsen will check on this. Phil asked when we would be able to reprogram money for F.Y. 1988. Nelsen asked Phil to pose the question in a letter and the Siletz Agency will forward it to Portland. BIA Administration has been cut back. They are talking of leaving only 2 or 3 people in Finance in Portland and moving the Department to Albuquerque. Dee mentioned that at ATNI, they are looking at compiling a list of all sources of funding and programs operating. Tribes are beginning to compete, successfully, with cities and states for funding. Grand Ronde's Consent Decree for hunting & fishing has been tentatively approved.

ENROLLMENT — Shirley presented 10 for enrollment.

MOTION #7 — Mary Alice Muncey moved to approve 10 for Enrollment. Seconded by Dolly Fisher. Motion approved, 8-0-0.

Dee read a report from Shirley Strickler on the status of the Veterans Memorial Marker. Tribal members responded that they would like it placed at the bottom of the hill beside the old log cabin or in the turnaround on the hill. Gilbert Townner suggested placing it by the entrance of the Community Center. Shirley requested a cut-off date for submission of names so that it could be in place for Memorial Day. Council set the cut-off date as January 30th. Council discussed where to place the marker and decided to leave it outside

the Council Chambers.

ELECTION BOARD REPORT — Tina reported things were going smoothly. They have already received and filled requests for absentee ballots. The Board is trying to get the Election Newsletter out by December 31st. Candidate Fairs will be held in all four areas. Tina reported that four of the five Board Members are tribal staff and asked what Council would like to do. Dee suggested they grant administrative leave to conduct the polling. Council agreed to this.

ATTORNEY'S REPORT — LeRoy said the State legislature will be convening soon. The Commission on Indian Services is looking at 2 or 3 bills. One is for payment for foster care to relatives for the care of Indian children. Currently the State does not pay relatives. LeRoy suggests we support this bill. LeRoy discussed the BIA's 1/4 blood degree requirement. They are not responding until a higher authority sends a directive to eliminate the 1/4 blood degree requirement. LeRoy feels the Tribe has a responsibility to administer the Higher Education Program according to the law, which decided the 1/4 degree was illegal. He suggested, also, that the Tribe not deny applications until this matter is settled. The Association on American Indian Affairs is proposing a block grant program for federal welfare programs for Tribes to compete for. Tribal portions of these programs now are so small they are not worth contracting for, but if these were combined into a block grant tribes could compete for a larger amount. Council authorized LeRoy to look into this. Frank Simmons asked about the fish hatchery on Rock Creek. LeRoy noted it would remain there, but there is a question of how much it would cost to run. Council asked LeRoy to check into this. A discussion was held on the 4,000 lbs. of salmon we receive annually. Bud asked if it was whole salmon or cleaned salmon. LeRoy noted that we do not have to accept inferior salmon either.

Bob Tom handed out copies of the draft Employment Assistance manual. Council wanted additional time to read through it. They agreed that Bob could submit the manual to the Bureau to make the deadline and it would be considered a draft. After Council has reviewed it they may make changes and these would be submitted to the Bureau. Council will review the manual and discuss it after the January meeting. Bob Tom requested permission to work with LeRoy Wilder on the Education Plan. Council agreed to this.

TRIBAL COUNCIL/GOVERNMENT BUDGET REVIEW — Dee reported that the Council needs to scale down the Tribal Government/Council budget. Bud, Dolly & Douglas presented their recommendations. Council reviewed their budget by line items, cutting portions where they were able to. Reductions included the Attorney budget, 5% timber sale assessment, training, Aldridge House Mortgage, contract support, and others. Committee budgets were discussed. Dee thought committee travel costs should cover actual costs not just 20% cents per mile. Committees were asked to submit new budgets. Council agreed to contact committees and ask them to submit revised budgets by January 9th. Council agreed to postpone approving a new Council/Government budget until their next Council meeting.

GENERAL MANAGER'S REPORT — Phil presented the HUD CDBG block grant application. There are two priorities, housing rehabilitation in the amount of \$112,550, and land acquisition for housing in the amount of \$80,000, for a total of \$250,000. It uses the \$65,000 HIP grant as leverage.

MOTION #8 — Dolly Fisher moved to approve submission of the HUD CDBG Grant Application, in the amount of \$250,000 for Housing Rehabilitation and Land Acquisition for building homes. Seconded by Frank Simmons. Motion approved, 8-0-0.

Phil requested 2 promotions, Frank Rilatos to Bookkeeper II and Toni Matt to Springfield Area Office Secretary. Frank is already doing the work of the Bookkeeper II position. Toni is part-time JOM Coordinator and there was a vacancy created by the resignation of Leona Bailey.

MOTION #9 — Bud Lane moved to approve the following promotions: Frank Rilatos to Bookkeeper II, Toni Matt to Springfield Secretary. Seconded by Dolly Fisher. Motion approved, 8-0-0.

Phil requested a 5% merit increase for Jay Christiansen, bringing his salary to \$16,475. Jay was on probation last year when the cost-of-living increase was awarded, so he did not receive it. He has worked for us for two years.

MOTION #10 — Frank Simmons moved to approved a 5% merit increase for Jay Christiansen, increasing his salary to \$16,475 annually. Seconded by Bud Lane. Motion approved, 8-0-0.

There will be a meeting with the City of Siletz on January 12th, beginning at 6:00 p.m. Federal employees have been given December 26th as a holiday by Special Action of the President. Phil requested that tribal employees be given the 26th off, also, as a special holiday.

MOTION #11 — Dolly Fisher moved to approve December 26th as a one-time-only special holiday for all staff. Seconded by Frank Simmons. Motion approved, 8-0-0.

Phil requested Council to award employees a \$200 in-lieu-of a cost of living allowance bonus. This would be a one-time award.

MOTION #12 — Frank Simmons moved to approve a \$200 per staff member bonus in view of a cost-of-living increase. Seconded by Delores Pigsley. Discussion held. Council wanted to make sure this was across the board and that it was in lieu of a cost of living increase. YES: Frank Simmons, Douglas Brown, Alta Courville, Delores Pigsley. NO: Dolly Fisher, Art Bensell. ABSTAIN: Mary Alice Muncey, Bud Lane. Motion approved, 4-2-2.

Phil received a request by tribal members wanting to use tribal vehicles to go Christmas caroling. Council denied this request. Phil asked if the remaining cost of the Veterans Memorial Marker be paid from F.Y. 86 funds. Council agreed to this. The petitions were placed in the comfort facility. Phil requested this be paid from F.Y. 86 funds. Council agreed to this.

TRAVEL REQUEST — Dee requested travel for Alta and herself to attend the NPAIHB meeting in Pocatello, Idaho on January 13-15. Judy discussed the RAM workshop. The Service Unit prepared a written statement, and as part of the service until we adopted it as ours. She asked if the Health Committee were making a recommendation. Alta asked about the medicare/medicaid reimbursement to Chemawa. Dee commented that when it is collected it is sent back to the general fund and the service unit does not get any of it. Dee felt we should have a seat on the Health Board.

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