

STATUS OF GENERAL COUNCIL RESOLUTIONS

The following General Council Resolutions and actions were presented to the Nez Perce Tribe Executive Committee on Tuesday, May 8, 2012.

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GENERAL COUNCIL RESOLUTION:	REGARDING	REFERRED TO:	STATUS
NPGC-12 -01- S	Youth Advisory Board Funding	BUDGET & FINANCE SUBCOMMITTEE	Motion: Joanna Marek Second: Samuel Penney to refer General Council Resolution NPGC-12 -01- S to Budget & Finance Subcommittee. MOTION CARRIED
NPGC-12 -02- S	NARF Distribution	BUDGET & FINANCE SUBCOMMITTEE	Motion: Brooklyn Baptiste Second: Roberta Bisbee to refer General Council Resolution NPGC-12 -02- S to Budget & Finance Subcommittee. MOTION CARRIED
NPGC-12-03- S	Non- Fraternalization	OFFICE OF LEGAL COUNCIL & NPTEC	Motion: Brooklyn Baptiste Second: McCoy Oatman to refer General Council Resolution NPGC-12 -03- S to the Office of Legal Council & bring back to the NPTEC meeting on May 22, 2012. MOTION CARRIED
NPGC-12 -04- S	Law Enforcement Review	LAW & ORDER SUBCOMMITTEE	Motion: McCoy Oatman Second: Brooklyn Baptiste to refer General Council Resolution NPGC-12 -04- S to Law & Order Subcommittee. MOTION CARRIED
NPGC-12-05- S	Ethics Committee	LAW & ORDER SUBCOMMITTEE	Motion: Daniel Kane Second: Samuel Penney to refer General Council Resolution NPGC-12 -05- S to Law & Order Subcommittee. MOTION CARRIED
____-12-____-S	Dissolution of NMPH Board	RESOLUTIONS COMMITTEE	This resolution was given to the Resolutions Committee and they were asked to follow up on the submission to NPTEC as it was not able to be presented on the floor due to time constraints. No action was taken. This resolution will be forwarded to the Resolutions Committee for disposition.

ACTION(S)

GENERAL COUNCIL ACTION (Passed)	DATE ACTION TAKEN	REFERRED TO:	STATUS
Review of Organizational Structure & Bylaws	May 3, 2012	NPTEC	Motion: Joel Moffett Second: McCoy Oatman to refer to NPTEC. MOTION CARRIED
Dissolution of Realtor Contract	May 4, 2012	LAND COMMISSION SUBCOMMITTEE & THE OFFICE OF LEGAL COUNSEL	Motion: Joanna Marek Second: Brooklyn Baptiste to refer the Realtor Contract to the Land Commission Subcommittee and the Office of Legal Council. MOTION CARRIED

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Motion: Brooklyn Baptiste Second: Joanna Marek to accept the Nez Perce Tribe Spring 2012 General Council "Draft" Minutes that are subject to correction and approval. These minutes will be disbursed with the April 24, 2012 NPTEC minutes. MOTION CARRIED.

RESOLUTION

- WHEREAS, the Nez Perce Tribe's General Council has been empowered to act for and on half of the Nez Perce Tribal Membership between meetings of the General Council, pursuant to the revised Constitution and By-Laws, adopted by the General Council of the Nez Perce, on May 6, 1961 and approved by the Acting Commission of Indian Affairs on June 27, 1961;
- WHEREAS, protecting, promoting, and providing for our Nez Perce youth is one of the most important functions that we as Nez Perce adults and leaders do every day; and
- WHEREAS, the General Council supported establishing a "Youth Advisory Board" as a standing committee for General Council through Resolution GC-11F-08, adopted September 24, 2011; and
- WHEREAS, to develop draft By-Laws and Guidelines for the proposed Youth Advisory Board, General Council requested that the tribal Education Department Manager gather feedback from Nez Perce who live on and off the reservation; and
- WHEREAS, the results of the focus groups and surveys, conducted with tribal youth age 12-18 and adult age 19-24 in February and March 2012, will be presented at the Spring 2012 General Council meeting, by the Resolutions Committee, along with a first draft of By-Laws and Guidelines; and
- WHEREAS, due to the results of focus groups and surveys and development of the first draft of the By-Laws and Guidelines, the tribal Education Manager recommends that financial support be identified prior to submitting the Youth Advisory Board for final vote by General Council; and
- WHEREAS, the tribal Education Manager submitted a funding request to the Tobacco Tax fund by the April 27, 2012, deadline for consideration of financial support of a Youth Advisory Board; and
- NOW THEREFORE BE IT RESOLVED; the General Council supports deferring a final vote on the Youth Advisory Board to the Fall 2012 General Council meeting; and
- NOW THEREFORE BE IT RESOLVED; additional review and comments by tribal members on the draft Youth Advisory Board By-laws and Guidelines can be gathered at the Spring 2012 General Council meeting; and
- BE IT FURTHER RESOLVED, that the General Council supports funding applications to support the implementation of the Youth Advisory Board.

The foregoing resolution was duly adopted by the Nez Perce General Council in regular session at the Spring 2012 General Council meeting on May 3, 2012, at Lapwai, Idaho with a quorum of its members being present.



Shannon Jackson, Chairman
Jennifer D. Oatman, Secretary

RESOLUTION

WHEREAS, the Nez Perce Tribe's General Council has been empowered to act for and on behalf of the Nez Perce Tribal Membership between meetings of the General Council, pursuant to the revised Constitution and By-Laws, adopted by the General Council of the Nez Perce, on May 6, 1961 and approved by the Acting Commission of Indian Affairs on June 27, 1961;

WHEREAS, The Nez Perce Tribal Executive Committee (NPTEC) have been empowered to represent the Tribe and its members in negotiations with federal, state and local governments and with private corporations, associations and individuals and to engage in business or economic transaction that with further the economic development of the Tribe and its members; and

WHEREAS, The Nez Perce Tribe received notice of a settlement with the United States of American, negotiated through the Native American Rights fund, a non-profit organization, in the matter of Nez Perce Tribe v. United States and Nez Perce Tribe v. Salazar, to receive a one-time lump sum payment to be paid to the Nez Perce Tribe, with no stipulations attached; and

WHEREAS, the NPTEC members are elected by the Nez Perce Tribe General Council (Membership) and are obligated and responsible to the membership; and

WHEREAS, there are presently many Nez Perce enrolled members without employment or benefit of tribal programs, services, assistance and resources.

WHEREAS, the Nez Perce People live in a higher poverty rate, historically and through Census data, and many suffer from the high unemployment rate on the Nez Perce Reservation, the People are affected by the lack of health care and provider's, within the tribal communities; and

WHEREAS, the elders, and families on fixed incomes are stuck in a vicious cycle of financial need; and

WHEREAS, the Nez Perce Tribe has accepted a \$33,600,000 settlement from and for the damage to our Natural Resources here on our Nez Perce Homelands; and

NOW THEREFORE BE IT RESOLVED; The General Council Membership voted on and approved the Plan for 100% Distribution to the Membership from the settlement funds negotiated through the Native American Rights Fund; and

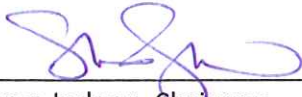
NOW THEREFORE BE IT RESOLVED that all interest accrued shall be included to the distribution funds to tribal members; and

NOW THEREFORE BE IT RESOLVED that Nez Perce Tribal Executive Committee (NPTEC) establish a distribution plan for the minor, elders and tribal members incapable of making decisions and/or caring for themselves; and

NOW THEREFORE BE IT RESOLVED that the NP Tribe shall distribute a per capita payment within 30 (thirty) days after receipt.

CERTIFICATION

The foregoing resolution was duly adopted by the Nez Perce Tribe General Council in regular session at the Spring 2012 General Council meeting on May 4, 2012 at Lapwai, Idaho with a quorum of its members being present.



Shannon Jackson, Chairman


Jennifer Oatman, Secretary

RESOLUTION

- WHEREAS, the Nez Perce Tribe's General Council has been empowered to act for and on half of the Nez Perce Tribal Membership between meetings of the General Council, pursuant to the revised Constitution and By-Laws, adopted by the General Council of the Nez Perce, on May 6, 1961 and approved by the Acting Commission of Indian Affairs on June 27, 1961;
- WHEREAS, The Nez Perce Tribe General Council supports the wellbeing of our Government organization and requires the best representation of our Tribe; and
- WHEREAS, The Nez Perce Tribal Executive Committee (NPTEC) is upheld by their Administrative Procedures and there is an immediate need to insert a non-fraternization clause and zero tolerance policy into their Administrative Procedures; and
- WHEREAS, the Gross Misconduct statement within the Administrative Procedures should allow the first offense of a Zero Tolerance Policy of the non-fraternization clause, is immediate removal of office and he/she to be ineligible to hold NPTEC office for two (2) election terms; and
- WHEREAS, the NPTEC is to be the best representation of the Nez Perce Tribe at all times and the Nez Perce Tribal General Council request this resolution to amend to the NPTEC Administrative Procedures immediately; and

NOW THEREFORE BE IT RESOLVED, the General Council hereby authorizes to insert a non-fraternization clause and zero tolerance policy into the NPTEC Administrative Procedures with the sanctions of immediate removal of NPTEC office with an ineligibility of running for NPTEC office for three (3) years; and

BE IT FINALLY RESOLVED that the General Council supports the wellbeing of our Government organization and requires the best representation of our Tribe and will not stand for fraternization.

CERTIFICATION

The foregoing resolution was duly adopted by the Nez Perce Tribe General Council in regular session at the Spring 2012 General Council meeting on May 4, 2012 at Lapwai, Idaho with a quorum of its members being present.

Shannon Jackson, Chairman

Jennifer Oatman, Secretary

RESOLUTION

WHEREAS, The Nez Perce Tribe's General Council has been empowered to act for and on behalf of the Nez Perce Tribal Membership between meetings of the General council, pursuant to the revised Constitution and By-Laws, adopted b the General Council of the Nez Perce, on May 6, 1961 and approved by the Acting Commission of Indian Affairs on June 27, 1961;

WHEREAS, the Nez Perce Tribal Police was created and implemented on March 1997 and;

WHEREAS, that during the current Chief of Police term of administration there has been a employee turnover of approximately 20 employees, including at least eight tribal members with the high percentage have left or forced out due to administrative inconsistencies, and

WHEREAS, there are allegations that the Chief of Police did not follow Tribal policies & procedures in hiring, terminating, promoting, demoting and transfers and previous employees being reluctant to whistle blow for fear of being blackballed for future or other employment, and

WHEREAS, there does not appear to be an established program evaluation tool for the NPTEC to monitor and ensure compliance; and

WHEREAS, an ineffective administration jeopardizes the needed law enforcement services for tribal communities.

NOW THEREFORE BE IT RESOLVED, That the Nez Perce Tribal Executive Committee will complete an administrative investigation of the Chief of Police to include any and all hiring, termination, internal transfers, promotions, and compliance with Tribal policies and procedures.

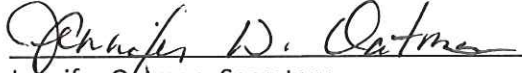
BE IT FURTHER RESOLVED, the NPT Human Resource Department be responsible for ensuring the corrections to any personnel actions that did not follow appropriate policies & procedures;

BE IT FURTHER RESOLVED, that the NPTEC shall develop an appropriate annual evaluation tool for ensuring effective Law Enforcement Operations and Services being provided by the Chief of Police;

BE IT FINALLY RESOLVED, That should the investigation show violations that the Chief of Police is disciplined accordingly,

CERTIFICATION

The foregoing resolution was duly adopted by the Nez Perce Tribe General Council in regular session at the Spring 2012 General Council meeting on May 5, 2012 at Lapwai, Idaho with a quorum of its members being present.



Jennifer Oatman, Secretary



Shannon Jackson, Chairman

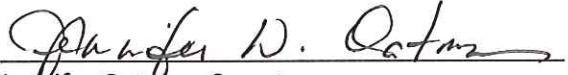
RESOLUTION


- WHEREAS, The Nez Perce Tribe's General Council has been empowered to act for and on behalf of the Nez Perce Tribal Membership between meetings of the General council, pursuant to the revised Constitution and By-Laws, adopted b the General Council of the Nez Perce, on May 6, 1961 and approved by the Acting Commission of Indian Affairs on June 27, 1961;
- WHEREAS, the Nez Perce Tribal currently does not have a Code of Ethics Committee; and
- WHEREAS, there is a need to develop a Code of Ethics Committee that is culturally based, understands the Nez Perce laws (traditional and legal); and
- WHEREAS, the Nez Perce Tribe shall utilize the Code of Ethics Committee shall have the power to oversee all issues within the Tribal entities that are facing issues with operational, internal strife; and
- WHEREAS, the Code of Ethics Committee will have the authority to reprimand for any violations found with merit; and
- WHEREAS, there has been long standing issues with how our current internal operations are viewed through the grievance process within the entities human resource manual, by laws and policies of boards of commissions that can be addressed by the Code of Ethics Committee; and
- WHEREAS, the Code of Ethics Committee shall be elected by the General Council beginning on this day, May 5, 2012, to serve for four (4) years with the next election to be conducted regularly at the Fall General Council; and
- WEHREAS, the individuals selected today shall develop a Code of Ethics Policy to present to the Fall 2012 General Council to be voted upon by the General Council; and
- NOW THEREFORE BE IT RESOLVED, that the Nez Perce Tribal Executive Committee shall uphold the General Council wishes to create a Code of Ethics Committee by ratifying at the next regular NPTEC meeting; and
- BE IT FURTHER RESOLVED, that the NPTEC add the Code of Ethics Committee to the base budget funding to ensure that the Committee is funded annually;
- BE IT FURTHER RESOLVED, that should NPTEC fail to uphold the wishes of the General Council that a written explanation in the Fall 2012 General Council be presented with the roll call vote displaying which NPTEC failed to support the wishes of the General Council;

BE IT FINALLY RESOLVED, the Code of Ethics Committee shall be made up of seven (7) members made of up two (2) Tribal members from Orofino, two (2) Tribal members from Kamiah and three (3) Tribal members from Lapwai.

CERTIFICATION

The foregoing resolution was duly adopted by the Nez Perce Tribe General Council in regular session at the Spring 2012 General Council meeting on May 5, 2012 at Lapwai, Idaho with a quorum of its members being present.


Jennifer Oatman, Secretary


Shannon Jackson, Chairman

5/4/2012

NEZ PERCE TRIBE GENERAL COUNCIL

MINUTES – Spring Meeting 2012

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NEZ PERCE TRIBE GENERAL COUNCIL

MINUTES – Spring Meeting 2012

The 2012 General Council Spring Meeting was called to order on Thursday, May 3, 2012 at 8:41 a.m. by Chairman Shannon Jackson. Invocation offered by the NPTEC Chaplain Julia Davis-Wheeler. The Nez Perce Tribe Flag song was presented by Wap Ka Quan. Color Guard was Maurice Wilson, Timothy Wheeler, and Maynard Wilson.

The Nez Perce Tribe General Council in regular session at its meeting on May 3 – 5, 2012 took the following actions:

1. **Cell phone use** – Motion Nancy Wheeler / Second Vera Sonneck to prohibit cell phones from the main panel. Motion carried.
2. **House Rules** – Motion Marsan Lawyer / Second Timothy Wheeler to approve the House Rules. Motion carried.
3. **Minutes** – Motion David Holt / Second Harold Williamson to table the General Council Fall 2011 minutes until after lunch. Motion carried.
4. **Agenda** – Main Motion Maple Stuvenga / Second Julia Davis Wheeler to approve the Agenda as amended. Main Motion Carried.
 - a. **Subsidiary Motion** – Bryan Samuels / Carla Timentwa to amend the agenda to move the Saturday Human Resources Subcommittee / Board & Commission reports to Friday, May 4, at 10:00 a.m. Subsidiary motion failed.
 - b. **Subsidiary Motion** – Judy Oatman / Second Mollie Ellenwood to amend the agenda to place the Trust Mismanagement Settlement (NARF-Native American Rights Fund) at 1:00 p.m. on Friday, May 4. Subsidiary motion carried.
 - c. **Subsidiary Motion** – Kay Kidder / Second John Strombeck to amend the agenda to place on the agenda time on Saturday to discuss the Proposed Constitutional Amendment. Subsidiary motion failed.
5. **Letter dated April 26, 2012** – Motion Judy Oatman / Second Mary Arthur to call the memo from Mr. McCoy Oatman dated April 26 out of line and insubordinate. Motion failed.
6. **Rebuttal** – Motion Bernice Moffett / Second Richard Broncheau to allow Judy Oatman to come up for rebuttal.

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7. **Accept Report** – Motion Maple Stuvenga / Second DelRae Kipp to accept the Resolutions Committee Report and excuse the panel. Motion carried.
8. **Meeting** - Motion Richard Marek / Second Mary Arthur to have only enrolled members in the meeting. Motion failed.
9. **Tabled business** – Motion Julia Davis Wheeler / Second Carla Timentwa to lift the minutes from the table. Motion carried.
10. **Minutes** – Motion David Holt / Second Lily Kauffman to approve the Fall 2012 General Council Meeting minutes. Motion carried.

11. Review – Administrative Action

Motion Anthony Johnson / Second Laurie Ann Cloud to direct the NPTEC and the NMPH Board, NPT Enterprise Board, and NPTHA Board of Commissioners to review the organizational structure and bylaws of said Boards and Commissions to ensure efficient operation. Motion carried.

12. **Board and Commission elections – refer to item # 27** – Main Motion Danae Wilson / Second Mary Arthur to adopt the resolution to provide that the Nez Perce Tribe General Council vote and elect all boards and commissions. Motion tabled.

- a. **Subsidiary motion** – Allen Slickpoo, Jr. / Second Al Wheeler to table this action until after the NPTEC Chairman and Executive Director's reports. Subsidiary motion carried.

13. **Reports** – Motion Anthony Johnson / Second Dallon Wheeler to accept the NPTEC Chairman and the Executive Director's reports and excuse them. Motion carried.
14. **Executive session** – Motion Alene Powaukee / Second Julia Davis Wheeler to go into executive session for the Egghart & Associates Audit report. Motion carried.
15. **Executive session** – Motion Al Wheeler / Second Sara Sedgwick to come out of executive session at 6:10 p.m. Motion carried.

- 16. Youth Advisory Board – Resolution number: NP-GC-12-01-S**
Motion Marie Arthur / Second Danae Wilson to adopt a resolution regarding Youth Advisory Board election, by-laws, and funding. Motion carried.

17. **Reports** – Motion Bernice Moffett / Second Al Wheeler motion to accept the financial reports and excuse the panel. Motion carried.
18. **Reports** – Motion Lee Bourgeau / Second Alexis Walker to accept the Agency Partners' reports and excuse the panel. Motion carried.

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19. **Executive Session** – Motion Joanna Marek / Second Carla Timentwa to go into executive session for the Land Commission Chair and BIA Superintendent's reports at 10:36 a.m. Motion carried.

20. **Executive Session** – Motion Rebecca Miles / Second Paul Sherwood to come out of executive session. Motion carried.

21. **Reports** – Motion Sara Sedgwick / Carla Timentwa motion excuse the Land Commission Chair and BIA Superintendent. Motion carried.

22. **Recess** – Motion Rebecca Miles / Nancy Wheeler to recess for lunch. Motion carried.

23. **Executive Session** – Motion Sara Sedgwick / Second John Strombeck go into executive session for discussion on the Trust Mismanagement Settlement (NARF – Native American Rights Fund) at 1:50 p.m. Motion carried.

24. **Executive Session** – Motion Judy Oatman / Second to come out of executive session at 3:25 p.m. Motion carried.

25. Distribution – Resolution number: NP-GC-12-02-S

Motion Mary Tallbull / Second Marsan Lawyer to adopt the resolution as amended for distribution of settlement funds negotiated through the Native American Rights Fund. Main Motion carried.

- a. **Subsidiary motion** – to amend the resolution for 100% distribution. Subsidiary motion carried.
- b. **Subsidiary motion** – Gloria Greene / Second Judy Oatman that there will be no stipulations on the distribution. Subsidiary motion carried.
- c. **Subsidiary motion** - Laura Major / Second Tonia Garcia that any interest accrued will go with distribution. Subsidiary motion carried.
- d. **Subsidiary motion** – Mary Tallbull / Second Alene Powauke that the NPTEC establish a distribution plan for the minor, elders and triba members incapable of making decisions and/or caring for themselves and the payment is to be within 30 days of receiving the funds. Subsidiary motion carried.

26. NPTEC Administrative Procedures – Resolution Number: NPGC-12-03-S

Motion Aqua Greene / Second Judy Oatman to adopt the resolution to insert a non-fraternization clause and zero tolerance policy into the NPTEC Administrative Procedures. Motion carried.

27. Contract – Administrative Action

Motion Danae Wilson / Second David Holt to direct the Nez Perce Tribal Executive Committee to dissolve the contract with Mrs. Ed Brown for Realtor Services and that a Request for Proposal be developed for Realtor Services that requires full disclosure of commission, number of years in business, number of Tribal entities they are familiar with,

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number of years in the region, number of multiple listing services properties sold, number of years negotiating lands sales, and to be advertised for thirty days with a public bid opening to be advertised open to the public. Motion carried.

28. **Panel** - Motion Richard Broncheau / Second Helen Goodteacher to excuse the NPTEC panel. Motion carried.
29. **Tabled business item # 12** – Motion Danae Wilson / Joanne Arthur lift resolution regarding board / commission elections from table. Motion carried.
30. **Board and Commission elections** – Main Motion Danae Wilson / Second Mary Arthur to adopt a resolution providing that the Nez Perce Tribe General Council vote and elect all boards and commissions. Motion failed.
- a. **Subsidiary motion** – Motion Laura Major / Second Bernice Moffett to exclude Senior Advisory Board and Circle of Elders. (Note: Subsidiary motion withdrawn as said concern regarding these two boards will be included as a Whereas within the resolution).
31. **Elections** – Motion Shelley Higheagle / Second July Tess Greene to adopt a resolution to elect chief judge, managing atty, police chief. Motion failed.
- 32. Investigation – Resolution Number: NPGC-12-04-S**
Motion DelRae Kipp / Second Gloria Greene to adopt a resolution calling for an administrative investigation of the Nez Perce Tribe Police Department’s hiring, termination, internal transfers, promotions, and compliance with Tribal policies and procedures. Motion carried.
- 33. Ethics Committee – Resolution Number: NPGC-12-05-S**
Motion Danae Wilson / Second Lee Bourgeau to adopt a resolution regarding the establishment of an ethics committee. Motion carried.
34. **Combine Reports** – Motion Melvin Wheeler / Second Mary Arthur to combine the remaining panels (Human Resources Subcommittee and the Natural Resources and related boards and commissions) in order to give reports. Motion carried.
35. **Reports** – Motion Danae Wilson / Second Allen Slickpoo, Jr., to accept Human Resources Subcommittee and Natural Resources Subcommittee reports and the related boards and commission reports and dismiss the panel. Motion carried.
36. **General Election Results – Nez Perce Tribal Executive Committee.**
- a. Seat 1 – Three (3) year term: Brooklyn Baptiste
- Total votes cast - 826
 - Brooklyn Baptiste received 461 votes
 - Gwendolyn Carter received 358 votes
 - Invalid votes - 7

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b. Seat 2 – Three (3) year term: Silas Whitman

- Total votes cast - 826
- Julia Davis-Wheeler received 304 votes
- Silas Whitman received 514 votes
- Invalid votes - 8

c. Seat 3 - Three (3) year term: Samuel Penney

- Total votes cast - 826
- Lisa Guzman received 315 votes
- Samuel Penney received 486 votes
- Invalid votes - 25

37. General Council Special Election Results – Proposed amendment Failed.

Proposed amendment to amend the residency requirement as provided in Article VI, Section 3 of the Nez Perce Tribe Constitution and By-laws failed. (Note: Requires 2/3 majority to amend constitution).

- a. Total votes cast – 809
- b. Two-thirds (2/3) majority = 539
- c. Yes votes – 463
- d. No votes – 323
- e. Invalid – 23

38. Adjourn - Motion Mae Taylor / Second Gwen Carter to adjourn at 8:15 p.m. Motion carried.

The 2012 General Council Spring Meeting was adjourned at 8:15 p.m. on Friday, May 5, 2012 by Chairman Shannon Jackson. Benediction offered by the NPTEC Chaplain McCoy T. Oatman. The Colors were retired and the Color Guard was Julian Matthews, Al Wheeler, and David Miles. The Nez Perce Tribe Flag song was presented by Wap Ka Quan.



Jennifer D. Oatman, Secretary

Date: 5-8-12



Shannon Jackson, Chairman

Date: 5/8/12

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