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Commercial code taking shape

By Brian Mortensen
Spilyay Tymoc

A committee of local business leaders, lending officers and attorneys are ironing out what would be a commercial code that would help businesses on the reservation be compatible with commerce off the reservation.

The code would mostly refer to secured, or collateral, transactions, and banking. The draft code is based mainly on the Model Tribal Secured Transactions Act, which was drafted by the Committee on Liaison with American Indian Tribes of the National Conference of Commissioners of Uniform State Laws (NCCUSL).

The NCCUSL is the body that created the Uniform Commercial Code (UCC), the document by which all states have based their commercial codes.

The Model Tribal Secured Transactions Act was finished in August. The act is based on Article IX of the UCC, which deals only with secured transactions, but it also includes Articles I and II, which are the scope and definitions of the act, and sales, respectively, and Article VIII, on investment securities.

NCCUSL was trying to create a code, Bruce Engle of Warm Springs Credit said, "to make a good stand-alone article, to serve most tribes for a good many years, so it could be easily expanded and amended to include other sections as needed."

"So we added three more sections just for banking," he said. The sections deal with negotiable instruments, bank deposits, collections and funds transfers, handling money within the banking world, and secured transactions.

The local additions have come from a committee from Warm Springs, including Mike Clements, general manager of Warm Springs Business and Economic Development; Jolene Atencio, Small Business Development Center director; Tribal Court Chief Judge Anita Jackson; and Engle, among others.

Clements, Atencio, Jackson and Engle are part of a sub-committee charged with drafting the new Warm Springs code, along with Lonnie James and Cindy Starke, an attorney with the Karnopp Petersen law firm.

After the document is written, another committee will be charged with community outreach. Meetings for the Warm Springs community to review the drafted commercial code will then be scheduled.

"What we want to do is make sure that we get as many in the community interested and involved, so they know what we're doing and how it will benefit each family and how this fits economic development reservation-wide," Engle said. "There are many benefits that will come out of this."

Engle said a draft code could be complete, and the community meetings scheduled by late spring of 2006. Following input from the community, recommendations would be considered, leading to a draft code to be reviewed by Tribal Council.

Engle said that "most of the technical stuff" in the wording of the code harmonizes with Oregon's commercial code off the reservation, but there will be specific language to protect the tribes' sovereignty and its cultural resources.

See CODE on page 10

Tribes face difficult budget decisions

By Dave McMechan
Spilyay Tymoc

Tribal Council is asking for membership comments on the proposed general fund tribal budget for 2006.

Total expenditures in the proposed budget amount to \$31.1 million. The proposal includes increases in program operations of \$4.6 million, said Jody Calica, secretary-treasurer. The proposal, however, results in a deficit budget of \$4.7 million, said Calica. The budget will need to be balanced before it is approved in November.

As stated in the 2006 budget message by Tribal Council Chairman Ron Suppah, "In order to afford any of the program additions, we know that some

programs will have to be eliminated or drastically reduced in order to stay within this overall budget."

The goal of the budget process, he said, is "to make every effort to minimize impacts on services, tribal member employment, and to fairly distribute any budget cuts."

The 2006 budget includes no carry-over budget. "This practice has created confusion in the past," said Ray Potter, the tribes' chief financial officer. "It allowed funds to be spent while appearing to bypass the membership approval process. It was not the best budgeting practice and was not transparent to the membership. From now on, any unspent operational funds left over at year

end will only be used for the Challenge Fund (to match grant money), or they will go back into the Revenue Reserve (Rainy Day Fund)."

The Agency District meeting on the 2006 budget is scheduled for Monday, Oct. 24 at the Agency Longhouse, with dinner at 6 p.m., and the meeting at 7.

The Simnasho District meeting on the budget is scheduled for Thursday, Oct. 27 at the Simnasho Longhouse. Dinner is at 6 p.m., meeting at 7.

The Seekseequa District, which has met once on the 2006 budget, is expected to meet again. The date of this meeting had not yet been set as of earlier this week.

According to the budget summary,

revenue to the tribes in 2006 is expected to be \$26.4 million. Most of this - \$12.5 million - is from enterprise dividends. The largest tribal enterprise is Power Enterprises, with a projected dividend of \$10 million.

Timber stumpsage from Warm Springs Forest Products Industries is projected at \$4 million. Gaming is expected a \$1.5 million dividend. Credit and Composite Products are projecting 2006 dividends of \$500,000 each; and Tectonics International, \$50,000.

A main challenge in developing the 2006 final balanced budget will be deciding on where the necessary cuts will come from.



Kodiak (left) and Lance Stormbringer outside the Opportunity Foundation store in Madras.

Brothers enjoy great opportunity

By Dave McMechan
Spilyay Tymoc

Lance and Kodiak Stormbringer are a success story. They faced serious challenges growing up but they have overcome the obstacles.

The Stormbringer brothers have good jobs. The store where they are employed, they say, feels like their own, and this gives them sense of pride in their work.

Lance and Kodiak are both 21 years old, Kodiak being older by nine months. They both graduated from Madras High School, and now work full-time at the Opportunities Galore thrift shop in Madras.

The shop is a work center of the Opportunity Foundation, which has

been serving people with disabilities in Central Oregon for many years. The foundation has three thrift shops in the region, the newest one being Opportunities Galore. The shop this week is celebrating its grand opening.

At the store, Lance and Kodiak sort through items that people have donated, they price the items and put them out on display. They help keep the shop clean, and do most any other task that needs to be done in order to keep the store in good condition.

They came to their jobs through a program at Madras High School. The school's transition program helps graduating students who might otherwise find it hard to join the workforce.

Alicia Sims of the Opportunity Founda-

tion is the program manager at Opportunities Galore. She has known Kodiak and Lance for several years. Sims worked as the youth transition specialist at the high school when the brothers were in the school-to-work transition program.

The transition was not hard for Kodiak and Lance, she said, because the brothers had been working part-time for the Opportunity Foundation during their time in school.

For Kodiak and Lance the rewards of working are the same as for everyone else.

"You go to work, and you're a productive citizen. You earn money and become independent," said Sims.

See BROTHERS on page 14

High Lookee Lodge under tribal management

High Lookee Lodge is now fully a tribal operation.

In past years the tribes have contracted with a private company to provide management services for the lodge. The plan from the beginning has been to one day bring the lodge under tribal management, and that happened at the beginning of this month.

The change from private to tribal management is not noticeable in the day-to-day operation and elder care provided at High Lookee.

The change is noticeable mainly to the employees of the lodge, as they are now tribal employees, rather than employees of Concepts in Community Living, the company that has provided

management services at the lodge.

Lawrence Macy is now the director of High Lookee. His immediate supervisor is the tribes' chief operations officer Lauraina Hintsala, who then reports to Tribal Council.

The arrangement provides a more direct link between tribal officials and the lodge, said Macy. There is more control by the tribes of revenue and expenditures at the lodge, he said.

Council has met several times to discuss the transition of the lodge from private to tribal management, and a final plan was approved this year, said Macy.

Tribal enterprise accountant Mike Collins helped with the financial part

of the change, said Macy.

High Lookee Lodge has a staff of 20 people. During the day there are two caregivers on the floor at all times. At night there is one caregiver on duty. The lodge also employs cooks, a secretary and other positions. The position of assistant director is currently being advertised.

There are 20 residents at the lodge. Sixty percent of the residents are from the reservation. Others are Indians from other reservations, and some are non-Indians from the Central Oregon region.

Macy has been working at High Lookee Lodge since March of last year.

Elder, fish advocate passes away

Claude Smith Sr. passed away Sunday, Oct. 9. He was 83.

Mr. Smith was well known for his dedication to traditional fisheries, their restoration and protection.

He fished at Celilo Falls, Klickitat Falls, Eagle Creek and many other usual and accustomed fishing places of the Wasco people.



Claude Smith Sr.

For more than 20 years he represented his people on the tribal Fish and Wildlife Committee.

During his life, he traveled across the U.S. educating policymakers about fisheries and their protection. In recent years he was honored by the Columbia River Inter-Tribal Fish Commission with the Lifetime Achievement Award.

Mr. Smith was a veteran of World War II. He worked for the BIA roads department for 38 years, and served as the chief appellate judge of the Tribal Court.

Mr. Smith was popular in the local community as a great sports enthusiast. He was a boxing and basketball coach, and in his youth was a professional boxer. He was also a great bowler. (A full obituary will appear in the next Spilyay Tymoc.)

Graffiti, rumor prompt school safety drill

Madras High School students went through a safety drill last week, following a report of threatening graffiti left on the wall of a school bathroom.

Students and their lockers were searched, and extra officers were on campus for the drill, which happened last Thursday, Oct. 6.

No weapons were found, and the conclusion is that the threatening statement on the bathroom wall was a hoax, said school district superintendent Guy Fisher.

It is best to err on the side of safety, though, which is why the school conducted the safety drill, said Fisher.

The graffiti on the bathroom wall was seen by students on Wednesday evening, Oct. 5. The situation became exaggerated by rumor, prompting many students to stay home from school on Thursday, said Fisher. A day or two later a similar incident happened at a school in Amity near Salem.