

**Nez Perce Tribe  
General Council Draft Meeting Minutes  
Thursday, May 6, 2010**

1. **Meeting called to Order** at 0835 by Chairman Carla Timentwa
2. **Flag Song** by Lightning Creek Drum
3. **Posting of the Colors** Lapwai VFW Post
4. **Opening Prayer** Rev. Mary Jane Miles, Angel Sobotta, Larry Greene  
    ☞ Recognition of the National Day of Prayer
5. **Memorial Reading** – Wilfred A. Scott
6. **House Rules**

Motion made to accept House Rules by Robert Kipp; Seconded by Julia Davis-Wheeler. Motion Carried to approve the House Rules as presented; Motion Carried.

Discussion:

Subsidiary Motion by Mary Tall Bull to eliminate orders of the day for this general council and add to house rules; Seconded by Paula Moody. Subsidiary Motion Failed

Subsidiary Motion Discussion:

OJ Waters – Against taking it out.

Definition of orders of the day – read by Chairman Carla Timentwa from Robert's Rules Revised Edition  
Danae Wilson – Against motion; amendments to the agenda can be made by motion at any time to change the agenda and add topics on another day.

Laura Major – Against the motion, asks for clarification of the motion.

Dave Holt – Against using Robert's Rules of Order to run our meeting. Not sure if for or against.

Main Motion Discussion:

Dave Holt – reminder that agenda can be changed.

**7. Agenda**

Motion made by Richard Arthur to accept the agenda **with changes** to Friday's agenda:

- Human Resource Subcommittee to 8:45 a.m.;
- Budget and Finance to 1:45 p.m.
- Law & Order to 2:45 p.m.; Seconded by Dallan Wheeler

Motion Carried to accept agenda with changes.

## 8. Approval of the Minutes of the Fall 2009 General Council

Motion made by Jackie Taylor to accept the minutes of the 2009 Fall General Council as presented; Seconded by Robert Kipp; Motion Carried

**9. Resolutions Committee** - Jamie Five Crows, Chair; Mary Tall Bull, Vice-Chair; Stacy Kash Kash, Secretary; Paula Moody, member

Marci Bailey resigned for continuing education; Mary Tall Bull was selected to fill the vacancy.

Memorandum dated May 5, 2010, signed by Chairman Samuel N. Penney; Subject Resolutions Committee Concerns that were brought to NPTEC. Following are a list of the concerns addressed by the NPTEC:

- Social Services
- Office of Legal Counsel
- Nez Perce Tribal Code
- Wa-A'Yas Meeting Room
- Snake River Basin Adjudication (SRBA)
- Human Resources
- Higher Education
- Nimiipuu Health – Kamiah
- Treasurer's Report

### Further details of the report:

- Foster Parent long-term for the State of Idaho; need clarification on statement regarding individuals raising family members; sometimes children state that they do not want to live with a family member because they are too strict. There were concerns regarding individuals losing parental right. In some cases parents request that children not be placed with family members due to strained relationships. For clarification the Casey Family program is not a part of the BIA.
- Office of Legal Counsel – The Resolutions Committee was not aware of a survey regarding the Office of Legal Counsel. Who is on committee for review of the survey?
- Wa-a'yas meeting room – The kitchen area that has been utilized as a meeting room has been converted to a culinary arts school. Who is certified to teach that program? There was a concern that the program was not put out for bid.
- SRBA – Who are the SRBA implementation team? Tribal members concern is not having input to or with SRBA implementation team and that non-Indians are working on the plan of the SRBA. Were bids put out for other investment companies other than Merrill Lynch?
- Human Resources – concern that tribal members cannot compete for positions due to qualifications. Need to revisit HR Manual on minimum qualifications for jobs.
- The Resolutions Committee has two resolutions to present during the Budget and Finance Subcommittee.

### Discussion:

Laura Major – concern with procedures with Resolutions Committee; investigate concerns first before moving forward with resolutions specifically issue on the proposed Elders Counsel.

Jamie Five Crows – We did move forward on some issues and are now starting to do more research. Explained the issue with the Elders Counsel.

Dave Holt – Issue of railroad – presented copies of reports and minutes to the resolutions committee regarding railroad decisions and resolutions from previous years.

Mary Jane Souther – Appreciate the committee; faithful with setting up meetings. How many people have been in attendance at committee meetings and meeting minutes? Resolution regarding per capita – how many made the decision and how was it made? Encourage tribal members to attend Resolution Committee Meetings.

Jamie Five Crows – Have good attendance at some and others not many. Resolution regarding per capita will be presented during the Budget and Finance Subcommittee report.

Skip Williamson – Non-Indian program managers and directors were to train tribal members to take those leadership positions, it was put in a resolution years ago and it has never been done. Non-Indian managers are firing tribal members and nothing is being done.

Mary Tall Bull – We are working on a resolution on employment; which will address concern about tribal employment and will include the Indian Civil Rights Act.

Bernice Moffett – Thank you for carrying on with the Elders Counsel. There are issues that the Elders Circle or Senior Citizens Advisory Board cannot address. If there were a counsel under the General Council then issues of the members can be heard more thoroughly. There is a grandparent's law; referred to a document that was forwarded to the Law and Order Subcommittee. Under traditional law grandparents are always included. That needs to be addressed under tribal code. Counsel could go directly to NPTEC; need a mechanism to address issues.

Jamie Five Crows – Thank you to Bernice Moffett for attending all committee meetings held in Kamiah.

Shannon Jackson – Submitted proposed resolution to the Resolution Committee (previous member no longer on the committee); it includes that Board or Commission member who resigns or are removed cannot apply for a position in the department of the Board or Commission they sat on. If a member is removed from a Board or a Commission, they cannot run for other Boards or Commissions. Referred to resolution NP07-117; states that board or commission cannot exceed \$200.00 per month. Need to take a closer look at this resolution. (referred to Resolutions Committee)

Mary Tall Bull – Amendments committee is important to the Tribe and has been brought to the General Council.

Carla Timentwa – The Nez Perce Tribe's Constitution and By-laws, Section 6 states that NPTEC has the authority to set the duties and compensation of the Boards and Commissions.

Marissa Rickman – Concern regarding Elders abuse; physically and mentally abused by children and grandchildren and others; some are living in dirty conditions, etc. Per Capita issue regarding receiving \$3,000; there were concerns regarding use of stimulus funds for drugs and alcohol – personally observed that it was used by many for purchases of clothing and necessary items.

Jamie Five Crows – Per capita and gaming plan will be discussed during the Budget and Finance Subcommittee.

Laura Major – Issue regarding the Wa-a'yas kitchen for a culinary school. The kitchen used to be open to use for meetings and having dinners. Now it is not available.

Motion made by Mary Jane Souther to accept the reports and excuse the panel; Second by Dallan Wheeler; Motion Carried.

## 10. NPTEC Reports

NPTEC Chairman's Report: Mr. Samuel N. Penney, Chairman (See Chairman's report)

Reviewed the following topics:

- Snake River Basin Adjudication (SRBA)
- Implementation of the Settle Agreement (SRBA)
- The Tribe's Objections to Other Water Users' Irrigation Claims
- Tribal Trust Mismanagement Cases
- Nimiipuu Health Contract Support Costs
- Salmon Recovery and Environmental Issues
- Bighorn Sheep Restoration
- Federal Issues:
  - Indian Health Care Improvement Act (and other health issues)
  - Appropriations (funding)
  - Support of Larry Echohawk
  - Prevent all Cigarette Trafficking Act (PACT Act)
  - Jurisdiction within Indian Country
  - Native American Housing and Self Determination Act (NAHASDA)
  - Veteran's housing
  - Employee concerns and labor relations
  - Climate change
  - Education
- Supreme Court Updates (specific cases)
- Veteran's Issues
- Education/Work Force Development
- Economic Development and Construction
- Transportation

NPTEC Treasurer's Report: Mr. Joel Moffett, Treasurer (See Treasurer's report in General Council Report book pages 4-21 and power point)

Economic Stimulus Payment made in December 2009. Reviewed how payments were made and some of the issues that were brought forward regarding children in foster care, delinquencies to the Tribe, and concerns regarding use of AVISTA funds. There was an online survey that will be analyzed approximately 450 surveys completed.

Gaming revenue distribution public meetings were held in November in both Kamiah and Lapwai to obtain input to the gaming allocation plan and to explain the use of AVISTA funds for a stimulus payment. It takes 60 to 90 days to approve a plan before gaming funds can be used for a per capita. During the 2009 Fall General Council it was reported that there was \$16 million in the bank (see slide Enterprise Cash Position for further funds review). Mr. Moffett reviewed each line item on this slide. Slide shows the needs for the enterprise/gaming funds. We are currently in the black.

Request time for auditors to present 2009 audit by LeMasters and Daniels for approximately 15 minutes.

Motion Made by Laura Majors to listen to auditors and continue with questions after lunch; Seconded by Alexis Walker; Motion Carried

Discussion:

Dave Holt – clarification of motion to include questions.

Motion Made by Danae Wilson to go into executive session; Seconded by Marilyn Bowen; Motion Carried

Discussion:

Dave Holt – against the motion.

Danae Wilson – Going into Executive Session will protect the report so it does not end up in Lewiston Tribune.

**Into Executive Session at 11:36**

**Out of Executive Session and recess for lunch at 11:55 am**

Motion Made by Danae Wilson to come out of Executive Session and recess for lunch; Seconded by Vera Sonneck; Motion Carried

**Meeting called back to order at 1:04 pm by Chairman Carla Timentwa**

**11. NPTEC Reports – Question and Answers for NPTEC Chairman and Treasurer's Reports(con't)**

Dave Holt – Concern regarding Veteran's funding; provide real dollars and not positions; to provide more funding and real involvement for Veteran's.

Samuel N. Penney – NPTEC has provided more funding for Veteran's and is building the 2011 budget and have the opportunity to provide funding. Recognize the need for services for Veteran's. Need to go through the Budget and Finance Subcommittee.

Laura Major – Tobacco Tax and revenue allocations – are they two different budgets or are they the same?

Joel Moffett – The gaming revenue allocation and the tobacco tax budget were passed individually and are 2 separate funds. \$103,000 is to fund elder day trips and maintenance of vehicles. \$100,000 from tobacco is to go toward senior hardship and home repair through social services; replace appliances.  
Marissa Rickman – Chief Joseph saying “Many words are spoken but they don’t pay my people” Many promises are told but have not been realized. NPTEC promised a per capita, if you can’t keep your promise then it shouldn’t have been said.

Joel Moffett – No promises were made. A resolution was passed at the Fall 2009 General Council and was sent to NPTEC for consideration.

Robert Kipp – Enterprise cash position - \$16 million for interchange; is this on top of grant funds?

Joel Moffett – Yes, that is on top of the grant funds. \$16 million is for construction only.

Alene Powakee – No audit for 2009; when will it be provided?

Joel Moffett – The auditors were presenting the 2008 audit; which should have been presented at the September General Council. With the release of the Finance Manager and lead auditors the 2009 will be presented at the Fall 2010 September General Council.

Laura Major - \$1 million put away for long house; how long will it be put away? \$1 million can build a good longhouse. Didn’t like the statement “we never promised you anything”; the organization chart shows that the General Council is above the NPTEC.

Joel Moffett – The Executive Director will give more information on the long house. The estimate came in at \$1.3 for its construction. The putting away of \$1 million was for the per capita fund. The General Council is above NPTEC. NPTEC responds to all resolutions put on the table but also need to protect the interest of the Tribe for everyone. NPTEC cannot always pass the decisions from the floor of the General Council; it’s a struggle to make decisions. The hope is that we can put away funds each year to use for per capita. For this \$1,000 stimulus the Tribe put out \$3.4 million from the AVISTA investment account; this year it would mean that only \$100,000 would be left from gaming allocations.

Darlene Pinkham – Don’t have the funding for the per capita; as with any budget you pay the bills first and then what you have left over can be used for families. For youth who have IIM account, put it away for the future and why not give smaller \$100 to \$150 that can be paid out members. Our tribe has a need for apartments for singles or single parent families.

Joel Moffett – The gaming allocation team is looking at different options for developing the gaming allocation plan.

Samuel N. Penney – NPTEC will work with NPTHA to see about funds for that type of housing apartment complex.

Elliott Moffett – Exxon has one of the worse environmental records. The Exxon Valdez disaster reminder – Exxon has not paid out anything on environmental damage. Are we moving ahead and in agreement (Resolutions Committee and Chairman Report congruency)?

Samuel Penney – we do have a relationship with Exxon Mobil at the Express store; concern in report was about project of transportation over Highway 12.

Judy Oatman – Meetings held and events that take place in Tribal Government; confused on who is the ‘Tribe’? We give administrative leave to tribal employees but think that it’s wrong when we cannot afford projects but administrative leave is given. Approximately how much is paid out for administrative leave and what is the NPTEC doing to tighten the belt and save our dollars? Why don’t we know when boards and commissions meet; several people do not all have internet and do not have access to find out about meetings.

Samuel N. Penney – My personal position is I do not like use of administrative leave. There are several programs that are not being granted administrative leave for General Council. As far as weather; there are times when the weather bureau reports severe weather and we let employees go early or close for the safety of employees. There is a need to review the policy on approving admin leave. Currently it costs approximately \$13,000 per hour for full administrative leave for all tribal employees.

Joel Moffett – When NPTEC receives requests we always state “as per HR manual”. It’s a cost and loss of productivity. Programs submit budget requesting gaming allocation; it’s a tough task but remind them to do more with less. New Enterprise Executive Officer Jamie Olsen came on in November and is looking closely at budget. The Executive Officer and Executive Director will go into further detail on cutting cost and measures that have taken place. Notices to tribal employees regarding meetings – unless the word gets out there it is a self defeating event; up river gets left out and are trying to rectify that. Realize not everyone has access to the website; it is posted at the community centers. Meeting management software will allow broadcast of subcommittee meetings; have already broadcast NPTEC meetings; will get subcommittee meetings set up. We will hopefully set up software for entering enrollment number and password to view decisions. We are making progress but it will take time.

Marsan Lawyer – General Fund question.

Joel Moffett – General fund and payment of loans; refer to page 7 of the General Council report.

Aaron Miles – Tribe organization development and leadership. Conference with state departments has older members and they are fighting to keep farmers ranchers; in the Tribe there are only a couple forums to address issues. Look at leadership within the organization and develop leaders to address issues. Deal with reactionary issues; i.e. SRBA is not connected with the community on how our water rights are being protected. How do we get our communities involved and build communities by economies and social services. Be aware of all areas and issues involving those areas and from those people who are not heard. Now is time to have the forums to improve.

Samuel N. Penney – We applied for a license for a radio station that will be based in Kamiah and are working on expansion of broadband internet to get information out to the communities. Develop oversight hearings to find out issues and how best to address; improve communication with the Tribal membership.

Mary Tall Bull – Saving tribal dollars – reviewed past resolutions regarding use of administrative leave for elections, general council, powwows, Talmaks, etc., 190.5 hours times all employees is a large amount of money. According to the National Gaming do not use gaming allocation to fund programs. The gaming allocation draft plan; read section from draft plan on use of funds. Gaming has been in

existence for 13 years; we are repeatedly being told we do not have any funds. Want a breakdown of the enterprise budget that was approved at the May 2009 General Council.

Joel Moffett – The Executive Officer is in attendance and think that we can have that breakdown by tomorrow. Haven't said that we are not making money but that we are not making a significant amount.

Eve Higheagle – In respect and honor of Nellie Axtell who made this request year after year, the long house topic has been brought up for years. The Nimiipuu have had faith and we need a long house to hear the songs and the philosophy of prayers. All religions are the same; we get into groups and are divided; but we are all the same Nimiipuu; we need to respect other religions for having Nez Perce hymns. What is the progress of having a long house built?

Samuel N. Penney – Executive Director, Rebecca Miles can give a more thorough report on where we are with the long house.

Orin Allen – How come we don't have buffalo? Back east they are raising buffalo like cattle. Would like to see the old Archie Phinney monument moved to protect it.

Samuel Penney – Larry Greene and Brooklyn Baptist have been in discussion on getting buffalo here. Look at Indianz.com website on information of other tribes who have had buffalo herds – we want to move cautiously on building a herd. The Phinney monument could possibly be done; has been brought up in the past; will work with the Executive Director and Maintenance to move it.

Joel Moffett – The new Finance Manager is Ed Brown. Also want to recognize Kathy Taylor for stepping up as interim Finance Manager.

July Tess Greene – Enterprise budget - can we get the last 4 or 5 years budget? It would be important to see where the profit and losses are.

Samuel N. Penney – April 14<sup>th</sup> in Washington DC the Nez Perce Tribe received an award in public transit with Appaloosa Express. Would like to recognize Della Wheeler for getting this program started and Ann McCormack for her contributions and Mary Beth Frank the current Transportation Planner. We are working on a bus barn, shelters at bus stops, and service to Grangeville. Commend all those who worked on this project.

Motion made by accept reports by Mary Jane Souther; Second by Tricia Carter; Motion Carried.

## **12. Idaho State Rep. Liz Chaves and Rep. John Rushe for Keith Allred**

Liz read letter from Keith Allred, candidate for Idaho Governor; which states his reasons for running. Introduced Rep. John Rushe. Seeking support for coming election in November.

## **13. State and Federal Agency Reports:**

Tregg Owings, NRCS – The Natural Resource Conservation Service offers technical, financial, and educational assistance on private and tribal lands. We work to protect and restore soil, water, plants, air, energy, wildlife, livestock, etc. and offer assistance on conservation planning. There is finance

assistance through the Farm Bill for several areas of land issues. Our state office is located in Boise with field offices in Lewiston, Grangeville, Orofino, Moscow, and Nez Perce. Roger Amerman, soil conservationist with NRCS. We are making an extended outreach to Nez Perce Tribe individuals by development of a poster for Tribal people with contact information. We invite you to talk with any of our representatives at the field location offices in the 4 communities.

Ken Johnson, Imperial Oil Resources of Canada - Map of location of travel from Canada, through Idaho, through Montana and then back up to Alberta Canada. Work on minimizing the delay of travel; 15 minutes. Travel at night; top speed is 30 miles per hour and a minimum of 13 miles per hour with the large and heavy load. Beginning June 7<sup>th</sup> will have public meeting in Lewiston, Orofino, Kamiah and Kooskia. Announcements for meetings will be advertised.

Christine Bradbury, Forest Service, Tribal Liaison - Submitted report for General Council Report Book; see pages 192-193. Rick Brazell is the new Forest Supervisor for the Clearwater and Nez Perce National Forests. There is a temporary closure in the Red River Narrows Restoration Project Area for planting shrubs along the restored river banks. Proactive vs. Reactive; Forest Service and Tribe has made great strides in the area of keeping people on both sides in the loop. Specialists from the Tribe meet with the Forest Service regularly to review documents and projects. Sandi McFarland, NPNHTA, is currently on detail in the Washington Office. They are currently working on the Comprehensive Management Plan for the Nez Perce National Historic Trail. Community meetings will begin in October to obtain input. Location and times will probably be announced at the September General Council.

Greg LaFranz, Superintendent, North Idaho Agency, BIA – Report submitted for the General Council Report Book; see pages 194-202. Have met with regional and deputy regional directors regarding assistance with tasks and positions. Since February we have had staff come to help with leasing and other issues; to address issue with Lockbox and payments; chief will come out this month to look at and address issues. Leases have increased; 609 total active leases, increase of 113 since January. Vacancies from the past year have not changed. Most positions have been filled from within which is no change in vacancies; one vacancy is created to fill another. Outlined a few more positions and are working on funding to fill current and new vacancies to provide better services. Trespass has been around a long time and hope to fill a position to deal with trespass issues. The staff is working to get the job done and is optimistic in improving.

Dick Rush, State Executive Director of Farm Service Agency - Concern of fractionated nature of land; several owners in one tract. One thing that passed in last farm bill is the ability to loan funds for purchasing lands to put ownership into fewer numbers. The State Executive Director is a Presidential appointee; 1 of 4 appointees. Some background information, have managed the enterprises for the Coeur d'Alene Tribe for a while; learned a lot during that time. Hope to use that experience to do this job better.

Terry Olhaleram, Nez Perce National Historic Park Service- Pages 189-191 in General Council Reports Book. The old post office in the park has been removed; have developed new trails with signage; hired a natural resource specialist to manage the resources; working in partnership with Bob Sabotta to find qualified native students to work at the park, it has worked well to fill positions.

Discussion:

Robert Kipp – For BIA Superintendent, what is the status of resolution for the Tribe to take back probate?

Greg LaFranz – The Area Office has not reported back on the status of that request.

David Holt – Congratulate on presentation. Individual rights of religious freedom outweighs the religious rights. 1955 outlaw of use of pesticides and other treatments due to stillborns and other effects; don't want continual aerial bombardment of farm fields. Forest Service does provide for a consultation as well for aerial spraying; more than just religious freedoms and land use. BIA, hope they consider buffer zones for those who want to rent lands.

Dick Rush – Secretary Vilsack has made organic farming a cornerstone. Farming is a very small part of our food supply. It's hard to control weeds or insects without chemicals. USDA is interested in comments.

Christine Bradbury – Over the years we have been working closely with Nez Perce Tribe weeds staff in dealing with noxious weeds on the Clearwater National Forest. Internally there is much improved communication. Externally we do need to improve communication with individual tribal members.

Tregg Owings - NRCS – Precision Ag has been being used; encouraging less use of chemicals.

Greg LaFranz – need to start looking into how to write prescription into leases on use of chemicals.

OJ Waters – Nez Perce utilizes springs, rivers, creeks, water according to treaty of 1855. Shortly oil is going to become extinct; in the government section at the U of I library the government worked on hydrogen gas and machines that use hydrogen. In the future technology will develop H2O combustion.

Bernice Moffett – Question regarding Exxon Mobil transportation plan; how extensive of study has been done and how far has the study gone?

Ken Johnson – Met with the NPTEC before coming to this session, to discuss the transportation through the reservation on Highway 12. We have worked with the Idaho Transportation Dept. for permits to move the modules and affects on the road due to the weight. Will use pilot cars and utilize turnouts to allow traffic to go through; limit to 15 minute delays. We are complying with all the rules and regulations of the Idaho Transportation Dept.. For emergency vehicles we have a plan in place to allow them to go through. There will be meetings with the NPTEC and public meetings starting June 7<sup>th</sup>. No permits have been issued as of today; anticipate that permit will be issued by the end of June.

Lee Borgeau – Question for the NPNHP, what do you do to monitor camas? At Big Hole there was another root and we asked if we could gather and were told no; why?

NPNHP – plots are set up and they use students who go to those plots to count the plants within the plot; compare it year to year. We also monitor invasive plants and their effect on the camas. Question at Big Hole will find out why and will contact you directly.

Marilyn Bowen – Highway 12 transportation; glad to hear that a permit has not been issued. Highway 12 is a well travelled road and suffers a lot of damage. Who will be responsible for any damage caused by these large vehicles? No matter what type of emergency plan things can happen. Are you going to

use any tribal members for employment? Want to make sure that notices are posted for the public meetings. Concern that it will also affect the daytime traffic.

Ken Johnson – We will be using large trucks with specialized license; will need security and support vehicles, etc. which will be hired within the state. Yes there will be public notices with the first meeting on June 6<sup>th</sup>. Traffic and damage on the road, have had studies of traffic volume on the highway 12; volume went down at 11:00 pm; planning trip when volume of traffic is low on the road. There will be provisions for damage. Winter driving conditions; are looking at NOAA website and will be using information from pilot cars to assess road conditions.

Nancy Wheeler – Are any hazardous materials going to be transported? Are any funds going to be paid for use of the road?

Ken Johnson – Containers will be empty, only diesel fuels used by vehicles. Funds will be paid for permits.

Motion Made by Danae to accept and excuse the panel; Seconded by Darrell Wheeler; Motion Carried.

#### **14. Public and Private Sector Reports**

Rebecca Miles, Executive Director, Government (See full report starting on page 37 of General Council Report Book)

- Recognize Quincy Ellenwood current building director, McCoy Oatman former building director and Barbara Greene; for the new PA system and lighting.
- Enrollment software to create a hologram on the id to meet the Mexico and Canadian border requirements for an official identification.
- Long house is in the Nez Perce Tribes Strategic plan; in 1998 it was the second priority for the Tribe. Over the years it's been bumped back on the priority list. We are close putting out the construction contract. The long house is important to our heritage and language. Need to purchase land because the current site went into private ownership.
- Constance Waters is retiring tomorrow and will honor her when she returns to the meeting.

Jamie Olsen, Executive Officer, Enterprises (see Nez Perce Tribal Enterprises 2010 Spring General Council report) Directed attention to report book and briefly discussed the following items:

- Provided background information and descendents; educational background; and professional background.
- Listed all directors - see list of directors in report.
- Working with the State of Idaho to use land around the Camas Express for parking and drain field for the expansion of a truck stop.
- Wallowa Lake Lodge purchase increased to \$4.7 million; decided that it was not worth that amount. Analysis of the income for the current site could not support the purchase price.
- Analyzing the increase of size of the Its'e ye ye Casino to better serve the patrons.
- Also looking at a new computer program that will allow for better tracking of inventory, allow for on-line reservation system, and better communication between internal computer systems.
- Retirements – Midge Hayes 14 years of service; Loretta Sobotta 13 years of service

Fred Clark; Enterprise Comptroller - Financial Report (see power point handout)

Motion Made by Mae Taylor to recess until tomorrow; Seconded by Ann McCormack; Motion Carried.

**Recessed at 5:35 pm**

**Nez Perce Tribe  
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Friday, May 7, 2010**

Meeting Called to order at 0835 by Chairman Carla Timentwa

Review of approved agenda changes

**15. Opening Prayer – Julia Davis-Wheeler**

**16. Public and Private Sector Reports (continued; question and answer)**

Dave Holt – Infrastructure; facilities; solar power, wind energy. The wolf center is a good example of what our people do here. We have the technology. Try solar power energy; either manufacture it or use it.

Rebecca Miles – In the strategic plan there is a directive from NPTEC when pursuing facilities also pursue green technology. Also, they won't be built without input from the Tribal membership.

Nancy Wheeler – Wa-a'yas repairs with roof and flooring; Lookingglass Powwow use the gym and facilities; need them up and running. Are we going to be able to use the café (culinary school)? No one was aware that there was going to be a culinary school; in the past it's been used for several events that are held at the Wa-a'yas.

Rebecca Miles – The roof is scheduled to be started within the next couple weeks along with the floor. The culinary school was approved by NPTEC for TANF. It has taken a long time to get the program going; has taken time to get it started. State TANF will reimburse to the Tribe for remodel and we are still waiting for it. We are in a situation where we have made an investment and we need to figure out how to protect that investment. Meeting space is requested often and they will be looking at office space that is not currently used for what it was intended. We will be working with maintenance to upgrade the main office and Circle of Elders office and will be working on it because NPTEC doesn't have a meeting space. Unable to answer the question about use of the kitchen for meetings; NPTEC will need to make that decision.

Shell McCormack – Both buildings were built in the 60's as community center; the café is leased and no offense but the kitchen is leased and on the lease it states that food cannot be sold within the premises and that the kitchen cannot be used for keeping food warm. During Powwows food vendors need to be able to sell food.

Rebecca Miles – NPTEC does approve the lease contract and the culinary arts school at the Wa-a'yas; we do need to consider that when we review renewal of the lease. The lease states that vendors need to be 100' away to raise funds.

Laura Major – The person who is running the culinary arts school is being paid when nothing is going on in that building?

Rebecca Miles – Wendy Thomas is the interim Director of Social Services and can get a more complete report from her. The State TANF funds are what is being paid; not tribal funds. We do need to also think about other uses other than the culinary arts school.

Ron Holt – Casino revenue is projected for slight growth; over the past year it went down. Venture for the Camas Express sustained loss of \$160,000; where are we going and what do you project as to the overall condition of both casinos and how are we going to meet the competition? Other casinos encroach by providing transportation to their casino. We need to see tourist and buses bring people to our casinos.

Fred Clark – We are expanding our efforts in putting packages together to attract groups. We are currently in the process of putting together packages for people for fishing, golfing, and other activities in the area; pursuing other marketing efforts to attract customers. We are looking at the Camas Express and evaluating the loss and evaluating the expansion as a truck stop on what kind of revenue it might bring in. Tour buses – we have had a tour bus bring in people and we know we need to expand on our local market.

Jamie Olsen – In regards to Camas, we are working on getting the CFN designation for truckers on sales of diesel fuel and also address selling diesel fuel to truckers from out of state. We are currently a consumer business. Once we are a CFN designation our sales will improve. Our tourism group is working on bring tourist to the site. A man from Paris is working on bringing in tourist from other countries. The tour guide from Paris is interested in horses and they also like to gamble but also learn about the Tribe history.

Pete Wilson – Have not received a response regarding the casino putting on a powwow. Our powwow committees have been in existence for a long time and only receive \$3000 each but the casino spends \$60,000; where is the fairness? Allen Slickpoo Sr. made a motion that powwow committees who have been in existence for over 10 years would receive \$10,000. We did for a couple years.

Jamie Olsen – The Clearwater River Casino has hosted a powwow for the past 2 years and plan on hosting one this October. The event is to also get them come to the gaming floor. We do spend approximately \$70,000 which a lot of it goes to the stick game and drum contest. Hosting a powwow is to also bring additional business to the casino and hotel. The hotel is already full for that weekend. We do support financially through our promotions funds other powwows; we also funds basketball, golf tournaments. We want to be a good community neighbor.

Bernice Moffett – Supervisors need to follow their job description. If we want to move forward we need to give the ED and EO a chance; let them be responsible for supervising the people they are responsible for. Give them a chance. They are just starting; we need to back them up. The employees of the tribe and enterprises; do your job and you won't get in trouble.

Vesta Villalobos – Nimiipuu Health funds a scholarship and have fundraisers to fund the scholarship. When asked for a gift card from the Casino for a hotel room we were told that it would have a time limit. We went to the Coeur d'Alene casino and they provided a gift card without a time limit or other restrictions.

Ron Holt – Explain the problems we have at the casino with kitchen casino; explain when it will be profitable? What are you going to do with the RV Park?

Fred Clark – Restaurant has been losing large amounts of money for the past few years. We are laying out corrective plans to make it at least a break even situation. We projected that we will have a loss for this year and have made decisions to make changes in management. We realize that we have problems but feel we can overcome them. With the RV park we have not had enough time to analyze or pursue it. We know we have problems down there and will be addressing them.

Solo Greene – As leaders of the Tribe; we have a lot of potential here on our reservation that we have not tapped in to. We have resources available. Agree with Bernice regarding job duties and responsibilities. A lot of the problems we have are personal and petty. Some of the issues we are discussing today are issues that have been discussed for years. We need to put our self in the position of the people we serve. All NPTEC members and Managers please stand up. All elders please stand up. We are all connected; inter related. We are here to serve our people. We need healing. Request to sing a song just for our people.

Ronald C. Oatman – Congratulate EO and ED on their position. Report on recovery of fish but we have the ocean and dams; need control in Zone 6. We have families who fish in Zone 6. The Colville's filed a suit; we need to file a suit because of fish are being harvested before they reach our area.

Rebecca Miles – Served on CRTFC; recognize that fish have to come through Zones 1-5 and are hit hard by non-Indian fishermen first then the Tribes get to fish. One topic that was discussed in CRTFC was to allow Indians to fish below the dams. An attorney stated that it's an old trick that when there is a large projection they get fished first below the dam and by the time they reach Zone 6 the projection is much lower.

Ronald C. Oatman – with plans for building a plaza; Atway is not a destination spot. We shouldn't take loans on top of loans. In plans to cut costs look at all the directors.

Jamie Olsen – The first stage of the design is to get rid of the current event center. The event center has been very successful. It's also the desire that we have facilities where we can host conferences. We get a lot of requests for hosting conferences; there are several other events where we can maximize our opportunities. With our current staffing we are analyzing our organization and the number of employees we have on during certain times. Our staffing needs go hand in hand with the needs of the customers. We are currently working that.

Helen Goodteacher – need stronger efforts in recycling and use of 'green' products (recyclable materials). Look at being a green casino and hotel. There are solutions and simple solutions out there. We should promote being 'green' businesses.

Aqua Greene – We need to have a good marketing plan to be out there; example Coeur d'Alene casino commercials. Where are we on the map with better marketing? Machines set at certain payouts; other casinos are putting out more and we need to get in shape and get in gear to bring people to our casino. The Camas Express is a good opportunity and is headed in the right direction.

Richard Merrick – has been all over and has seen a lot of casinos. We need to look at on-line gaming; when you start adding in and adding on too big. Is this something that we want? Drawing the people in is what we went to do; we should have thought of this before we built it. Is this what we want in our

community? Zone 6 fishing- used to go with uncles and fished on river Columbia; elders used to put an injunction on the cowboy fishermen to allow fish to come up.

Jamie Olsen – We do have enough cash to pay for the expansion right now but we have needs. We do still owe about \$14 million. We do have the cash to pay off the loan and are analyzing it to make sure we make the right decision on use of the funds.

Motion Made by Danae Wilson to accept the report of EO and ED and excuse them; Seconded by Dave Holt; Motion Carried.

#### **17. Human Resources Subcommittee – Julia Davis-Wheeler**

Directed attention to report in General Council Report Book; pages 26 to 27. Will not read it word for word but touch on subjects of most interest:

- Have held listening sessions which were attended by the Rebecca Miles, ED.
- The State of Idaho has been good about attending the HR Subcommittee meetings.
- They are addressing the scholarship issues. They are working with NPTEC to address the issue and realize that the amount currently given is not enough.
- Veteran's issues – are pursuing funding for a full time Tribal Veteran's Representative.
- Educational Assistance – looking at increasing it a little to assist with more.

#### **18. Nez Perce Tribal Housing Authority Board - Richard Arthur, Chairman of the**

Directed attention to General Council report booklet

Presented a power point presentation

#### **19. Nimiipuu Health Board – Denise Walker, Interim Executive Director**

Directed attention to Nimiipuu Health General Council Report Spring 2010 booklet

Presented a power point presentation

#### **20. Senior Citizens Advisory Board – Betty Kinzer, Chairman**

See Nez Perce Tribal Senior Citizens Advisory Board, General Council Report

#### Discussion:

Dave Holt – Veteran's concerns with health care. Clendon Allen transports veteran's to appointments. Housing – low income housing pays a significant amount; high and low income pays the same amount? What are the income guidelines?

Richard Arthur – Nursing home concern - those who own land do not qualify for Medicaid because they have land; do not want to give it up to obtain Medicaid. When working with the State there are protocols. As far as income, no one is paying 30% of their income. There are set formulations for figuring payments. NPTHA does not support the garnishment of per capita payments.

Lucinda George – Concern with Social Services and what they are doing to help protect our elders. Housing concern for elders – need to do welfare checks. Need an elder abuse law to protect our elders. There are programs that can be utilized to check on elders. Concern regarding resident of senior citizens complex and concern over fire.

Richard Arthur – when meeting with the subcommittee they bring up the issue of and Elder Abuse Law to protect them from physical and other types of abuse. Tenants do have the right to have family members come stay with them for up to 2 weeks and they leave for one night and come back; they bring kids and have parties. Need to have other entities right there to monitor and address their issues.

Julia Davis-Wheeler – Introduced Jackie McCormack, new Director for Students for Success. The Elder Abuse code has come to the table many times and we do not have any funds. Like the idea of combining it with other program to provide an ombudsman. We do utilize Social Services.

Denise Walker – We do have CHR's who also go out to the homes. If you are an advocate for an elder need to help them report the abuse.

Shell McCormack – When power was out they had no heat or lights; need an emergency response plan for the seniors during emergencies. Clinic – it's a nice building but it's the service that counts. How long do we need to go through triage? We get sent down to the hospital because they quit taking patients at 3:00 so that the staff can leave at 5:00. They are there to serve the people. There are two elders who went to be seen but were sent away and when checked on later had to go to the hospital because they were sick. What right does the nurse have to send patients away? Pain pills – they call patients in to count their pills, why do they need to do that. Have lost faith in the clinic because they don't treat patient right.

Richard Arthur – Power outage - in each of the rooms there are emergency contact numbers for the residents to call. In the past when there was an outage they were put up in a motel; also for other emergencies.

Julia Davis-Wheeler – Every year before winter Chairman Penney does ask how we will respond to emergencies and will get a plan together.

Laura Major – Concern regarding signing a pain contract before being allowed to obtain a prescription for pain meds and that contract also includes making home visits any time to take a UA and to count pills. Also concern over transportation for appointments; can Medicaid be charged to provide for the transportation?

Dr. Hollow – People need to understand that pain meds are narcotics; considered controlled substances by the Federal Government. Although the clinic would like to give them out they are federally controlled. Pain meds lead to addiction. Drug addiction is a huge problem on the reservation; some individuals fall into an addiction by starting with pain meds first. The reason we have to have an agreement is because of abuse of the medications. There has to be rules on how they are given out. Using pain meds is complicated and the agreements and checks are to help stop abuse of those drugs. We are looking into transportation issue and are looking at policy.

Julia Davis-Wheeler – NMPH can charge Medicaid for transportation.

Marilyn Bowen – Acknowledge Dr. Brad Schaff. Concern regarding no provider at Kamiah; if a provider calls in then we have a shortage of providers at the Kamiah Clinic. Code of ethics for our NMPH, NPTEC, directors, and programs; is there a code of ethics?

Julia Davis-Wheeler – A code of ethics needs to be posted in each office. Each office needs to develop those for their department and post it; similar to the bill of rights.

OJ Waters – Tribe has housing units, individuals own the house but the tribe owns the land. A tribal member wanted to leave something for his children; paid on his house faithfully; only owned approx \$3,000; he left his house to his son. When the son moved in he was told by the housing that he now owed \$34,000. Has something like that happened?

Richard Arthur – without getting into specifics; your correct that if it is a mutual help home and the person passes away; the person who inherit only owes what is left.

Ron Holt – Sundown Heights; Tribal members who worked to build those homes when the job ended they were told that nothing was paid into unemployment insurance was paid into their accounts. Payments to CIB's and subcontractors; ANC walked off and still owed.

Richard Arthur – With Advanced Native being the contractor; will not comment on the case due to possible litigation. Housing does have all documentation on the Tribes part.

Nancy McAllister – Why does it take so long for tribal members to purchase a home? A courtesy call from the clinic would be good for times when appointment needs to be changed. With dental it feels like patients are being pushed through like cattle.

Richard Arthur – there is a calculation for debt to income ratio to be mortgage ready. We do not have programs where a tenant only has to pay 30%.

Denise Walker – The no show percentage is high and are looking at the process. Realize that there are times when a provider is not available and we need to change appointments. Will work on doing courtesy calls.

Shirley Rickman – concern about non-Indians being served first – takes a long time to get an appointment. With surgery insurance paid the majority of the bill but contract health did not pay the rest and receive calls from collection agency. We have a lot of people working at NMPH and we sit there and do not receive service.

Dr. Hollow – We need more medical staff and are trying to get them. Appreciate the cooperation to do that.

Tricia Carter – Need to build a ramp up the east side of the complex to replace steps and fix the rail. Replace the doors because they are hard to open; replace them with automatic door. Sand down railing due to splinters and have first aid kits available.

Quincy Ellenwood – Nimiipuu Health - Thank you to NMPH. Very grateful for what we do have after seeing a bill for surgery. Grateful for treating wife and glad to hear that his wife is in remission. Thank you for the services and dedicating your lives to your profession; and to the Man upstairs for answering prayers.

Elaine Ellenwood – Have been on pain meds for a long time. Relate personal health issues which require pain meds. Denied pain meds because of testing and pain med contract – when you go anywhere else

do you have to sign a contract and be UA'd? Also if they suspect you are pregnant they can test you and take you off pain meds.

Mary Tall Bull – when will she receive certificate of ownership for house? Pain meds are the biggest cost; pain meds are a band aid; it's like alcoholism. Across Indian country addiction to pain pills is an issue. Have a resolution to present.

Aqua Greene – Welcome Denise to Nimiipuu Health. The issue of pain meds is a touchy subject. It is the providers who put patient on pain meds; don't bandage it fix the problems. A lot of people do have insurance; get the help they need rather than use a band aid. The few that abuse medications the police know who they are. Want to see stats on providers; how many patient they see and when they cancel? Behavior health; Katrina did a lot on her own time and out of pocket. When she left patients were referred to the medical providers, which take them away from their patients.

Fawn Scott – Work at NMPH but am here as a patient. Related personal health issue with back. Concern that they wanted her take pain meds and concern with seeing a provider.

Presentation – Rebecca Miles, Executive Director and Chairman Samuel N. Penney recognized Constance Waters for her years of service to the tribe.

Agnes Weaskus – HR - we need to employ our Tribal members whether they are educated or laborers. Each applicant has their individual situation but they need work just like anyone else. Contract Health – Nez Perce Tribe has a good insurance policy. The benefits are good and people outside the Tribe want to work here for the benefits as employees. If our Tribe has such an overload of patients at the clinic can Tribal employees who have insurance go to outside providers? A possible option is to open it up for those with insurance to go outside.

Melvin Wheeler – Housing - Nez Perce Tribe Elder Home repair statement on back of report. What is the process to get needed repairs to father's home (roof)? Request assistance from NPTHA to go there to see his father to get the assessments and to obtain estimates.

Richard Arthur – Recognize Melvin's service to Housing. There is an application process to get needed repairs. Don't know the status if he has an application in or if it was denied. Paul and Hodge do go out to do assessments.

Lori Smith – if you know any elders who need assistance please stop by and let staff know and they will assist them with applications or needed information.

Darrell Wheeler – NMPH - hopes that in the future there will be better communication between the Kamiah and Lapwai clinics so that the correct medical procedures can be done. Issue to pain pill – personal medical issue related; side affects with pain meds.

Motion Made by Danae Wilson to accept reports and recess for lunch; Seconded by Della Wheeler; Motion Carried.

**Recess at 12:30 pm; return at 1:15.**

**Meeting called back to order at 1:30 pm**

**21. Budget and Finance Subcommittee Report - Joel Moffett, Chair**

- See Page 22-24 of the General Council Reports Book
- Results of gaming revenue survey is available; see report titled Nez Perce Revenue Allocation Survey Final Report.

**22. Enterprise Board – Bryan Samuels, Chair**

- Enterprise Report Booklet Pages 6-7
- Thank you to the General Council for having the opportunity to serve on the Board.
- Read list of officers and members of the Board
- Acknowledge enterprise staff for working with the Board
- Couple of significant events – new Finance Manager, Fred Clark and thank you to Thomas Rickman for serving as interim. New Executive Officer, Jamie Olson and thank you to Mary Beth Frank as interim
- Gaming Commissioner Jason Halstead and thank you to past members of the commission
- Board has approved a finance manual but is waiting on approval from HR.
- Strategic plan for enterprises is a working document; as we move forward with tasks we will also review the plan and change it as needed.
- The Enterprise Board has had access to different financial reports which gave us the ability to work better with the enterprises.

Issues:

- Per capita - the board requested last fall that funds do not come from the revenue. We're not saying not to have a per capita but rather to investigate other avenues.
- Wallowa Lake Lodge - Voted not to make it an enterprise project.
- Tac' Titoqan was moved to the enterprise. Asking for more analysis for the feasibility of where it should be located and how it will be funded.

Discussion:

Dave Holt – Per capita – the past treasurer reported years ago that we had \$70 million dollars in enterprises; it got divided up into line items. When considering a per capita or a stimulus you get into a different direction on use of funds. Want a definition on the type of constraints and auditing constraints; help to educate the people on those. Limestone - it was liquidated and if we go back into it we are going to need a crusher again and will need the use of the railroad; if we get the limestone back then we also need to get our railroad back. Enterprise Board needs to consider that.

Joel Moffett – At the public meetings held in November we wanted to respond to the General Council resolution for a per capita; but we were working under time constraints. We wanted to get a distribution out before Christmas; had to look at other funds at that time to get it out. There is a difference between a per capita and a stimulus. NPTEC passed a resolution in response to the General Council to put together a committee to draft an allocation plan; look at the survey on line and hardcopy. Will look at those results along with the cash analysis; there is pressure on cash reserves. Anticipate that we will have \$5 million in revenue this year; but the committee needs to look at how much gaming revenue we will actually earn.

Bryan Samuels – The limestone quarry is in a study phase. At this point in time we are looking at new strategies on how to mine the limestone. We didn't look yet at the funds we will need to do it; but will look at the technologies on how we can get it done.

Mary Tall Bull – Presentation of resolution – Job descriptions are written that eliminates tribal members from being hired. Programs are hiring family, friends, etc. Satellite offices who refuse to hire tribal members (example; at one satellite office a manager hired his wife for janitorial and also does the photography for the program). Contractor has stated to tribal members that he would rather hire Hispanics. That contractor should not be hired again. He currently has a contract with 8 employees and only 1 tribal member.

Resolution NPGC 10 - ## (resolutions committee; regarding hiring and Indian Civil Rights) presented by Mary Tall Bull (do not have a copy of the resolution)

Motion by Mary Tall Bull to approve the resolution as read; Seconded by Joann Arthur

Discussion:

Robert Kipp – General Council should be provided a copy of the resolution.

Subsidiary Motion Made by Danae Wilson to table the resolution until copies can be provided; Seconded by Marilyn Bowen; Motion Carried

Mary Tall Bull – Question regarding the amount of funds in gaming revenue.

Joel Moffett - \$19 million in revenue

Mary Tall Bull – Presented a resolution on per capita and to include General Council officers on gaming allocation plan committee.

#### RESOLUTION NPGC10-001

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 Tribe, on May 6, 1961 and approved by the Acting Commissioner of Indian Affairs on June 27, 1961; and

WHEREAS, the 2009 Fall General Council accepted and approved a resolution by majority vote for the disbursement of two per capita payments in the amount of \$1500.00 for each enrolled member of the Nez Perce Tribe, and

WHEREAS, the resolution states NPTEC will create an allocation plan to be submitted within a 30 day period to the National Indian Gaming Commission for approval of the Nez Perce Tribe's first per capita payment from Gaming allocation funds, and

WHEREAS, the resolution further states Nez Perce tribal members will be paid per capita payments from the Nez Perce Tribal Gaming funds with the first \$1500 paid by December 18, 2009 and the second \$1500 payment made and available to tribal members by June 18, 2010; and

WHEREAS, the resolution further states the NPTEC members shall provide a long term Gaming Allocation plan available and ready for review and approval by the Nez Perce tribal members at the Spring General Council meeting 2010, and

WHEREAS, Nez Perce Tribal members did not receive a per capita payment but did receive a “stimulus” payment of \$1000 on December 18, 2009, and  
WHEREAS, The Nez Perce Tribal Executive Committee failed to meet the directive of the NP General Council failing to submit a Allocation Plan to NIGC and failure to provide a per capita payment within the required time stipulated by the Nez Perce General Council fall session 2009;  
NOW THEREFORE BE IT RESOLVED, The Nez Perce Tribal Executive Committee shall immediately begin working cooperatively with the NPTE Executive Officer, General Council Chairman, Secretary, and Resolutions committee in creating a Gaming allocation plan that includes future per capita payments to be submitted to the National Indian Gaming Commission,  
BE IT FURTHER RESOLVED; The Nez Perce Tribal Executive Committee shall work in a cooperative manner in completing these tasks in an attempt to meet the needs and desires of the people also known as the General Council.  
The foregoing resolution was duly adopted by the Nez Perce Tribal Resolutions Committee in regular session n May 2, 2010 at Lapwai, Idaho with a quorum of its members present.

Motion made by Mary Tall Bull to approve the resolution as read; Seconded by Elaine Ellenwood;  
Motion Carried

#### Discussion on the Motion

Danae Wilson – Clarification; is there a committee already working on this?

Mary Tall Bull – This resolution is a different committee and this committee should include Nez Perce Tribal members.

Joel Moffett – There was a resolution passed by NPTEC that established a committee.

Mary Tall Bull – Clarify that the General Council Chairman should be appointed to the gaming revenue allocation planning committee.

Carla Timentwa – The gaming allocation planning committee was never dissolved but NPTEC made the decision that a new committee be formed.

Elaine Ellenwood – Know that a study is being done for payments down the road, but we did pass a resolution for a per capita; would like an outline on when we will get it.

Lisa Guzman – How do we start looking at the marketability of a credit union or other financial institutions? We are only looking at a narrow view of enterprises in gaming.

Jamie Olsen – We do have revenues and are looking at the best use of those funds for the good of the whole Tribe.

Leslie Randall – Support some of the resolution. As far as the committee the Chairman of the Enterprise Board should be a part of the committee.

Badge Arthur – is the allocation plan for one casino or both?

Joel Moffett – We need to submit one revenue allocation plan which includes total revenue for all enterprises.

Discussion continued to the Board

Pete Wilson – In the fall you reported that we had the funds in gaming revenue; so now are you saying that we don't have it? If you have a time limit then what is NPTEC doing; there are 9 people in there who should have worked on this to meet the time limit.

Joel Moffett – Apologize for not responding; we do not have an answer because we do not have a gaming allocation plan that states what percentage goes to what account. It looks like the projections are to make \$5 million; the time is right to develop the plan and welcome the new committee members.

Richard Marek – Can we afford this? Example of 3 tribes in Washington; put millions in their casinos but they failed. Cannot say that 5 months, 6 months from now we will get a per capita. We can't pressure for a per capita but need to wait to see what our casino produces.

Gwen Carter – concern about indirect costs; monthly and yearly. Need to be accountable for indirect.

Rebecca Miles – mention of non-Indians on the committee; we need key personnel working on the committee. Appreciate Joel's leadership on subcommittee. NPTEC, ED, and EO are heading in the same direction with our enterprises.

Bernice Moffett – It's our money and we want it now. Want General Council to look at reports and see our indebtedness and how many programs use gaming allocations. Used to be against per capita but when looking at the book and see how it's used for programs I'm for it. It's our money.

Motion Made by John Strombeck to accept and excuse the board; 2<sup>nd</sup> Dave Holt; Motion Carried.

**23. Law & Order/Intergovernmental Affairs Subcommittee** – Tonya Garcia, Chair; Larry Greene

- Page 31-32 of the General Council Reports Book and power point presentation
- Held three listening sessions to hear the concerns of the tribal members.
- From these sessions we will compile the information and present ideas to NPTEC.
- Addressed amendment that expands jurisdiction of the Tribal Court to include the Columbia River area.
- The need for Tribal Code to reflect Nez Perce Tribal culture and values
- Strengthen and protect the sovereignty of the tribe

**24. Gaming Commission** – Jason Halstead, Executive Director

Directed attention to pages 183-184 of General Council Report Book

**25. TERO Commission** – Mary Jane Souther, Bruce Lawrence, Joyce McFarland

- Pages 185-186 in General Council Reports Book
- Introduced the members of the commission.
- Give support to TERO director.

- TERO office is now under the Education Department, Joyce McFarland, Director
- TERO commission meets regularly; work with tribal members and other tribes on issues. We belong to the Regional and National TERO commission.
- Randall Minthorn is new TERO director
- Program purposes are to certify Indian businesses and new applicants. Try to expedite application so that they can compete for jobs here on the reservation when requests come in looking for certain skills.
- Collaborate with other Tribes.
- Work with and provide awareness for outside businesses to educate them on mutual respect and education on sensitive issues.
- Acknowledge Lita Frederico for covering for when the past director was sick.
- Have meetings scheduled for June in Lapwai, July in Orofino, and August in Kamiah.
- Statistics - 135 people looking for jobs; more awareness of jobs needs; 85% of those are males. Need sustainable jobs and we will be working toward that goal.
- Advertise TERO office in the paper; who we are and how to get a hold of us.
- May 19-21 conference here for tribal members and departments; John Navarro with the council on tribal rights.
- We are working on skills applications with members. Want to provide a laptop and computer to assist in resume creation and search for jobs.
- Assisting businesses with filling out applications to become a CIB. 50% of the economy is driven by small businesses. Need to help move our small businesses to give them the opportunities to move forward.
- The contractor who has the bridge project has interviewed tribal members for positions.
- Valley waste treatment facility, TERO is working with them on hiring tribal members.
- Other projects are river weir project is through tribal fisheries; Kooskia Idaho Department of Transportation project; Lapwai city chip seal; IHS water drain field; and others that will help provide employment to our people.
- Randall will have office hours in Kamiah for service. Also will be in Orofino on Wednesday from 1-3.

#### Discussion:

Motion Made by Danae Wilson to direct NPTEC through the Chairman to issue a memorandum for immediate review of the vehicle use policy that shall be presented to the General Council at the budget and Finance Public Meetings; directing further that all Administrative Personnel no longer be allowed to take vehicles to and from home; and that only those Law Enforcement Officers that live on the reservation have vehicles for response to calls or emergencies; 2<sup>nd</sup> by Lucinda George. Motion Carried

#### Discussion on the Motion:

Dave Holt – Appreciate the service. The city clerk is driving the old law enforcement vehicle; water sewer garbage; need to take a look at the city too. In favor of the motion.

Lucinda George – The Chief takes a vehicle home and she is not a first responder. The field officers are the first responder. The chief uses the vehicle for personal use.

#### Discussion:

Motion Made by Danae Wilson that the Law Enforcement Chain of Command be publicly posted for the General Council's information and that the Nez Perce Tribe website be updated to reflect the chain of command; 2<sup>nd</sup> by Lee Borgeau. Motion Carried.

Discussion (con't):

Dave Holt – When are we going to get away from having our driver's license issued from the State? How many cases does it take that we get to the point where we provide our own license? Currently pay child support through State; but the State takes away license by not paying; Tribe writes into job descriptions that license are needed for jobs. We all suffer; not just the children but the whole family.

Tonia Garcia – Not sure if child support can be moved from the State to the Tribe. All tribal members deserve protection by law enforcement. NPTEC members are servants to the people; your best interest is what we work for. If you feel you are not being protected come to the L & O Subcommittee and let us know. Asking Randall to look at requirement for driver's license.

Lucinda George – Navajo Tribal code on weapons; sent from friend. Read a portion of the code on carrying and discharging code; need to build into our code with tribal sensitivity. Need a code for cell phone pictures shared. Will leave a copy of the weapons code with Danae.

Dog Ordinance Issue:

Several people reported problems with dogs that roam and no enforcement of the dog ordinance. Dogs howl and bark, leave feces in yards where children play, cruelty to animals by reproducing and litters dying in the neighborhoods, children and adults being bitten, certain breeds of dangerous dogs roaming the streets, etc. Need to have animals spayed or neutered. Fear of walking in neighborhoods due to stray dogs.

Justine Miles – Does the dump belong to the City or the Tribe? What days can garbage be dumped or picked up?

Tonya Garcia – Can report dogs to have them picked up; no issue on whether it's an Indian or non-Indian dog. The dump is not always open.

Rebecca Miles – the land for the container site belongs to the City; the Tribe owns the fences and container. John Wheaton is the new Solid Waste Director. Have had issues with the city having a dispute with Walco and we did not agree with the new contractor. We want to work to get a recycling program. We were in a 60/40 agreement with the city. We want to resolve it and we have received a lot of complaints; Plant maintenance pays for the majority of that.

Mary Jane Souther – if you get bit come to the clinic and report it to me. Nimiipuu Health has a reporting system where dogs can be detained until testing is done.

Bernice Moffett – the TERO ordinance is used with outside businesses; recommend that not only have lecture on TERO ordinance but also training on Indian Civil Rights. Employees who are fired have difficulty writing a defense. Indian civil rights protection is needed on this reservation. Ask TERO for a session on Indian civil rights; specific session for NPTEC.

Joyce McFarland – have a good agenda but changes can be made and there is a special session for NPTEC.

Tonia Garcia – Programs are to use Title 7 and 9 within the tribe as well. Good to have John Navarro here because he is a leading expert in TERO.

OJ Waters – comments – Treaty of 1855 says they will put roads through the reservation but does not say that we need to have license.

Mary Tall Bull – The wording of the ordinance seems to be used against certain people. It needs to be used across the board. Thank you to Joyce for helping her student out. TERO, contractor needs to be reprimanded for the way they treat tribal members; need to pay back members. Contractor made allocations against tribal members on theft. Law Enforcement – are slow in responding; schedule needs to be worked out to have coverage. It's not an 8:00 to 4:30 job; it's a 24 hour day job. Use of vehicles – all business need to be given to the Appaloosa Express. When we have a problem with contractors at a work site it needs to be written up and bring it into the director.

Molly Harris – Tribal court code says that if arrested they have to sit in jail for 2 days and miss work. They cannot bail out. How can our people be arrested by other jurisdictions. Brother who was shot had the right to call for a tribal officer; we have that right on our reservation. Need to change code; do not have the right to get released on own recognizant out of our system. County and State are not working with Tribal Law enforcement after shooting. At briefing, the US attorney said they wanted to know about issues with State Police so that they can see where their problems are.

Tonia Garcia – Will work on code and begin contacts with ISP.

Larry Greene – Have had meetings with state and city of Lewiston; asked questions and relationships with other state officers that we did have open dialog; but we don't have that anymore. Four had encounters with ISP that they reported.

Arthur Taylor – L & O – Law ordinances in Tribal Code regarding public intoxication; what is the status of the house known as Babe Reuben's house? Students use that road to go to lunch and notice that a lot of teenagers are hanging out at that house. We are not working at eliminating these types of places; no running water or electricity, health issue with bathroom use of back yard. When are we going to enforce the tribal code to eliminate that house? The tribe needs to step in when the owner does not have the funds. It has been in the works for over a year. There are a lot of abandoned houses in the city and the activity will move to another house. Need to be proactive and do something about all the abandoned houses.

Tonia Garcia – Just gave it back to the departments to get it demolished; one of two homes. It's gone through the process and waiting for bids.

Larry Greene – need to help the individuals. We can take all the houses but the problem will be there. How can we create something in Social Services or Nimiipuu Health to take care of the individuals?

Allen Slickpoo Jr. – questions/comments – 1. Response time for Law Enforcement; brother laid on road for 4 hours near the village. 2. L&O code; warrants, summoned to court and signed off by judge given to officer to arrest. If you cannot serve papers to an individual then a warrant will be issued. Individuals

who did not receive a summons have a warrant issued. 3. Custody issue; Tribal Police was at house to pick up kids when son had custody; papers from Yakima Nation do not have jurisdiction on our reservation. 4. Have copy of 2003 plan of operation that says directors and managers are to attend General Council; the burden should not be on NPTEC members to answer questions. A lot of this regards the Chief of Police.

Tonia Garcia – enforcement of papers from Yakima does not have authority here and needed to go through our tribal court. L&O subcommittee will address the warrant issue.

Larry Greene – Response time is not a budgetary issue. It is something that we need to address through our scheduling.

Jamie Five Crows – Tribal Police are sending police to POST training; why aren't they being sent to Federal Policy Academy? Are police being sent to learn about State rather than Federal law?

Larry Greene – don't have that answer. Will find out?

Ron Holt – Is there a 5% increase in the number of gaming machines; are we going to increase.

Jason Halstead – not going to get more because at this time we do not have room to grow.

Marsan Lawyer – MOA's with ISP and Sheriff's department; can we get information on what it says in the MOA's?

Tonia Garcia – MOA/MOU's are submitted to L&O; a recommendation is then forwarded to NPTEC to either approve or disapprove. This L&O subcommittee would not give up jurisdiction. State and county do have jurisdiction on some roads and highways.

Alene Powaukee – City issue - neighbor paid off home then is being charged for water and garbage; not even in the city limits. Housing has paid millions for the sewer; house is on tribal property and not in city limits. Probation officers – need to respect the rights of Indians; need to keep kids and parents together; probation officer said that he is the one who can say who sees the children. Need cultural sensitivity training for probation officers.

Rebecca Miles – City garbage issue – trying to get that resolved. City council is trying to tell the Tribe what we can and can't do; city council members are tribal members. Tribe is putting up 6 million for waste water treatment. Need NPTEC to support them. When the solid waste area is not open, people will dump on tribal land. Dog ordinance – there is an ordinance with the city to have dogs licensed. Need to enhance in the code to have animals spayed and neutered; inhumane to see animals dumped and dying; horses being mistreated; dog fights. If we are going to be responsible for an animal get it fixed. Budget – prison board dollars are paid for warrants that pick up people for a small fine. There are people who break the law. We need to strengthen the code in that area. Last year the prison board did go down; that means we are paying less.

Ronnie Moses – Nephew was murdered and nothing was done. Fear of police and being shot. Need help for loss of home during fire; aunt lost house.

Justine Miles – oldest daughter picked up by Tribal Police for a \$25 fine. She spent 5 days in jail before going to court. One of our own officer's who is a tribal member lectured her on being arrested at the casino. We treat our own horribly. Hope that Chief of Police gets all these complaints. Tribal police need to have compassion for our own people.

Jeanette Scott – Family member who was picked up over a \$25.00 payment not made. Went to Nez Perce and paid off fine but Nez Perce county wanted to still hold her for 5 days. Had to contact judge to get paperwork; let her out at 1:00 am saying they have the paper work finally. Lewis County and Nez Perce County do this. Response time – have police at house for a 911 call that was never made; tribal police came into bedroom. Tribal police try to make an issue of neglect of grandchild because she is in the living room sleeping. Why do we have people coming in to our homes when parents are doing what they need to keep their children?

Marissa Rickman – Personal feelings regarding Vern Ellenwood and having courage to speak. Is this another death that happened and nothing will be done about it? Is it going to happen again? Related experience of running from police; by the time from going from the weigh station to flying J had 4 police chasing and discussion with police after chase. It is your job to protect us.

Gloria Greene – Abandoned house issue – young kids are stopping by there. People using outdoors for bathroom. Most are not homeless people; they have homes. Homeless shelter needs to be used for real homeless; always told that we need regulations in place. Need to get rid of those abandoned houses that are being used for flop houses. Child molester as neighbor. Afraid to let granddaughters go outside to play. There is a lot of abuse of power in the Tribal Police.

Mary Tall Bull – Motion to consider license plate with Tribal logo by Fall General Council and the funding from sales go toward an educational assistance fund or scholarship for Tribal members. 2<sup>nd</sup> Dave Holt.  
Motion Carried

#### Discussion on motion

Shannon Jackson – for the motion.

#### Discussion continued for L & O Subcommittee

Dave Steffy – TERO – last winter worked for company at fish hatchery. TERO is not implemented at the Dworshak fish hatchery but is at the Kooskia Fish hatchery. Why is there a difference between them?

Larry Greene – Because we are part owners in the Dworshak

Jackie McCormack – Related story with tribal police telling a young man that “he needs to man up”. What are the benefits with having state and county jurisdiction on the reservation? Will they be there when there is an emergency? Concern with involving FBI; rather than involve them need to handle all matters within our own government.

Margaret McCormack – Who chooses when the FBI is called, what are the bases? We need to be there for our tribal members. Right to a speedy trial is 5 years. How are we going to help other tribal members so they don't have to go through it?

Tonia Garcia – FBI is called in on felonies. Many times the FBI does let the tribal court handle matters but there are selective matters. For example on a rape case since they did not go through tribal they could not go directly to federal. Some of it depends on the FBI agent. Jurisdiction over minors does not have to go to the FBI.

Kerma Greene – In regards for accountability for our tribal court there needs to be improvement. Once they get into the system it takes years for them to get out. Primarily because of repercussion of probation violation; it costs a lot of money to put them in jail; so we extend their probation. That's not the answer. We all need to work at being good Nez Perce citizens. Need to work on process and timeline within our courts. Our courts do not follow the timeline.

Sherri Greene – Called for tribal police for incident at house. The identification of a person who did the crime was dropped at the scene; asked police what happened to the young man? What is the timeline for things to happen?

Gabrielle Moses – Hurt to have to hear these things about our people. We do have post traumatic stress over incidents because we do not trust them anymore. There are health concerns over use of abandoned houses and places down by the creek where they have set up furniture. Concern about how children were treated at school and non-sensitivity of cultural/native by the adults in the schools. Our children quit school and have to go get a GED; TANF is a 5 year program and they fail our children to even educate them to get their GED. When are our programs going to help our people? How do we stop it?

Elliot Moffett – Who is the supervisor for the court judge and the Chief of Police? The issues that have been brought forward over and over we did have a solution to amend our constitution. We need to work together to solve the problems. We each have a role and responsibility. We need to have a traditional law where we have an adversarial process for justice to happen here on the reservation. Need oversight over law enforcement; that's the job of the L&O subcommittee.

Loretta Isles – Concern for L&O; safety of school age children and use of media (texting and internet use).

Solo Greene – City of Lapwai sanitation - will have a town hall meeting to discussion issues in June. It's for clarification on issues. Issue in schools – as a tribe we have to realize we can't do it all on our own. Going in with a bullying mentality is not the way to deal with issues. We need to work together; have to quit the fighting and divisions; stop the animosity. We say we want to do the best for our people but we need to just do it.

Patricia Gendreau – concern with white house; why weren't all the adults picked up for contributing?

David Holt – Statement about image of law enforcement and personal. Want to protect children. Try to impress a good image on children about law enforcement. Personal story about daughter who was beaten by non-Indian. Post Traumatic Stress can be caused by situations with police officers.

Elaine Ellenwood – One of the many owners of the white house. Don't mind it being torn down but the problem is not going to be solved by tearing it down. The people who use that house will move to another place and do the same things. Concern about jurisdiction because it is not trust land; does the

Tribe have jurisdiction? These people have problems; you won't cure the problem by tearing it down. Need to look at the problem. We created the problem by wanting to create a homeless shelter.

Larry Greene – Appreciate all the words today. Heard many issues about law enforcement, judicial system, supervisory, reorganization; TERO issues; CIB's; they need to be taken care of and can start working on them. Some things cannot change due to admin procedures but can take care of some issues.

Tonia Garcia – During listening sessions some of the same issues were brought up. Need accountability and will work toward that and reporting at the Fall General Council. Most local news papers do have police blotters.

Motion Made by Nancy Wheeler to accept the report and excuse the panel; Seconded by John Strombeck; Motion Carried.

Motion Made by Elliott Moffett to recess; Seconded by Meredith Moffett; Motion Carried.

Closing prayer by David Miles Jr. Recessed at 7:35 p.m.

**Nez Perce Tribe  
General Council Draft Meeting Minutes  
Saturday, May 8, 2010**

Meeting called to order at 0915 by Chairman Carla Timentwa

**26. Opening Prayer - Marilyn Bowen**

**27. Natural Resources Subcommittee – Brooklyn Baptiste, Chair**

- Page 33-35 General Council Reports Book
- Introduction of the Subcommittee Members
- Purpose and Goal is to protect the resources (natural and culture)
- Fisheries resource management and Natural resource management are the main two areas under the subcommittee; but also include cultural resources.

Topics/Issues:

- Big Horn Sheep – Salmon River drainage there is a big horn sheep population; domestic sheep were introduced in that area which has caused a decline in population of big horn sheep. The Payette NF maintains the allotments for grazing of big horn sheep. Have been meeting with them to protect the big horn sheep. The State of Idaho passed a bill to create a buffer however when the big horn runs into domestic sheep they will kill the big horn sheep.
- Buffalo – Question on why we do not have our own herd; the reality is the expense and time to develop and maintain a buffalo population. The land capacity and food supply is one major issue in maintaining a herd. Right now we do not have the infra-structure to maintain them. Other Tribes who have created a herd are now selling them off due to the expense. The Tribe did not agree with Ted Turner's purchase of a buffalo herd. The Tribe is involved with bison management throughout Montana and Wyoming; along with several other State and Federal Agencies. The disease that buffalo carry around spread it through coming out of the National Park, calving, and deposit of materials left on the ground get into the forage which the domestic cattle eat and contract the disease. We are exercising our right to hunt and giving input to stop slaughter of the animals. An important spiritual aspect of the slaughter of bison is not knowing what one will be the one to give a white buffalo.
- Wolves – It's a hot topic. Working with the US Fish and Wildlife Service in reintroduction of wolves. The establishing of packs has been very good and contributes to a healthy ecosystem. The politics of the State of Idaho is to protect the livelihood but we also want to protect the wolf population. US Fish and Wildlife Service want to delist them and hand management over to the state. We work with the State of Idaho to management the wolves; they want to be able to hunt them to bring down the population. It's not that we want to keep them from being hunted but we only hunt for sustenance and not just to hunt to manage population. If the wolves become dangerous we want to be sure there is a way to deal with them and not have them become a game animal.
- Fisheries – The Nez Perce Tribe has sat as chair on CRITFC. Current members are; McCoy Oatman, Chair and members Joel Moffett and Scotty Scott also attend the meetings. The NPT has the largest area of fisheries in the US and Alaska. We have put more back into fisheries than any other agency. We operate on the tactics of abundance; having salmon is a part of our culture and way of life. It's a cultural norm to not brag or talk about the good that we do but we

need to make sure that it's known how much the tribe contributes toward maintaining the salmon.

- United State Administration - The Obama Administration has made it possible to have Indian leadership in DC which makes it easier to communicate and build on consultation efforts. Decisions or policies that affect the Tribe at the Washington Office need input from the Tribes. The current administration has made it possible to have more productive government-to-government relations with agencies. When dealing with leaders of federal agencies who are not Indian make it harder for them to understand our views and heritage in dealing with issues.
- Climate Change - The Tribe is dealing with climate change and it is a huge issue. It will affect us in many ways. We are working on an adaptive management of change. Hopefully by the next General Council we will have a report prepared on climate change. It will affect the natural resources; growth and death of plants, longer lives for insects and disease, lack of fresh water, changes in seasons; etc.

**28. Fish & Wildlife Commission** – Herbert Jackson, Chair

- Pages 180-182 of the General Council Reports Book
- Introduction of members
- Provided ceremonial fish for activities, long houses, churches, and organizations.
- 40,000 Chinook have come over Lower Granite Dam; we are doing real good with our fisheries
- Meetings are 2<sup>nd</sup> and 4<sup>th</sup> Monday of every months; open to all Nez Perce

**29. Utility Board** – Chet Halfmoon and Gwen Carter

No members present

**30. Land Enterprise Commission Subcommittee** – Joanna Marek, Chair

- Page 28-30 General Council Reports Book
- Within the Cobell case the concern is for the land owners. Funds for purchasing the fractionated lands are going to be given to the Tribes. Once the Tribes purchase that land they can terminate Tribes easier. A lot of tribes do not have allotments and were terminated;
- Trespass – Utilities are still trespassing on trust lands. There are roads and utilities that are in trespass and piggy-backing trespass where the allotment owners will lose out on funds. The BLM 51 land that was given to the Tribe was successfully put in trust. The family who is trespassing on lands in Kamiah will not do anything. We still have some issues with the BIA lack of involvement in this case.
- Leasing – Farmers who are farming on lands without a signed and approved lease are trespassing. The BIA has a lot of vacancies which causes a backlog of lease permits that have been filed.
- 5% Rule - Need to get your wills done where ownership of less than 5% the land is taken by the Federal Government and put back into Tribe ownership; it will affect the tribe. The policy is to post in 5 places in the place of probate which is in Portland and in only one location in the local office; which is the BIA office. There will be meetings held on how land owners can borrow funds to purchase land from co-owners to put land in to one or fewer ownership. A non-Indian came wanting to sell the land to the Tribe. Need to have a good appraisal due to the asking price of the land. When asking fair market appraisal price the person made statements about how much money is within the SRBA and other funds that are put in the newspaper.

Discussion

Skip Williamson – Why can the state come in and take our land if we don't want to sell it when it is willed to us with the stipulation that we cannot sell it? Why can a non-Indian dam a creek so it won't flow down through the property.

Joanna Marek – Our tribal trust lands is federal trust land and the state is not supposed to be able to come in and take the land. Water resources have been looking into the damming of the creek. We will get back with you on that. We have until June 16 to respond to 5 CFR 831-841; regarding direct pay of crop pay.

Vera Sonneck – Received a letter regarding Social Security; to fix the budget they are looking at entitlements which will hit SS. Concern regarding open communication with the members of the Tribe; Seniors and Elder. There are not very many NPTEC members who come to have lunch with the Senior's/Elder's. You do need to speak and visit with them to have open communication. NPTEC is also invited to the Circle of Elders. What are you doing about language? We used to have evening classes and volunteered our time but have had to quit the classes. Those who grew up with the language know that its learned from a very young age and even in the womb. If you don't have a language you don't have a culture. Concern that Lewiston is inching their way over to the reservation; good to hear we are looking at purchasing land.

Brooklyn Baptiste – We are working to be better at visiting with the elders. It's more than just our natural resources but us; agree it is important to spend time with elders.

Joanna Marek – When land owners want to sell to the Tribe they double and quadruple the price because of funds that are advertised in the paper that the Tribe has.

Dennis Paul – Social Security; retired and started receiving checks; about a year into the retirement had an issue with payments. When you start receiving SSI, be sure to stay on top of it with the local SSI office in Lewiston. Related story of the 'whereabouts unknown list' listing Josephine Ramsey; checked to see if that is his mother. Need to check it out because you might be a small percentage owner in an allotment

Motion Made by Danae Wilson to go into executive session; Seconded by Eric Holt; Motion Carried

#### **Into executive session at 10:45 am**

Motion Made by Danae to come out of executive session; Seconded by John Strombeck; Motion Carried

#### **Out of Executive Session at 11:26 am**

#### Subcommittee Discussion Continued

Solo Greene – The Nez Perce Tribe FFA and 4-H; didn't know that we even had that program. If we provide land for FFA and 4-H; why not provide land for baseball? As a hunter and fisherman, there is a Tribal member who does game processing but feel that we need to have a meat process shop here on the Nez Perce Reservation; owned and operated by the Tribe. If people have meat that tribal members are not able to pick up then we should buy the meat and distribute it. Need clarification on alliance of authority when it comes to natural resources. With some of the things that have happened lately between departments what lines of authority is suppose to be followed. As a tribal member and

employee want clarification. We are a powerful people and we need to know who we are; be aware of what is going on around us, outside the reservation.

Brooklyn Baptiste – We had a lot of tribal members come in to the 4-H program and they came into the office and asked for assistance from the Tribe to help them with the program. Athletes who are tribal members need to work with us and if they want to organize then have them come in and request assistance.

Joanna Marek – Issue with land trade and purchase by the Forest Service. McCoy Oatman has been looking into a meat and fish packing; but need find grants.

Motion Made by Mary Jane Souther to recess for lunch and bring the panel back; Second Mae Taylor; Motion Carried.

**Recess for lunch at 11:25 am**

**Meeting called back to order at 1:10 pm**

**31. Utilities Board** – Loretta Halfmoon, Chair

- Page 187-188 General Council Report Book
- Board is all volunteer members and receives no payment for time.
- Realize that there are concerns over paying for water provided by the utilities and the garnishment of half of the stimulus for delinquent payments. The funds go toward maintaining the water system and for any upgrades.
- The water coming from the pipes in the agency area are part of an old system. When there are problems with those pipes it's hard to determine where the break is to fix it. We are looking at that area but at this time it still remains an issue.
- Financial is listed in the General Council Book on Page 6.

Discussion Continued:

Darrell Wheeler – Comments – Letter in the Lewiston Tribune that stated tribal members are losing big bucks on our own land. Are their funds that can certify tribal members to be outfitters and guides? People who are certified outfitters received a payment whether a kill is made or not. This is going on within our 1963 Treaty lands. Would like to see our NPTEC consider this. Did the Tribe consider buying Flying B Ranch when it was up for sale?

Joanna Marek – The Tribe was there to bid on the Flying B Ranch and that's why it was taken off of bid. They did not want to sell to the Tribe.

Brooklyn Baptist – Good suggestion for outfitters and guides. We have some of the riches resources within our area and they would like to have Indian guides.

Darrell Wheeler – We also have a rich resource in our horses as well.

Richard Marek – Talk of a meat cutting shop; in Hood River the 4 Tribes put together a fish cleaning station; there is a lot of litigation going on with that. Going through turmoil between the Tribes.

Problems with ownership; why can't we use the fish processing area? We invested in our own commercial vacuum sealer and take care of our own fish. We must push our sovereignty

Brooklyn Baptiste – the tribes entered in CRITFC where 4 tribes are involved. We are still looking at the market for the best possible solution. Good quality fish with the highest amount of dollars.

Jackie Taylor – two questions – clarification on land acquisition; price is put up when the tribe wants to buy it. Firmly suggest getting people out there who can assist; and tribal members who can go out to buy land; would like to see land bought. There is land along the Clearwater River for sale. Resolution for enrollment; granddaughter who is in school is not able to be enrolled. Would like to see us get going on the enrollment issue. Don't want anything changed; want blood quantum lowered and other tribal blood considered.

Brooklyn Baptiste – Land acquisition committee is to use the SRBA funds that are going to become available. We do have a legal office to deal with those who want to raise the price. Don't remember anyone saying anything about getting in trouble for purchase of land. It's hard when there is public meetings because we have to take into consideration all comments received; there is opposition. We need to come up with some type of formula.

Jackie Taylor – Would like to see a vote from all tribal members and not guess by comments.

Carla Timentwa – The constitution sets the blood quantum. To change that there would need to be an amendment to change the constitution.

Pete Wilson – Have some land that was deeded by father; this land has wild game birds but do not have access to the land because the farmer who has the farm lease has a gate across the access road. Don't have access to my own land. People who are leasing properties understand that a bill was passed nationally stating that people who are leasing land cannot give funds directly to the land owner. 2 or 3 years ago trying to do things for the VFW post, received word that our fisheries enforcement had some eagles; not able to get those eagles; did not get any answer on why the eagles were going to the Sho-Ban and was not able to get them to use for the VFW post. When you put in an application to get an eagle it takes 3 or 5 years.

Joanne Marek – Non-access to land is a violation. You will need to bring it up with the superintendant of BIA. There is a federal law that says we will have access to our land. Look into the lease agreement. For direct pay, it has been stopped. Need to work with farmer to get pay advances. Letters were sent from the BIA to the renters.

Herb Jackson – Will check on the status of the eagles and get back with you.

Jamie Five Crows – The eagles are still at the office and it would be good to release them to tribal members.

OJ Waters – Utility Board – question on land inherited that has a well and do not pay for water and the plan to expand on water lines from Spalding to Lapwai and around the area. Are you going to stop people from using own wells?

Loretta Halfmoon – at this time am unsure of the situation. If the line goes down into the park and in Spalding it will encumber all the area and people will not be able to use wells.

Liz Attao – who sets the rate? Some are on water only and not sewer or garbage. At Sweetwater we only receive water.

Loretta Halfmoon – The rate was set before and all residences have meters and are able to be charged directly for the usage. Believe that the water here and in the Lewiston area is the same price.

Liz Attao – Had conversation with person from Culdesac and their rates are lower. There are people who have hardships and not able to pay the bill and then are charged a late charge.

Loretta Halfmoon - there is no late charge from the Utility Board

Elizabeth Attao – Resolution

Whereas, the Nez Perce provides essential government services for tribal members, and  
Whereas, the Nez Perce establish a Utility Board, to set rates and collect monies from tribal members, who receive water from the Nez Perce Tribe water resources division, and  
Whereas, the rates for the water usage are set at such a high rate that places an undue burden on Tribal members, and household, and  
Whereas, many communities and cities that are near or on the Nez Perce reservation set their water use rates at just in set rates, and  
Be it further resolved, the Utility Board should set Nez Perce water usage rates at \$30 per month so as not to place an undue burden on Tribal members and their households.

Motion Made by Elizabeth Attao to accept the Resolution as presented; Seconded by Joanne Arthur; Motion Carried.

Discussion on motion:

Dave Holt – let's be fair and across the board.

Gwen Carter – try to keep rates as low as it can.

Tonya Garcia – Understood that we are charging for the system and not the water. It is causing hardship to people.

Betty Kinzer – In Orofino water bill runs high for just water and not garbage. How is this resolution going to affect us in Orofino?

Elmer Crow – In Orofino we own the land that the water tower sits on. We asked that question to the City of Orofino and to General Council.

Solo Greene – Agree that we need to take a look at where we're at and what we're doing. The city and Tribe is working collaboratively on this system. Why isn't the county paying in the way we have to pay in and other areas outside of our town? Why is the tribe and city footing the bill? We don't want to put ourselves and the community in jeopardy; we serve the same people.

Donna Whitman – At White Bird housing daughter has to pay over 180 a month for water and sewer. The city wants the money now and we are told by the City of Lapwai that they want their payment or be shut off. Where is our justice in our communities Lapwai, Orofino, and Kamiah?

Liz Attao – final comments in consideration with the resolution.

Joe Calfrope – Inherited a house and it took a long time to get to probate; when it did then we were given a bill for over \$2,000 a month. And now we do not use it to live in but are told by the city that we need to pay \$66.00 a month for no service. In another town they charge those who go south for the winter only \$25.00 a month.

Discussion continued:

Lilly Kauffman – congratulate the utility board for volunteering. Need an emergency plan for when water is off. Need to have access to Rapid River and obtain the land to make sure we do retain access to the river. Kidder Ridge is being bombarded by non-Indians and is knocking down the fences. Have not done follow up on land behind house to re-fence to get land back. Need to be aggressive to get land back. BLM lands on the Nez Perce reservation; why is another federal government owning land on our reservation and allowing miners to set up houses on that land?

Joanna Marek – also asked about why Idaho State owns land in our reservation. Fencing under BPA contracting is done through fisheries. Can also look into fencing through leasing and the BIA.

Allen Slickpoo, Jr. – in 2003, Where are we at with economic development and utilizing lands. In 2004 directed BIA to bring all leases to the subcommittee to review; it's been status quo for several years and want to review them to make sure that our Tribe receive funds for current prices of lands. A lot of the leases that come through were put out for bids. Land leasers who have had those leases for years want to keep them low. Trespasses – lease ended on Kidder Ridge was told to move stock; how can NPTEC take those horses and sell them but we don't do that to non-Indian land owners. Concern regarding ban alcohol at Rapid River; will tribal members be cited for using alcohol? If so, then it should be across the board; root diggers, wood cutters, recreationist. Abundant amount of fish; talking about a commercial season; when you go down to zone 6 you have to have training to which involves being able to take care of the fish; according to HASUP training you have to care for the fish.

Herb Jackson – If you want the fish bled out you will need to come down and get it; personal expense to go down and get the fish and take care of them. Use of alcohol on the river is too important; don't want to see our Nez Perce drinking on the river or anywhere.

Joanna Marek – we have been reviewing leases where the Tribe owns at least 51% and put them out to bid to get the best price. It has raised the price because of the competition between farmers. Trespasses on Kidder Ridge and outdated leases; it was a tribal member. It was a hard decision – the horse owner took the ones they wanted and left 7 that were sold. The family was working with the land enterprises cooperatively.

Brooklyn Baptiste - The 2003 draft land use plan has not passed yet but is using it right now. The Rapid River alcohol use plan was due to incidents that were horrific; was put in place to protect our children and other tribal members.

Joanna Marek – Purchase of land along the Clearwater also include roots and other plants. When talking about a 3<sup>rd</sup> party person; if we put them out there and they were found out what would happen to them.

Pat Gendreau – Lived on property for 5 years and have had floods twice; history is once every 5 years. The last flood was intense and called the tribe to look at place because there was FEMA money; yard and spring was flooded; when county came out they only told her that yes it was flooded.

Joanna Marek – It is stated in the lease that everyone on the lease have to agree to have direct pay. Have talked in length about the same issue. FEMA funds were used during the flash flood and do not know how you were left out. We will be looking into the road that was put through the land; it is a trespass.

Quincy Ellenwood – Hump Lake area concern with land owner who has built a large home and claims ownership of the lake and everything in the lake. Pulling water from the Clearwater for Manns Lake; will it create jobs? New water tower in Orofino; it is on tribal land near a housing area. We need an emergency management plan to update our community buildings.

Brooklyn Baptiste – it's our treaty right to access the land within our ceded territory. No matter what size of home is built up there it does not take away our rights. It's our interest to protect our fish rather than water our lawns (Manns Lake issue). We do have an emergency management plan and we do need to be more prepared and we do want input; for all types of emergencies. And the handicap access

#### **Point of Privilege – Bessie Scott and Bernice Moffett**

##### Nez Perce Leadership and Wellness

- Nez Perce leader's men and women speak from the heart
- They are respectful and have good character
- Intelligent and healthy in mind, body and spirit
- Always they are ready
- To serve their Nez Perce People

We wanted to bring this up because this explains your spirit; want to have our leaders to follow this but in order for our leaders follow this we need to follow it too. We hope that you will remember the words.

Marissa Rickman – Against drinking at Rapid River; have had problems with drinkers. Drinking a few beers is something I don't think Indians can do. Last year was the first year it was beautiful down there. One drinking Indian makes us all look bad. Land – need to purchase the land down there for access to the river and to camp. Would like to see permanent bathroom and showers for our people to use. After purchase of land want to have an area where fish can be cleaned.

Joanna Marek – we are looking at land to purchase down there. What has helped with the land is that we have a strategic plan that is in place and have been blessed with an ED who works with her departments to implement the strategic plan.

John Strombeck – consider unit up in Orofino for a butcher shop. Can teach tanning hides, smoking salmon. Would also like to see a meat locker there to help support our own. It's not giving away tribal traditions but showing the process. Some have donated their own money and time to the tribe; applaud them for their time.

Jonathan Matthews – work for the CRITFC, and recognize those who have served. The people we are dealing with in the 4 tribes are not always easy. Appreciate all the people who serve us to protect our rights to fish and hunt. Thank you to all the panel members.

Marilyn Bowen – Drinking at Rapid River; it's our traditional fishing grounds. Going down there to drink is not a part of our culture. EMS issue for here in Lapwai; need at least a QRU. It takes time for an ambulance to get out here from Lewiston.

Brooklyn Baptiste – have a good working relationship in EMS with Nez Perce County and with law enforcement. We are building on that. Just got a surplus ambulance from Hanford, it's not a matter of if; it's a matter of when. Then train our own people to take care of us.

Marie Arthur – Recommend a native foods bank for our people. Also to talk about our springs that are being destroyed by our farmers. It's important to our watershed and fisheries. Where is our tribe at adopting water quality standards? Outfitting and guiding – don't know why we need to ask the state for permission.

Brooklyn Baptiste – good idea for a native food bank and to teach our children how to collect. Water quality standards we are trying to get water quality standards passed. Protecting our springs is important.

Alene Powakee – Thank you to Joanna on knowledge on land issues and helping family with understanding those issues. Daughters inherited land and needed to understand land issues. Can our tribe put in the paper processes for land issues? A lot of our younger kids don't understand those issues.

Aqua Greene – Can natural resources collaborate with our law enforcement to implement using those kids to learn how to do work, fish and other cultural activities to work off their community service.

Herb Jackson – it was a program in the past but was not funded.

Paul Sherwood – Some of these issues was brought to the enterprise board; involves tourism. Five years ago it was brought up already. We don't want an explanation; we want something done about it.

Darlene Pinkham – 1. Would like to see on the blood quantum to have an answer at the next general council; a deadline to decide how to get all our tribal members back on the rolls. The tribe is using a lot of funding because of lack of enrolled members. 2. Roads concern for school buses picking up kids in the country. In the winter the roads are bad and ask if the tribe can do anything to help with widening the roads or improve them. Have to transport kids to main road? 3. Answer on the dumpster; why are we paying for a dumpster? Where do we take our garbage?

Brooklyn Baptiste – Blood quantum resolution is in Human Resources. We hope to have it pushed through before the next General Council. Roads for school bus; will talk with dept. of transportation.

The dumpster issue does need to be resolved; it's an issue between the Tribe and the City of Lapwai. If we cannot come to an agreement then it will cost the Tribe a lot.

Delores Wheeler – tomorrow is mother's day; there are mothers who pray for their children and grandchildren. Need to continue to pray for them. Request that we sing My Mother's Prayer.

Joe Calfrope – Blood Quantum; each of us always complain about non-Indians who use Nimiipuu Health and if we go any farther down the line then we are losing our tribe anyway. Wish our blood quantum can be where it's at but that's how I feel. Lowering it any farther it will be tough to have blood around anyway; against lowering the blood quantum.

Rebecca Miles – within the utilities data it shows that all the elders pay their water bills. The actual age group that does not pay their bill is in the working age group. Hope that NPTEC will support the utility board. If the elders are paying and the younger ones are refusing to pay because of treaty right. Enrollment – NPTEC cannot change the enrollment blood quantum, it's up to the General Council to change it. It would have to be put to a vote of the General Council. CNS fisheries go; groups who request fish; it's for ceremonial and subsistence first. In other areas you see fish being sold. Lets hurry and get CNS permits filled right away. Commercial fishermen are right there getting their fish.

Motion Made by Nancy Wheeler to accept and excuse the panel; Seconded by Richard Marek; Motion Carried.

#### Discussion:

Brooklyn Baptist – thank you and appreciate the time we have up here and the comments and questions we get. In the end we are all ok. In the sweathouse the men can pray for life but it's only the women who can give life. Happy Mother's Day.

Sara Moffett – Request the Circle of Elders to sing My Mother's Prayer.

Circle of Elders and members of churches on the reservation to sing song in dedication to all Mothers.

Carla Timentwa, General Council Chairman; Turn over chair to General Council Secretary Maple Stuiwenga during the counting of the ballots.

Prepare for counting of the ballots and introduction of Tellers and Sgt. at Arms.

Begin preparation for counting the ballots at 5:05 p.m.

Begin counting the ballots at 5:30 p.m.

#### **Seat 1**

Samuel Penney - 318

Robert Bisbee - 431

749 total votes

3 invalid

#### **Seat 2**

Joanna Marek - 476

Carla Timentwa - 261  
753 total votes  
16 invalid

**Seat 3 - Tie**

Wilfred Scott - 374  
Allen Slickpoo Jr. – 374  
748 total votes  
5 invalid votes

Chief Election Judge DelRae Kipp - according to the Nez Perce Tribe Election Ordinance Tribe a coin toss will be conducted to determine a winner.

Wilfred Scott – Appreciate the vote that happened. Have set through several General Councils; 5 years ago I stepped down and decided that I would not run. On behalf of the 374 who voted for me, I apologize; I am a warrior and I hereby concede the position to my nephew Allen P. Slickpoo Jr.

Motion Made by Mae Taylor to adjourn; Seconded by Alene Powakee; Motion Carried.

Closing Prayer - Bessie Scott

**32. Retire the colors** – Lapwai VFW Post and all Veteran's

Flag Song – Lightning Creek Drum

**Special Election of the Nez Perce Tribal Executive Committee.**

- Carla Timentwa, General Council Chairman, called meeting to order and turned meeting over to Judge White.
- Swearing in Judge White – Oath of Office for elected members – Allen P. Slickpoo Jr.; Joanna Marek, and Roberta Bisbee.

**Elections of NPTEC Officers:****Carla Timentwa opens nominations for position of NPTEC Chairman**

Julia Davis-Wheeler nominates Joel Moffett; Joel Moffett accepts  
 Joanna Marek nominates McCoy Oatman; McCoy Oatman accepts  
 Larry Greene nominates Brooklyn Baptiste; Brooklyn Baptiste accepts  
 Motion made by Larry Green that nominations cease; Seconded by Julia Davis-Wheeler, Motion Carried

**Results:**

Joel Moffett – 3  
 McCoy Oatman – 4  
 Brooklyn Baptiste – 2

Motion Made by Larry Greene to accept McCoy Oatman as Chairman; Seconded by Joanna Marek; Motion Carried

Carla Timentwa, General Council Chairman, turn over meeting to Chairman McCoy Oatman.

**Chairman McCoy Oatman opens nominations for Vice Chairman**

Tonia Garcia nominates Brooklyn Baptiste; Brooklyn Baptiste accepts  
 Joanna Marek nominates Joel Moffett; Joel Moffett declines

Motion Made by Larry Greene to accept Brooklyn Baptiste by acclamation; Seconded by Tonia Garcia; Motion Carried

**Chairman McCoy Oatman opens nomination for Secretary**

Tonia Garcia nominates Joanna Marek; Joanna Marek declines  
 Larry Greene nominates Roberta Bisbee; Roberta Bisbee declines  
 Joel Moffett nominates Allen P. Slickpoo Jr.; Allen P. Slickpoo Jr. accepts

Motion Made by Julia Davis-Wheeler accept Allen by acclamation; Seconded by Larry Green; Motion Carried

**Chairman McCoy Oatman opens nomination for Treasurer**

Joanna Marek nominates Joel Moffett; Joel Moffett accepts  
 Tonia Garcia nominates Roberta Bisbee; Roberta Bisbee declines

Motion Made by Joanna Marek to accept Joel Moffett by acclimation; Seconded by Allen P. Slickpoo Jr.;  
Motion Carried

Chairman McCoy Oatman opens nomination for Assistant Secretary Treasurer

Joel Moffett nominates Roberta Bisbee; Roberta Bisbee accepts

Tonia Garcia nominates Joanna Marek; Joanna Marek declines

Motion Made by Larry Greene to accept Roberta Bisbee by acclimation; Seconded by Brooklyn Baptiste;  
Motion Carried

Chairman McCoy Oatman opens nomination for Chaplain

Brooklyn Baptiste nominates Larry Greene; Larry Greene accepts

Joel Moffett nominates Julia Davis-Wheeler; Julia Davis-Wheeler accepts

Motion Made by Allen P. Slickpoo Jr to cease nominations; Seconded by Joanna Marek

Results:

Larry Green – 5

Julia Davis-Wheeler - 4

Motion Made by Julia Davis-Wheeler to accept Larry Greene as Chaplain; Seconded by Brooklyn  
Baptiste; Motion Carried