



Gwichyaa Zhee Gwich'in Tribal Government
(Formerly known as the Native Village of Fort Yukon, IRA)
P.O. Box 126, Third & Alder Street
Fort Yukon, AK 99740-0126 www.fortyukon.org
Phone: (907) 662-2581 Fax: (907) 662-2222

Gwichyaa Zhee Gwich'in Tribal Council

Regular Council Meeting – April 22, 2014 6:00pm

Tribal Conference Room

Opening prayer was given by: Janet Cadzow

Call to Order: 1st Chief Nancy James called meeting to order @ 6:00 PM

Roll Call/Quorum Established:

Present: Nancy James, 1st Chief, Edward Alexander, 2nd Chief, Tony Peter, Seat C, Guinness Peter, Seat D, Gerald Alexander, Seat E, Michelle Vandyke, Seat F, Michael Hardy, Seat G

Motion by Ed Alexander to approve the Agenda with the following changes: 2nd by Tony Peter

Nancy added **Donation request** from Gwich'in Steering for the 2014 Gwich'in Gathering.

Ed added to **Old Business** Tribal Court Sentencing item (D) BLM MOU item (E) Fish Lawsuit item (F)

Motion approved with additions, voice vote 7 yes unanimous

Motion by Ed Alexander to approve minutes, 2nd by Gerald Alexander with the following council remarks, no more verbatim, put a separate sheet with motions and directives.

Motion approved voice vote 7 yes unanimous

GZGTG Staff Present: Liana Harriman, Janet Cadzow, Andrew Firmin, Walter Peter, Amanda Alexander

Tribal Members Present: Linda Fields, Michelle Varner Peter, Frannie Hughes, Belva Ansaknok, Louie Fairchild

Non Tribal Members: Pat Stanley, Kelda Button, Louis Silas, (Teleconference) Alida Trainor

Tribal Member Comments: Linda Fields gave testimony to be considered for Tribal Court Judge, wants to be involved for our children.

Council Member Travel Reports:

Ed Alexander –Testified on behalf of the Tribe to the legislator on House Bill 77, this is a bill on water rights. The Bill failed.

- Ed and Dave testified on the Greenhouse Project which is a Capitol Improvement Project (CIP). Dave Messier testified on the \$100,000.00 match we need to complete the greenhouse. We have permission to move on with the renovation on the tribal hall this summer. It was approved for \$300,000.00.
- He also attended City of Fort Yukon, Emergency Planning Meeting (today).
- TCC convention – Ed submitted 8 resolutions to the TCC sub-regional meeting and they were unanimously approved. There was one asking for the Magnus and Stevens ACT to be amended.
- There was one on the Black River, asking BLM to change their position on this.
- Ed attended a meeting with BLM in Fairbanks on amending our MOU, and permit application (see hand-out).

Tony – Went to Denver with Dave Messier (TCC) & Kelda (CATG) for the Solar Panel convention.

- He attended the Transportation Symposium in Anchorage with Walter Peter.

GiNESSA – Went to TCC convention, went to Health Fair, and it was really good.

- Went to the budget meeting in April.
- Don Shircel, Client Development Director was there talking about all our options for Tribal Court, leading the way for Tribal Justice in the State of Alaska.

Mike – also attended the budget retreat and after going over the budget we notice a lot of carry over in general-funds. We talked about health benefits and asked accounting to look into it for us.

Nancy- Went to the TCC convention, Victor Joseph was elected as our new TCC president. The biggest Issue was the fishing and Taskforce.

- Rural Cap special meeting for organization & planning. They received our rural justice grant from the federal government. This is to develop youth activities statewide.
- Budget mtg. it was a budget planning and also to approve the audit, there was only 1 finding this year as opposed to 17 findings previously.

Michelle – Budget retreat, she got a better understanding of our tribal funds, and also the functions of the tribal organization.

Gerald – TCC convention, we need to seek funds for our VPSO to get a new vehicle, maybe at a government auction.

Council - discussion on getting a grant writer or get someone some training to do grant writing. There were no directives.

Directive - We will have strategic planning in the 1st week in June here in Fort Yukon.

Executive Director/staff reports:

Tribal Operations:

Directives –

- Tribal Operations Manager will work it out with Diana to get some training for her job.
- There will be a closed meeting with the council and Fish & Wildlife on April 28th. It is required that the council members be there (per the chief).
- Western Hemisphere travel initiative, on enhanced tribal I.D.'s for passports to get in and out of Canada, this needs to be put back on Old Business for next meeting. We need to decide to make the I.D.'s ourselves or send out to have them produced.
- We need to up-date files to make them audit ready. (Put this on the May agenda)
- Have someone from TCC (Debbie Mitchell) to come up and help us with our tribal member files. We need to update our master list.

Executive director report:

We received sleeping bags for flood preparation and they are being stored at the school. We got several bunny boots donated and charged \$5.00 each to cover the cost of freight.

Directive - In the future we need to advertise to the public when we have donation items to offer.

Andrew talked with TCC, we need to rewrite the proposal for the Daga Awards we received, it is too dangerous to take the kids out ridding this year. He will talk with Debbie Vandyke about doing an activity at the school.

Directive - We need to advertise and start on 3 major FEMA projects before October. We need to do this right away.

Motion by Ed Alexander to advertise and release funds for the 3 FEMA projects, 2nd by Mike Hardy

Motion approved unanimously with no objections

Directive:

There was a discussion on the new lease from CATG for the Education/NACTEP building. **When the paperwork is finished bring it to the council to get signed.**

Natural Resources: Discussion between Andrew and Council

The YRDFA meeting was somewhat informational; the closure was a big issue. We made our point clear saying, just because we didn't say anything, and there wasn't a lot of retaliation from the tribe doesn't mean we are going repeat this action (allow closures) every year.

Directive - We need a personal letter of retaliation from the tribe to make a stand.

There were only in-river managers at the meeting and were not able to make decisions on the closures for commercial fishing on the Bering Sea, this will come up at the fisheries meeting, with in-season managers, at the end of the month. There is a new regulation that the first pulse will always be closed, we will never get that regulation back. We don't want a regulation stating that salmon fishing will be closed off every year at the same time. This is only going to be a onetime deal. The point of using the 4" net is to get other species of fish, like the chum or silver salmon. The fish wheels will also have to be made to regulation. At the YR DFA meeting they passed a resolution that says there will be equal fishing time all the way up and down the river. Originally they were shutting us down and allowing the lower Yukon to fish. We said we would fish anyway, so they sent this big shot up here from D.C., who got here by 10:00am the next day. As a result of our actions in 2008, all of our regimes have been inactive since then. Closure of the lower river fishermen were something this council asked for. At the meeting in Fairbanks they wanted us to voluntarily shut down this year, even after we had a 24 hour opening last year. We were the most restrained for fishing out of anywhere else on the Yukon last summer, we were 96% restrained. Most other places were only 60% restrained. It is time for a change; everyone else on the river is calling for an action. Last week the village of Napaskiak requested and received a relief from the Federal Subsistence Board. We need to declare the entire Yukon River in a shortage and have the federal subsistence board step in and mandate the amount of fish each village can have. The shortage trigger hasn't been triggered in the Yukon, if we don't do it then no one else will. Everyone is looking to us to see what we will do; it has to be us to ask for this. We need to write a letter asking the senators and representatives why the \$10,000,000.00 disaster relief funds are only going to commercial fishermen. Why aren't we allowed a piece of that money if we weren't allowed to fish? 50 miles from the ocean they have CDQ's, they get royalties, and can fish 11% of salmon, 11% of pollock, and 11% of halibut and they sell it to the commercial fleets. They don't fish it their selves, they sell their percentage to the fleets. We are talking tens of millions of dollars that go to development projects in the coastal communities. Nobody in the interior knows that this is going on, nor do we see it. There was a resolution that was adopted out of our sub region, adopted by TCC asking that Magnus & Stevens ACT be amended, and include these things.

Motion made by 2nd Chief, Ed Alexander to have our lawyers draft a letter requesting that rural subsistence preference be triggered in times of shortage, and that this is obviously a time of shortage. We need to ask that all commercial salmon fishing be restricted until 100% of our fishing needs are met. Submit it to the federal subsistence board as an emergency action for the 2014 fishing season. 2nd by Gerald Alexander.

Motion approved unanimously with 0 objections

Motion made by 2nd Chief, Ed Alexander to allocate \$500.00 from general funds for the Land Committee Meeting on May 15, 2014 @ 6:00pm. 2nd by Tony Peter

Motion approved unanimously with 0 objections

Migratory Birds:

The hunting regulations of migratory birds are now the tribe's responsibility, we will be able to regulate who can and cannot hunt them here. Currently the regulation says no transferring birds outside of Fort

Yukon, our next move is to change this law. The law says federally qualified users must reside in the village for 1 year. We now have the authority to designate who will be able to hunt here, if they are tribal members who live out of town, they can get a permit from us to hunt, but they still can't take the birds back to Fairbanks with them.

Motion made by 2nd Chief, Ed Alexander to approve the Spring/Summer Migratory Bird Harvest Regulation striking item number 2, only tribal members will be allowed to hunt. 2nd by Tony Peter.

Motion approved unanimously with 0 objections

Alida Trainor, wants to do a post season survey on salmon fishing. The last project we did was basically a questionnaire, not a survey.

Directive - Talk to Andrew and work out the research procedures and come up with some genetic information on Gulf of Alaska stocks to give us some useful information for us, if not then why should we approve it? When you re-write this to benefit us, bring it back for the council's approval. What we want to know is, are there Yukon River king salmon being caught in the Gulf of Alaska? If they are, then those who are commercial harvesting need to be targeted also.

This proposal was tabled until Alida meets with Andrew and re-writes the proposal.

Transportation:

There is a resolution by Larry Bredeman to support funding, and unity throughout the tribes in the United States. The Transportation Unity Conference in Denver, CO, on February 25, where they came up with a proposal for the transportation bill that will be presented to the congress to approve the transportation budget which is due in October. The resolution was already approved by NCAI.

- Paul Reddington also wants to come to the transportation meeting to discuss the Ivar's Bridge.
- The resolution for the Advanced Heavy Equipment training was approved by a poll vote of the council, and is underway now.
- **Directive - The resolution needs to be ratified from the council. .**
- There is a flood plan to move equipment to the GZ Quonset hut.

Directive - Walter is to put the info on Paul Reddington and the resolution on the agenda for the transportation meeting, where the council will review and decide.

-There was a discussion on new employee travel, there are special circumstances, but this is not a standard. They are traveling when they are needed in the office.

Directive - The policies need to be followed.

ICWA – there is a concern on the ICWA report where the ICWA worker told OCS that the tribe has jurisdiction and if the outcome is not good at the home visits then the tribe will take over. This is not appropriate; we should have a good working relationship with the state to resolve these matters. The council needs to meet with the tribal judges and Arlene and let them know what we expect of them.

Directive - Michelle Peter is to get with the panel of judges and set a date for a meeting.

Education:

There will be an education meeting tomorrow at noon.

VPSO:

She went to fire training at the academy in Sitka, She needs several volunteers from the community to start having classes.

Directive - We need to have an up-date at the next meeting and give 2 week advance notice of this and the training.

Council comments on reports:

Directive - The tracking log for employee workday, the client contact sheets, we need an up-date at the strategic planning meeting in June. Put it on the agenda under Job Responsibility.

The Council wants to know why there is so much travel authorized for new employees? The question was directed to the GA/WEP worker; she is still on probation and has not been evaluated. Who makes these decisions and what is the justification? The Acting Director made an exception to this, because TCC did pay for the training and travel. It was a required training and an opportunity for her to attend. She also said she was implementing the policy and would not let it happen again.

Finance:

A priority list of idea's for summer projects as follows:

- Rec. Park
- Cemetery project
- Additional playground equipment at the playground downtown
- Youth Bldg. Addie Shewfelt Bldg.

Directive - Janet will put these projects into budget form and bring to next meeting.

The audit will be done sometime in June.

We need to get new software for the accounting Dept. MIT accounting software, this is the same one used by CATG. They had some difficulty with the transition, but are getting more comfortable with it. We are still looking into other resources. There is also software called Financial Ed,

Directive - Janet will get more details and bring to next meeting.

There was a comment on Page 19 from March 31st – 1st Financial Report.

Estimated fund balance is pretty low. There are things we can do within our operations to change that fund balance. Example: We can purchase red warehouse through reallocation of AFA's monies to economical development, and then rent those facilities to Transportation. Now that we own this building we can charge rent to each Dept., this money will then become unrestricted revenue. This goes for our equipment; we can rent our own equipment. This will alleviate this \$18,000.00 limit we have in the budget. We can move AFA monies that we had audited, across different lines to form a fund to hold the money. We can build a gas station down the bank to create economical development. Once we reallocate this money we can use it in different ways. This is called working capital.

Directive - Come up with a recommendation on how to utilize the space and vehicles that we own to generate unrestricted revenue by renting to our own departments.

BIA roads money needs to be used up for maintenance, about \$20,000.00, we need to use this or lose it they will not authorize another extension.

We will be getting the rest of our AFA 2013 monies from TCC they haven't given it to us yet. We should also be getting our funding for FY14, we haven't gotten our IHS or Regional shares for FY14 either.

The FY-14 funding for the elders program is less than last year by about 2 – 3 thousand dollars.

Donation Requests:

Motion made by 2nd Chief, Ed Alexander to donate ETT \$1,800.00 to purchase new jackets for their emergency squad, with the tribal logo on them. 2nd by Michelle Vandyke

Motion approved unanimously with 0 objections

Motion made by 2nd Chief, Ed Alexander to donate to Vuntut Gwich'in \$18,000.00 for the 2014 Gwich'in Gathering. \$13,000.00 to come from regional shares and \$5,000.00 to come from Natural Resources carry-over money. 2nd by Mike Hardy

Motion approved unanimously with 0 objections

Motion made by Tony Peter to donate \$500.00 Dinjii Zhuu Kaii to have a Language dinner for the elders. \$500.00 to come out of family violence. 2nd by Gerald Alexander

Motion approved 6 yes 0 no's, 2nd Chief Ed Alexander abstained.

Motion made by 1st Chief, Nancy James to give 9 R/T quick tickets to the seniors to help with their senior trip and to look for mileage and purchase tickets with them. 2nd by Gerald Alexander

Motion approved unanimously with 0 objections

Tribal Court Judge:

We have 3 letters of interest, Linda Fields, Mae Peter and Shannon Hardy. Ed nominated Fred Roberts. Had a closed ballot vote and Linda Fields is the new Tribal Court Judge. She was sworn at the meeting.

Fish & Wildlife:

CCP - They are coming here at the end of the month and they really want to sit down with the tribal council. All the chiefs of CATG are invited to the May 1st Government to Government meeting; they are all expected to be there. The is to draft a white paper. Jeff Stromer said the listening session will not be government to government consultation. We should be aiming for the Yukon Flats Natural Wildlife Refuge CCP comes every 25 years. We request that the Yukon Flats Wildlife refuge CCP be adopted as a no-action alternative for the next 25 years, in lieu of them not offering us viewing and actual study of the plan. It needs to be adopted now under this current administration.

Yukon Flats National Wildlife - has a million dollars annually to purchase native allotments. This money can go to the tribe to purchase native allotments. They compact monies with the tribe, and allow interested tribal members to purchase it.

Federal water – We are within federal water, we have to establish that we have the right to federally withdraw water. House bill 77 is coming up next legislative cycle, that we don't have the right to have water. We will have to pay for water that we already own. ANCSA was not approved by this council. We still technically own our federal lands. If they will not recognize our rights to our own laws, then why should we recognize their laws?

Workshop – There will be a workshop on April 28, with all the CATG chiefs, it will be a public listening session. We want ANILCA amended and we want their support to do so. We want an executive order that says we have a preference here.

Impact Aid – This is just on the agenda as a reminder for public info. There will be DATA coming out from Ava on impact aid; it will show how much money they have and also what they will do with it.

Elder's Facility – Pat will do a study for the elders facility. There was land appropriated to build on by the tribe. We gave land to CATG to build the clinic; CATG needs to coordinate with the tribe to come up with funds to continue with this project.

Nancy wants it clear that as the chief she is asking for feasibility.

Tribal court sentencing – "Tribal court sentencing - The state magistrate has invited our tribal court judges to be involved in sentencing of some crimes. This will allow us to be able to give input on what happens to our tribal members when they are being sentenced for their crimes. This will also recognize our jurisdiction and authority during the sentencing of of tribal members when facing a sentence for a crime. Moving forward we will be able to work with the state in matters other than just ICWA. This would be a good thing to work with the state on but we do need a fall-back. If we take the case and give the sentence, and the person serving the sentence we set, such as community service, does not follow through then we need to be able to refer them back to state court. We could at least give our recommendation and it is totally up to the magistrate. Whether they get sentenced through the state or us they will still get due process. It would be nice if tribal court could go over there and participate with the proceedings."

Motion made by 2nd Chief, Ed Alexander to let the court know you are allowed to participate & do joint sentencing with the state court, as long as it doesn't bridge due process rights, or the rights of confidentiality. 2nd by Gerald Alexander

Roll call vote:

Nancy yes

Ed yes

Ginessa no

Mike yes

Gerald yes

Michelle yes

Tony no

Motion approved. Voice vote 5 yes 2 no

2nd Chief, Ed Alexander made a motion to approve BLM, MOU movement that is coming out in 2 – 3 weeks. 2nd by 1st Chief, Nancy James We will be able to see the document before anyone else and be able to comment on it. They didn't include our government to government consultation and comments when they came up with their preferred alternative, alternative B.

Motion approved unanimously with 0 objections

Fishing update:

Update on fish case with Clarence Alexander, he now has legal counsel, his name is Sky Starky, he is a fishing and subsistence expert. This case has put a lot of stress on Clarence, he could just go to pay the fine, but he would rather fight the case for tribal member rights.

Council member comments:

GiNESSA – would like to invite a tribal court judge to go to the self-governance conference in D.C. Tony will not be able to make it, we can send 1 judge in his place. We need to set aside funds for tribal judges to go to training.

The judges need to give us more notice in the future.

Executive session @ 9:30pm

Executive Director position

Out of executive session @ 10:10pm

1st Chief, Nancy James will notify Stephanie to start on June 15th

We need a plan of improvement for the ICWA worker, and she needs to get her G.E.D. and follow policy and procedure. Donna Thomas will take care of this matter.

Meeting adjourned at 10:20pm