

Nez Perce Tribe General Council
September 23, 24, 25, 2010
Lapwai, ID 83540

Thursday, September 23, 2010

1. Meeting called to order at 0855 by Chairman Carla Timentwa
2. Flag Song by Dancing Eagle
3. Post Colors – Lapwai VFW
4. Invocation – Larry Greene
5. Nez Perce Leadership and Wellness Pledge – Vera Sonneck
6. House Rules

David Holt – Against the time limit for number 11 regarding 2 minutes.

Motion made by Julia Davis Wheeler; seconded by Allen Slickpoo to approve the house rules.

Subsidiary Motion to house rules by amend rule 11 to allow 6 to 8 minutes by OJ Waters; Second David Holt; Motion Carried

Discussion Subsidiary Motion:

David Holt – Need time to hear more from each other and not be limited

Mary Jane Souther Motion – Against – people need to talk a little bit longer but if given time people will start telling family stories

Marilyn Bowen – What happened to the freedom of speech?

Elliott Moffett – Favor of motion it is still within the discretion of the Chairman to call the speaker to order.

Loretta Islas – Against the motion; the chairman has the ability to extend time.

Bernice Moffett – Past chairman who used timer to limit people from talking. We only meet twice a year and there is a lot of stuff that happen in between and we might need to talk about it at the meeting. Are we going to have a timer?

Allen Slickpoo Jr. – Rule #1 we are governed by Robert's Rules. Anyone can come up and make a motion to suspend the house rules if there is an action they want to present.

Question – Danae Wilson

Yes – 47

No – 42

Subsidiary Motion has passed.

Discussion on Main Motion:

Question – Motion Carried

7. Agenda

Robert Kipp – Motion to amend agenda to remove one NMPH Board seat and move the elections of Boards and Commissions to Friday afternoon; Second Sonya Samuels. Motion carried.

Discussion:

Julia Davis-Wheeler - Clarification on seat with NMPH Board; there is only one 3 year term seat on NMPH.

Mary Jane Souther – Against the motion to include people who cannot be here on Friday

OJ Waters – Against the motion; had to take annual leave to be here.

Julia Davis-Wheeler – Support; Saturday there is low attendance. Difficult to pull people to run for the positions on Friday afternoon.

Mary TallBull – There are a lot of people not able to be here. Quote from the Constitution and By-Laws Section 4 and Section 5. Memo has gone out that tribal members who are employees cannot attend.

David Holt – Agrees with Ms. Tall Bull. Clarify seats on NMPH Board.

Carla Timentwa – Read by-laws

Elliot Moffett – Against; haven't heard from those who want to run. Also agree with comment my Ms. Tall Bull regarding memos keeping tribal members from attending. We want more not less during our general council. If we support the NPTEC election then we should support the GC elections.

Table the motion for the agenda to review and accept the House Rules; agreement with motion maker to Table the motion. Motion to lift the motion from the floor by Allen Slickpoo Jr.; Seconded by Della Wheeler; Motion carried

Discussion Continued:

Mary Jane Souther – There are some department employees will not be able to attend; because they are not allowed to come to GC.

Danae Wilson – Concern regarding the pay of 2 sets of boards and commissions if we move the elections to Friday.

OJ Waters – Against moving elections from Saturday to Friday. Their only days off might be only Saturday and Sunday.

Clarification on Memos – Rebecca Miles – received many complaints that direct service departments are shut down for GC. There is no change to the past rule except that the Manager of Head start made the decision that no one will be allowed time off.

Jennifer Oatman – Last May was the first time in 18 years of not attending GC. Employees at Kamiah Head Start who are politically involved could not attend. American Civil Rights Handbook – in order for people to govern themselves they need to hear and comment. One-Man-one-vote-clause. Being a Head Start employee I should be able to attend GC. Clarification that she is on Annual Leave.

Clarification – Allen Slickpoo – what happens to the reports on Friday.

Carla Timentwa – Move to Saturday.

Motion to amend and accept the Agenda did not pass.

Motion by Mary Jane Souther to accept the agenda as presented; Seconded by Danae Wilson; Motion Carried

8. Draft Minutes – 2010 Spring General

Motion by Julia Davis-Wheeler; seconded by Della Wheeler to accept the minutes as presented; Motion Carried

9. Resolutions Committee – Jamie Five Crows

Report of meetings and discussion presented. Main discussion was on the gaming allocation committee meetings not happening. (see report by resolutions committee)

Mary Tall Bull – Clarified that the Tribe would need to develop a gaming allocation plan so that gaming funds can be used to provide a per capita. Read that portion of the May minutes where motion was made and carried to provide 2 per capitas. Since the meetings of the gaming allocation committee has not been taking place. A letter from the GC Chairman was written to the NPTEC citing insubordination by not carrying through with resolution presented and passed at the May GC.

Jamie Five Crows – From past GC issues that were brought up was Social Services and specifically TANF and the sale of the trailer. Still have question whether the sale was legal.

Paula Moody – Listening sessions with L & O subcommittee grandparents brought forward concerns that grand children were adopted out and not being able to contact them or have them enrolled. Social Services program manager did not fulfill her 90 days – resolutions committee does not deal with personnel issues. Culinary program – have not had any classes at the Wa-a'yas however those who were hired received payment for their services even though none were made.

Mary Tall Bull – Equipment purchased for the culinary arts program cannot be used unless it is purchased from the TANF program. Resolutions have not received any answer to why.

Jamie Five Crows – Education – scholarship program does not adequately cover tuitions. Some high school seniors are not being prepared adequately for college. Concern regarding fairness of individuals in higher education; some people being reimbursed and others not.

The Wa-A'Yas needs updated and repairs. The questions were addressed by the chairman and in the past few years more funds have been being made available to make repairs. Also meeting rooms are not available; NPTEC chairman is looking into and addressing the issues.

Elders Council – Bernice Moffett has brought this to the resolutions committee and they are working on including this program.

Enrollment – Issues between the BIA and Tribes enrollment. Conflicting information between the two entities. At this time they are working on getting all the information in one place.

Lapwai sewer project – Garbage was a big issue from last GC. Tribal members are being allowed to go to the fenced in site to dump garbage. Sewer project – documentation does not show that any Tribal members or contractors had put in on the solicitation.

Mary Tall Bull – Page 3 of report shows who put in on the sewer project. It also has information on personal water wells being removed. There have been concerns from tribal members who work on the project regarding sewage work but nothing is done; sewage will seep into the groundwater and creek. The tribe has put a lot of funds into this project and we should be able to see their payrolls to make sure our tribal members are being paid the same as the non-Indians.

Jamie Five Crows – SRBA – Did not receive much of a response regarding use of the settlement funds. Confidentiality – concerns regarding posting on social networking sites; Chairman Oatman indicated that the HR manual is being revised to include language to address this issue. Casino Powwow concerns – the committee does provide financial reports and do accept volunteers to help them. Indian Civil Rights Act – NPTEC is in support and it will be adopted in the HR manual.

Mary Tall Bull – Clarification of the Indian Civil Rights resolutions (copies will be provided to the GC). Concern regards Tribal members in positions being fired or suggested to retire or be fired, yet non-Indian employees don't have to face the same treatment. Even those tribal members who are educated are treated the same.

Jamie Five Crows – Thank you. Best wishes to those who are running for GC officers.

Dave Holt – Garnishments of resources for Veteran's and families. Opposed to any diminishment of services or dollars for Veterans. Related issue regarding personal event with service providing transportation for appointment. Issues using media to relate information regarding many issues with the Tribe; gloss it all over. TERO rights – people need to be notified of projects. Tribe owns machinery yet a non-Indian is using the same piece of equipment and being paid.

Jamie Five Crows – Thank you for comments.

OJ Waters – Question to auditor regarding using funds for per capita and he stated yes it can be used but need a distribution plan. There was an agreement at the beginning of enterprises that distribution of funds would be made. Is there a percentage in the distribution plan along with quarterly, half year, or yearly payments to be made? It should be continual.

Mary Tall Bull – Draft of distribution plan from March; read a portion of the plan regarding use of funds and allocation of funds. Concern regarding use of not less than 50% and not more than 80% net gaming revenue for tribal administration and programs. (read from draft plan the allocations listed). The draft plan says there will be a per capita account but not when it will be established or when it will be used.

Bernice Moffett – Thank you for work you did for elders and carrying forward to NPTEC. Have not been able to meet. Need to know elder abuse plan, grandparent's rights, and handicapped access. Encourage people to go to resolution committee meetings; they will research and carry your concerns forward. They meet every month.

Connie Guillory – The CDA's receive \$1,000 per month; along with the Tulalips. The draft plan has too many ifs, then, or shall. Resolutions committee is important. Need to be serious when you elect someone on there; they represent you. When resolution was passed regarding per capita it was not passed by NPTEC. Would like to see senior citizens receive per capita before they die (mother 80+ years old).

Motion by Connie Guillory that NPTEC honor Article 5 Section 6 that states what they are required to do for the resolutions committee; will abide by the constitution and bylaws of the NP Tribe at their next scheduled meeting; Seconded by Lucinda George. Motion carried

Discussion on Motion:

Danae Wilson – clarification regarding gaming allocation and programs who rely on them and do not write grants; will those programs be forced out of those funds?

Justin Gould – Need to have “trust” in our resolutions committee the same as what we had in the past with our grandparents. If you are not satisfied with the level of trust you have then change it. “Intent” – what is the intent of the resolutions committee. They are a body of people who are there to represent us. Reminder to NPTEC of those two words – Trust and Intent. No matter what the constitution or house rules might say we are here because of the vested power of the treaty.

Ms. Green – Support of the motion. If it's already in the constitution and it should already be adhered too. What we are saying is “do your job”.

McCoy Oatman – Agree with the motion. Apologize to the GC by not knowing the constitution by heart. They will be put on our agenda.

Mary Jane Souther – For the motion. Resolution committee is not for personalized feelings or their own agenda. We need to use this committee who is our vehicle to bring concerns forward to NPTEC from the GC. We need to give them support.

Continued Discussions to Resolutions Committee:

Shelley Higheagle –Thanks the committee for their service. Concern with higher education and receiving funding for school and the director of education playing favorites. NPTEC is unaware of what's going on in the program. We should be able to just get our casino monies and hand it out

Motion by Shelley Higheagle to have the higher education funding audited with report at May 2011 GC; Seconded by Freida Domebo; Motion carried

Discussion on the Motion:

David Holt – It's sad we have selective process from our service. It's a reality – a sad reality. Has family member who is in same situation. Was also selected-out due to process, job or job description, federal, state, and tribal policies. Need to look at higher ed. Gaming allocation plan should address our treaty rights.

Robert Kipp – Clarification – is it policies or funding?

Continued Discussion Resolutions Committee:

Karrie Picard – Has been a special education teacher for 15 years. Mr. Dave Penney does provide assistance with filling out applications and brings college representatives to the school. Mr. Aiken is the new superintendent and has an open door policy. The no-child-left-behind act makes the teachers more responsible for the learning of our students. There are processes in place at the school to help students achieve.

Paul Sherwood – Appreciate the efforts of the committee and the research. Concern regarding allocation plan and distribution. Thankful for stimulus. Why isn't there a report from the committee representing both sides of the issue? Letter from ED was not received by all gaming allocation committee members.

Carla Timentwa – refer to NPTEC Treasurer or B&F subcommittee.

Sara Segewick – Writing a resolution regarding tribal employees attending NPTEC. Will be presenting it later. Was born a tribal member and not a tribal employee.

Mary Tall Bull – don't have any input on in-direct costs.

Danae Wilson – Motion to recess for lunch, accept the report and excuse the committee, and come back after lunch to election of GC officers; Seconded David Holt; Motion Carried.

Recessed at 11:40 and will reconvene at 1:00 pm

Meeting called to order at 1:05 pm

10. General Council Elections

Chairman Carla Timentwa turns the chair over to Secretary Maple Stuiwenga for the position of General Council Chairman.

Floor is now open for nominations for General Council Chairman:

Connie Guillory nominates Carla Timentwa (accepts)

Vera Sonneck nominates Elliott Moffett (accepts)

Shelley Higheagle nominates Rebecca Miles (declines)

Skip Williamson nominates Cecil Jose (declines)

Motion to cease nomination Julia Davis-Wheeler 2nd Della Wheeler; Motion carried

Results:

Total votes cast - 110

Carla Timentwa - 47

Elliott Moffett – 59

Invalids - 4

Elliot Moffett elected General Council Chairman.

Floor is now open for nominations for General Council Secretary:

Mary Tall Bull nominates Marie Arthur (accepts)

Mary Jane Souther nominates Mazie Daniels (accepts)

Motion nominations cease by Danae Wilson; seconded by Nancy Wheeler; Motion carried.

Results:

Total votes cast – 153

Marie Arthur – 71

Mazie Daniels – 78

Invalids – 4

Mazie Daniels elected General Council Secretary.

Floor is now open for nominations for Seat 1 Resolutions Committee:

Jennifer Oatman nominates Paula Moody (accepts)

Harold Williamson nominates Mary Tall Bull (accepts)

Wanda Dunn nominates Betty Kinser (accepts)

Motion nominations cease by Danae Wilson; seconded Gia Growing Thunder; Motion carried.

Results:

Total votes cast – 152

Paula Moody – 47

Mary Tall Bull – 52

Betty Kinser – 50

Invalids – 3

Run-off between Mary Tall Bull and Betty Kinser.

Results:

Total votes cast – 157

Mary Tall Bull – 78

Betty Kinser – 79

Invalids - 3

Betty Kinser elected to Seat 1 for Resolutions Committee

Floor is now open for nominations for Seat 2 Resolutions Committee:

Roberta Bisbee nominates Marie Arthur (accepts)

Harold "Skip" Williamson nominates Mary Tall Bull (accepts)
Meredith Moffett nominates Stacey Kash Kash (accepts)
Liz Attao nominates Danae Wilson (accepts)

Motion nominations to cease Della Wheeler; seconded by Lee Bourgeau; Motion carried;

Results:

Total votes cast – 163
Marie Arthur – 47
Mary Tall Bull – 46
Stacey Kash Kash - 33
Danae Wilson - 35
Invalids – 2

Run-off between Marie Arthur and Mary Tall Bull.

Results:

Total votes cast - 163
Marie Arthur - 97
Mary Tall Bull - 65
Invalids - 1

Marie Arthur elected to Seat 2 Resolutions Committee

Floor is now open for nominations for Seat 3 Resolutions Committee

Carla Domebo nominates Shelley Higheagle (accepts)
Patricia Gendreau nominates James Spencer (accepts)
Sonya Samuels nominates Richard Arthur (accepts)
Liz Attao nominates Danae Wilson (accepts)
Jennifer Oatman nominates Paula Moody (accepts)
Mary Tall Bull nominates Stacey Kash Kash (accepts)

Motion nominations cease by Nancy Wheeler; seconded by Della Wheeler; Motion carried.

Results:

Total votes cast - 160
Shelley Higheagle – 10
James Spencer -11
Richard Arthur-26
Danae Wilson - 34
Paula Moody - 18
Stacey Kash Kash - 61
Invalids - 1

Run-off between Stacey Kash Kash and Danae Wilson.

Results:

Total votes cast - 155
Stacey Kash Kash85
Danae Wilson79
Invalids-1

Stacey Kash Kash elected to Seat 3 Resolutions Committee

Floor is now open for nominations for Seat 4 Resolutions Committee

Bernice Moffett nominates Mary Tall Bull (accepts)
Mary Jane Souther nominates Paula Moody (accepts)
Rebecca Miles nominates Shelley Higheagle (accepts)
Wendall Antell nominates James Spencer (accepts)
Sonya Samuels nominates Richard Arthur (accepts)
Liz Attao nominates Danae Wilson (accepts0

Motion nominations cease by Maple Stuivenga; seconded Timothy Wheeler; Motion carried.

Results:

Total votes cast - 153
Mary Tall Bull -46
Paula Moody -20
Shelley Higheagle - 13
James Spencer - 9
Richard Arthur - 18
Danae Wilson - 45
Invalid – 2

Run-off between Mary Tall Bull and Danae Wilson

Results:

Total votes cast – 146
Mary Tall Bull - 64
Danae Wilson – 82
Invalid – 4

Danae Wilson elected to Seat 4 Resolutions Committee

Motion to recess for the day and reconvene at 8:30 am with elections for Election Judge. Motion called out of order

Maple Stuivenga against motion because in the Constitution and By-laws all General Council officers will be elected on the first day of General Council.

Point of order – Mary Tall Bull - Article 5.

Floor is now open for nominations for Seat 1 Election Judge

Gia Growing Thunder nominates Melissa King (accepts)

Meredith Moffett nominates Shirley Allman (accepts)

Paula Moody nominates Jennifer Oatman (accepts)

Motion to cease nomination by Nancy Wheeler; seconded by Gia Growing Thunder; Motion carried

Point of Order – Mary Tall Bull - that all elections for General Council should have been plurality. Chairman Moffett determined motion is in order.

Robert Kipp asked that Chairman defines plurality votes. The person with the most votes will be determined the winner.

Jennifer Oatman states that all the elections of all General Council should be either by majority or plurality.

Motion that all elections are determined by plurality for Election Judge positions, instead of by majority by Sara Sedgwick; seconded Allen Slickpoo Jr.; Motion carried.

Subsidiary motion by Jennifer Oatman to vote by hand, instead of secret ballot; seconded by Harold Williamson; Motion defeated.

Laurie Ann Smith against voting by hand because some individuals may vote twice.

Results:

Total votes cast - 121

Melissa King - 58

Shirley Allman - 38

Jennifer Oatman – 25

Invalid – 0

Melissa King elected to Seat 1 Election Judge

Floor is now open for nominations for Seat 2 Election Judge

Maple Stuivenga nominates Del Rae Kipp (accepts)

Nancy Wheeler nominates Feather Broncheau (accepts)

Carla Domebo nominates Shelley Higheagle (accepts)

Mary Tall Bull nominates Shirley Allman (accepts)

Motion nominations cease by Maple Stuivenga; seconded by Della Wheeler; Motion carried.

Results:

Total votes cast – 108
Del Rae Kipp - 24
Feather Broncheau - 33
Shelley Higheagle - 19
Shirley Allman - 32
Invalid – 2

Feather Broncheau elected to Seat 2 Election Judge

Floor is now open for nominations for Seat 3 Election Judge
Meredith Moffett nominates Shirley Allman (accepts)
Maple Stuvenga nominates Del Rae Kipp (accepts)
Carla Domebo nominates Shelley Higheagle (accepts)
Della Wheeler nominates Tracey Elk Shoulder (declines)

Motion nominates cease by Nancy Wheeler; seconded by Gia Growing Thunder; Motion carried.

Results:

Total votes cast – 110
Shirley Allman – 45
Del Rae Kipp – 44
Shelley Higheagle –21
Invalid – 1

Shirley Allman elected to Seat 3 Election Judge.

Motion to recess for the day at 5:45 pm and reconvene at 8:30 am with the Chairman and Treasurer's report by Julia Davis Wheeler; seconded by Timothy Wheeler; Motion carried.

11. Closing Prayer by NPTEC Chaplain, Larry Greene.

Nez Perce Tribe General Council
September 23, 24, 25, 2010
Lapwai, ID 83540

Friday, September 24, 2010

1. Meeting called to order at 0845 am by Chairman Elliot Moffett

2. Invocation – Colleen Lupe

3. NPTEC Reports

Chairman McCoy Oatman

SRBA Settlement Implementation Team – working on how to distribute the funding.

US decided to approve 95 million BIA has received 62million on August 2, 2010. August 5, 2010, 62 million has been moved from trust into Merrill Lynch account. They will be the invest manager of the SRBA funds. This was approved through NPTEC and Secretary of Interior.

Lewiston Orchard Irrigation District – how much water will be taken from Sweetwater and Mann's Lake. This water is being used for Orchard residence to water their lawns. This water affects the flow to streams that. This will be going to court on December 2, 2010.

NAR – Native American Rights Fund is representing the tribe on two cases they have filed against the US based on mismanagement of Tribe's funds and other assets in trust.

Cobell Settlement – this is a 14 year old case. A public forum was held at the CRC event center and two individuals were available to answer questions and concerns.

Moment of silence for all those tribal members whom have passed on.

NPT has the largest fisheries program in the state and amongst other federally recognized tribes.

Bighorn Sheep

Provide separation of bighorn sheep and domestic sheep. The reason is two prevent transmission of disease from the domestic sheep to the bighorn sheep.

July 20, 2010

House Bill 5023 – Respect Act – federally agencies will consult with the tribe. Larry Echohawk is helping with finding funding for SRBA.

The tribe held the 2nd annual economic summit at the event center. During this conference it was released the Tribe is the second largest employer in this area. The largest is the Clearwater Paper.

Exxon Mobile is trying to utilize the roads on the reservation. The tribe put a stop this and it is in litigation.

Recognize Susan Johnson from Indian Health Services. She is here visiting and had discussion with Julia Davis-Wheeler and Roberta Bisbee earlier this morning.

Treasurer Joel Moffett

Pointed out in the GC booklet the treasurer's report is on page 102. All expenditures are up to date as of July 2010.

LeMaster Daniels is our auditing firm and they audit all the tribal entities. The FY09 audit will be presented in May 2009.

Gaming Allocation, Tobacco Tax, Fuel Tax, Leases, Interest, Lottery proceeds, Permits & Fines, Grants (these fund services provided to the general tribal membership and salaries for tribal employees "indirect")

In 2005 NPTEC put a cap to only take 3.3 million from the Gaming revenues.

The implementation team has a proposed revenue allocation plan will be sent to NPTEC and they in turn will be reviewing and sending onto the Office of Indian Gaming for approval to utilize gaming funds for a per capita.

The Nez Perce Tribe is moving forward with the construction of the Nez Perce Longhouse. It is located on White Road off of Tom Bealle Road. The Executive Director will go more in depth of this project.

Investment Manager from Merrill Lynch Elke Chenevey and Vice President of Bank of America.

These funds are determined of institutional. They will earn 3% interest rate. Meeting high fiduciary funds. Asset Allocation – mixed of investments in the portfolio. Invest in many different types and reduce risk of losing your money. Inflation is at a risk of 1%. Once a month a report is distributed to the tribe on the investment.

Open for question and discussion on the Chairman's and Treasurer's reports

David Holt – The most dynamic reports to the tribal membership. SRBA – communications and the railroad right a way, sewer/water management. Opposed to any monies that go to these projects due to the fact it is unethical. The chairman opened his report with the Sho-ban being in our territory. Feels that the FBI should handle this matter. Opposed to the SRBA being vested in Merrill-Lynch, due to past ED. Concerned about paying a position at Dworshak (\$150,000). Does not like to hear balanced budget – heard it before. Needs a service officer for the tribal members that are veteran's. Members don't like to talk to a state veteran. Would like a solid plan for tribal veterans.

Chairman Oatman response – consultant hired out of Colorado to compile information on where the Nez Perce inhabitant. Documented that Nez Perce went as far as the Gulf of Mexico.

Treasurer Moffett response – Lapwai Sewer Project NPTEC by Resolution has obligated those funds with the SRBA. The half of the coordinator at Dworshak is 138,000 per year it is in the provision in the SRBA. Merrill-Lynch does manage the 401k benefits for the employees and is separate from the SRBA.

Laura Major – upset with the NPTEC and how they conduct themselves on delegation represents the whole tribal membership. Putting shame on the tribe on how you represent. One person should not be on NPTEC due to the allegations in New Mexico. I don't feel the 62 million should be invested into Merrill-Lynch and our other investments

in Sterling Savings. Who would like to see a quarterly report on where our monies are being invested. The Tribal membership should have a say in where monies is invested in.

Treasure Moffett response – RIF for investment funds to 60 investment firms. Limited to 5 firms and NPTEC interviewed and NPTEC chose Merrill-Lynch because of their track record with the Indian Country. This is a moderate risk. There will be quarterly presentations from Elke Chenevey to the Budget & Finance and NPTEC. Monthly reports are sent to the tribe. The annual reports will be provided at the General Council meetings.

Loretta Halfmoon – since she has retired. People have lost 10,000 in the 401K. Would like to speak to hear personal.

James Lawyer – local investment to tribal business in equity. The SRBA has quite a few provisions. The funds are committed to certain funds and will they be reduced. The transit grant missed the deadline and that quite a bit of the fuel tax will used to fund the transit department. What disciplinary action will be taken to those employees that missed the grant deadline for the SRBA. Would be nice to have pictures of the land that was purchased at Rapid River and placed on the tribal website.

Treasurer Moffett response – The transit department was funded the first two years and did not receive funding for this year. We have submitted grant to receive the transit grant for the next year. The SRBA does not have any provisions and settlement is not to be used for per capita payments. They are separated into three divisions. Other proceeds that go into SRBA, accounts listing of the Dworshak staff and the funds coming for the US National Fish Hatchery. Will include these in the reports for

Laurie Ann Smith – greatly appreciate the reports and the written and the power point presentations. Generate a system to submit questions that the tribal membership have to a specific person that would be responsible.

Motion to accept and excuse the Chairman and Treasurer reports by Laurie Ann Smith; seconded by Richard D. Broncheau; Motion carried.

Mary Jane Souther – opposing the motion – General Council gives the opportunity to receive answers. Interest in our tribe and tribal council in our hearts.

Frank Blackeagle – upset with that SRBA and the decisions made without tribal membership input. Point of Order called.

Kerma Greene – for the motion. Need to move the elections out and have them before so when we come to Thursday agenda and come right into business.

Division of house motion has been called by Robert Kipp; seconded by Dallon Wheeler Sr.; Motion defeated.

4. State/Federal Agency Reports

BIA – Greg LaFrance – reduce the amount of money of 88% and amount of checks by 95%.

Work with BLM & FBI to conduct business. Avista right a way had 130 allotments and now we are down to 40 allotments.

USDA Forest Service – Christine Bradbury – key things Richard Broncheau has been involved in 18 years in youth camp. Nez Perce Tribe is the co-host to this summer camp. Significant happening – AARA – stimulus funding to obligated to NPT 500,000 to weed mgmt and maintenance to the NP trail. August 13 the USDA submitted a proposal for 4 million for Clearwater/Nez Perce National forests. 375,000 to fisheries restoration program. Noxious weed coordinator is being funded by stimulus.

Park Service – Scott Eckhart -

Kerma Greene – probate moved to Portland – the deceased has to provide the original will to the BIA otherwise they follow state regulations. Questions – wants a copy of reality probate, OST, TAMS in regards to an IIM of protocols of the system of the agency.

Greg LaFrance response would love to see the protocols himself. Will check on the protocol on OST regarding them reporting to probate.

Laura Major – encroachment on tribal land – man is taking gravel from tribal land. The owner of the land contacted a tribal attorney about his land being trespassed and the attorney told him not to do anything because the man will sue the tribe for jeopardizing his business. Moving on the reservation land and who gave authority to trespass on reserve land. Something needs to be resolved from our land being taken over.

Greg LaFrance – trespass of the gravel – nothing was brought to his office until this year. The land was BLM land first. No jurisdiction, no law enforcement in the agency. Refer to the Tribal Law Enforcement. All BIA can do is send notices. Needs to be shown on a map because is not familiar with the reservation.

Bernice Moffett – Kerma do not hold your breath on the probate. Walt has been gone for 6 years now and we did the will through the office at BIA and still waiting for his probate - what is BIA as a trustee going to tell Exxon Mobile about transporting oil through our reservation.

Greg LaFrance response – will check to see if they have the original will –

David Holt – probate is an issue and controversial – address the address issue – utilized the FBI before for the gravel issue.- toll our roads on a daily

June Stewart – feel that the BIA is there to protect the Nez Perce tribe – when you say you have no authority; stand up for the tribe and you put there to help protect; Avista is on her land illegally because they have not signed the lease; the lease should be 10 years and not 45 years; the lease should not be less than the appraisal.

Recessed at 12:40 and will reconvene at 1:15 pm

Meeting called to order at 1:25 pm

Marie Arthur – discussion of noxious weeds – couple of areas a contract sprayer and they sprayed a lot of khouse khouse where was the monitoring of this spraying.

Joanna Marek – a meeting was held with all the farmers and the bureau to what is being done and told in this meeting about the leases. She would of liked to be included in this meeting so the tribe is aware of what is being told in these meetings – farmer is not to take money out of the crop share to repair the fence – put in your lease what you would like – request to take to a certified grainery – 5% and less interest it is still going to be offered back to the tribe (even if you have a will) send a tribe a letter and only have 30 days (CFR) to respond and we lose out on the land – those that are not enrolled we have an option to purchase. The bureau does not inform the tribal members on the CFR's – sent over subcommittee resolutions and was not done correctly so nothing has been done – Attorney General and the FBI about the trespassing on Indian Land. PL 280 might be removed from the State of Idaho which may take a while because Congress passed it and it is going to Congress to remove PL 280. – Why are the older probate hearings not being handle first and the newer ones are getting their hearings.

Greg LaFrance response – the meeting with the farmers was established for the 23rd. 90 day notices are computer generated and don't need to sign it is just a notice and negotiations need to be finalized. Use of property conservation policy that is ensured through the land services department and they have a compliance officer in that department – The 5% rule is under the probate act – does try to quote everything in the letter to the land owner and does state that they will take federal actions – Will follow up with the probate hearings in the Portland office.

Joanna Marek – 2 major issues on the BIA: 1. paying taxes on your crop checks 2. purpose and administration (no consultation with the tribe) wants the tribe to open up the allotment(trust) lands to allow hunting and fishing or any other public access. Put this is under the farm bill and slide the Cobell case under the farm bill. Going to hold an Indian Individual Land Owners October 24-26, 2010 at Northern Quest. Want to tax our housing.

Susan Broncheau – water rights – the water district you have to pay your bill 1,000; even though no one lives there they are still billed the \$80 a month (refer to ED and Sub-committees)

Patricia Gendreau – called on an allotment on Tom Bealle Road trespassing and contamination on the spring from broken down cars slipping into the spring. The person is still on the land and how long does it take to get law enforcement to get this individual off the land.

James Spencer – question about allotment – the bureau will not release monies that are in the estate – want those funds released from that estate to keep in positive. If they are going to tax our crop shares take all of our tribal lands out of production.

Mary Jane Souther – how many of us are saying BIA is protecting us – how many

Motion to accept and excuse the State/Federal agencies by Laurie Ann Smith; seconded by Kerma Greene; Motion carried.

Subsidiary motion to address the resolution of pesticides to the prior to excusing the panel by Danae Wilson; seconded by Lee Bourgeau; Motion carried.

Lee Bourgeau – for the motion because of the roots are diminishing

Lynn Pinkham – Amos Bench road – county shredded the sides of the road and destroyed 6 choke cherries.

5. Public/Private Sectors Reports

Executive Director – Rebecca Miles

RFP – for the Pi-Nee-Waus Café are on the back table.

New report on the back table. Report is on page 12 for the Executive Director.

Strategic plan is approved the NPTEC. Serve as a liaison between NPTEC and tribal government. Have completed a final draft for a universal human resource manual for all the entities. 2.75 acres has been purchased and strategic plan is to utilize the land as a fish processing/home for staff to monitor the tributary/ or both. This year has been the largest Chinook fall salmon season of 30,000.

Information Systems – they wrote 12 grants for their department – 2 days ago was awarded to the NPT this funded the KIYE.

NPT broadband 1.5 million dollars economic development - wireless internet to the reservation.

Executive Officer – Jamie Olson

Net win 22,078,114.55 on September 14, 2010 largest since gaming opened

Net profit – 4.3 million increase in 2 million dollars. Will exceed 5 million to the NPT in net profit.

Doubled payouts to increase the patronage into our facility.

Gaming policy was passed in May 2010 by resolutions from NPTEC.

New website same address. Make hotel reservations online and also access tac titoqan online.

Economic Summit was held on September 9 and 10, 2010.

Robert Terry was hired on September 7, 2010 as the Executive Sous Chef.

Employee Statistics

50% are enrolled Nez Perce Tribe

16% are other tribe

34% are non preference

Managing our business two are open 24hours

Focus for 2011

Bring in new games

Convert IYY to an online facility (can't use players club card) only have 16 that are online.

Camas Express – abandonment right a way presented at the next NPTEC

Aht way Plaza – Brut West to start phase 1

Employee morale – extra cost trying to maintain "Service Profit" chain

Floor is now open for questions to the Public/Private Sector

Laura Major – getting the MINOC children back to the reservation – there is a lot more than 7 cases with children that are off the reservation that needs assistance. The niece is willing to have the Tribe get her child and placed in the foster home. Please do not have our children adopted out.

Rebecca Miles response – NPTEC made a clear directive to Thunder Garcia about adoption that went out of the Tribe. Solid reunification plan or no biological relative that (draft plan is in process). Ensure a clear code and conflict of interest when placing a child and understand the process.

Kerma Greene – collaboration and networking indulge in alcohol – HR office didn't follow policy placing documents and the date stamped after the date of termination – IT putting more information on the website to log on (if a university can do it then our tribe) – Education plan thank the Tribe for assistance needs to be process on determination and an appeal process on the back – What happened to the system that Finance purchased and did we get reimbursed - ICWA is for states to comply with Tribes – Children's Home is supposed to be a short lived facility within 6 mos child needs to be placed and not in there for over a year – evaluation of our child welfare system

Rebecca Miles response – rumors that people say about me is known of my business I do conduct my self professional and when I am on my own time that's my time – Springbrook has been a headache and has not been implemented and already has to be upgraded and been directed by NPTEC to implement – what plans are to be used for the Social Services-CPS – all of our workers are qualified and all have MSW – Education plan was NPTEC directed and a change in a law order code can only be approved by NPTEC – Public Relations Officer to relay information to all tribal members

Aqua Greene

What is the marketing department budget - to see the net and loss of the marketing promotions – Surveillance department with the tribal police utilizing the video surveillance – employee was stripped searched to their underwear and also required

Jamie Olson response – gaming is highly monitored and obligated to report to law enforcement even anywhere on our sites. Employees who has an outstanding warrant and obligated to arrest the individual – have the individual contact her does not want to address publicly

David Holt

Believe we are getting the infrastructure running – BRIDGE for a professional – data research planner to assist the ED for strategic planning (position)

Maurice Wilson

Pow-wow committees – how to stand and assist cultural activity – still getting the same amount for all pow-wow committees that have been in existence for over 25-30 years – what fairness for community pow-wow committees versus the casino pow-wow not trying to stop the casino pow-wow

Bernice Moffett

We are a practice of reinventing the wheel – ICWA got started when Joanna Bear was NPTEC – still have to re-educate on ICWA “whose the designated agent of ICWA” – to call on Sally Nahsonhoya on ICWA and not discuss during General Council.

Motion to adopt a resolution for Administration Leave for tribal members that are tribal employees by Danae Wilson; seconded by Kerma Greene; Motion defeated.

Kerma Greene to add onto the motion to be in effect until rescind.

Mollie Harris it is not right to sign in or out when the sign out is not there.

Crystal Rabago

Congratulate Jamie on the job at the casino. Suggest to accumulate points when visiting the Nez Perce Express, Gift Shop, & Restaurant.

Robert Kipp

Wants clarification on the "Free trade" zone

Tony Johnson response – at Ceililo falls was a commerce center – harness a collective business of 53 tribes to trade planning the implementation.

Motion to accept and excuse the Public/Private sectors reports by Kerma Greene; seconded Ann McCormack; Motion carried.

Motion to adopt a resolution that each pow-wow committee receive 20,000 from the Promotions funds for the four pow-wow committees that have been in existed for 25 years or more by Mary Tall Bull; seconded Nancy Wheeler; Motion defeated.

Kerma Greene against there are a lot of other activities that our tribal membership like to do besides pow-wow and needs to be straight across the board for all community events.

Maple Stuvenga needs to include churches, Talmaks, and Mud Springs.

Subsidiary motion to amend the 20,000 to 10,000 to the resolution by Wendall Antell; seconded Nancy Wheeler; Motion defeated.

Orders of the day was called by Kerma Greene; seconded ;Motion defeated.

Motion to recess for the day at 5:30 pm and reconvene at 8:30 am for sub-committee reports by Richard Broncheau; seconded by Kerma Greene; Motion carried.

Nez Perce Tribe General Council
September 23, 24, 25, 2010
Lapwai, ID 83540

Saturday, September 25, 2010

Meeting called to order at 9:13 am.

Opening prayer by Mary Jane Souther.

Budget & Finance Subcommittee and Enterprise Board

Budget & Finance Chair Report

To provide policy & review for the financials of the Nez Perce Tribe and forward onto the NPTEC subcommittee.

Authorized the contract for the construction of the Nez Perce Long house.

Upgraded the progeny software essential – new tribal identification card software willing be running with the next month – in the next seven

Motion to adopt resolution that the revenue funded programs have a grant writing component included in the application of these funds along with a plan and to move off the revenue funds by Marie Arthur; seconded by Wendall Antell; Motion defeated.

Motion to accept and excuse the Budget & Finance Subcommittee and Enterprise Board reports by Richard Broncheau; seconded Vera Sonneck; Motion carried.

Motion to adopt resolution to change the election procedures by Richard Broncheau; seconded Del Rae Kipp; Motion carried.

Motion to recess for lunch at 12:14 pm and reconvene at 1:15 pm by Wendall Antell; seconded Robert Kipp; Motion carried

Meeting called back to order at 1:20 pm.

Human Resource Sub-committee Chair Report

Business cards are located at the back table for those of you that did not know who I am.

Public meetings will be starting soon.

Policy stronger for a reunification plan for Social Services. It is being updated.

Emergency assistance is one applicant per household and can only apply once every three years.

Wood vending program that the vendors are required to be unemployed to give those an opportunity to earn money

The enrollment survey is on the back table and results will be reported at the May General Council. The packet that was disbursed from Chairman Samuel N. Penney is also available.

The budget for national housing has been cut by 17%, which will affect the NPTHA by 200,000.

At ATNI the elders committee stated that the elders feel they are being discriminated against when applying for a job. It is not only a problem for the NPT but also for all Tribes across the NW.

Exchanged information with VA representatives at the NMPH fair. Will be working on getting a VA officer to service our tribal people.

Education Plan – apologizes for not getting out a PR out for the new plan. Tribal members never had knowledge of both scholarship. This allows management to implement the time frame for the scholarship. Only have to complete one application (positive outcome). Working on a research summit with the LHS (between Education Mgr and Dave Penney).

Community Partnership grant offered to the Kamiah and Lapwai schools. They funded a weight room at Clearwater Valley High School.

Richard Broncheau calls for orders of the day.

Motion that all election decisions for Boards and Commissions are by plurality by Shannon Jackson; seconded Nancy Wheeler; Motion carried.

Floor is now open for Fish and Wildlife Commission Seat

Maple Stuvenga nominates Joe Bear Oatman (accepts)

Liz Attao nominates Wendall Antell (accepts)

Joel Moffett nominates Quintin Ellenwood (accepts)

Motion to cease nomination by Julian Matthews; seconded Julia Davis-Wheeler; Motion carried

Results:

Total votes cast – 121

Joe Bear Oatman – 58

Wendall Antell –26

Quintin Ellenwood –37

Invalid – 3

Elected to Fish and Wildlife Commission Seat for 3 year term.

Floor is now open for the NMPH Board Seat

Richard Arthur nominates Tracy Arthur (accepts)

Gloria Greene nominates Tim Stone (accepts)

Angela Broncheau nominates Vonda Osborn (accepts)

Robert Kipp nominates Loretta Islas (accepts)

Motion to cease nominations by Gloria Greene; seconded Del Rae Kipp; Motion carried.

Results:

Total votes cast – 121

Tracy Arthur – 41

Tim Stone – 29

Vonda Osborn - 10

Loretta Islas -38

Invalid – 3

Tracy Arthur Elected to NMPH Board Seat for 3 year term.

Floor is now open for NPT Housing Authority Seat

Chloe Halfmoon nominates Agnes Weaskus (accepts)

Del Rae Kipp nominates Robert Kipp (accepts)

Danae Wilson nominates Edith Powaukee (accepts)

Motion to cease nominations by Nancy Wheeler; seconded by Tim Stone; Motion carried.

Results:

Total votes cast – 119

Agnes Weaskus – 43

Robert Kipp – 38

Edith Powaukee – 35

Invalid – 3

Agnes Weaskus elected to NPT Housing Authority Board

Floor is now open for nominations to Seat 1 Enterprise Board

Tony Johnson nominates Cecil Jose (accepts)

Liz Attao nominates Gloria Greene (accepts)

Motion to cease nominations by Wendall Antell; seconded by Lucinda George; Motion carried.

Results:

Total votes cast –112

Cecil Jose – 69

Gloria Greene - 43

Invalid – 4

Cecil Jose elected to Seat 1 Enterprise Board

Floor is now open for nominations to Seat 2 Enterprise Board

Liz Attao nominates Gloria Greene (accepts)

Joe Bear Oatman nominates Gabriel Bohnee (accepts)

Motion to cease nominations by Joanna Arthur; seconded by Nancy Wheeler; Motion carried

Results:

Total votes – 114

Gloria Greene – 54

Gabriel Bohnee – 60

Invalid – 2

Motion to adjourn at 5:30 pm by Mary Jane Souther; seconded by Maple Stuiivenga; Motion carried.