

Qagan Tayagungin Tribe
Minutes - Special Meeting
March 18, 1997

CALL TO ORDER

The meeting was called to order at 7:03 p.m. by Edith Jacobsen, President, at the City Council Chambers.

ROLL CALL

PRESENT: Edith Jacobsen, President Sharon Ogata, Member
David Osterback, Vice-President (7:07 p.m.) Jack Foster, Member
Peggy Osterback, Sec/Treasurer Christine Nielsen, Member

ABSENT: Connie Kochuten, Member (excused)

OTHERS PRESENT: Dan Duame, George Kudrin, Ken Selby, Arlene Gundersen

NEW BUSINESS

A. Resolution 97-04/Authorizing the Aleutian Housing Authority to Represent the Qagan Tayagungin Tribe as its Tribally Designated Housing Entity ("TDHE") Proposed under NAHASDA.

Peggy motioned to remove Resolution 97-04 from the table. Jack second.

Discussion: No discussion took place.

Roll Call Vote: Edith Jacobsen-yes, Sharon Ogata-yes, Christine Nielsen-yes, Jack Foster-yes, Peggy Osterback-yes.

Sharon motioned to approve resolution 97-04 as amended. Jack second.

Discussion: No discussion took place.

Roll Call Vote: Edith Jacobsen-yes, Sharon Ogata-yes, Jack Foster-yes, Christine Nielsen-yes, Peggy Osterback-yes.

B. Aleutian/Pribilof Islands Association/Programs Compacting

Ken Selby reviewed our contract programs that we have with APIA. The figures are as followed: Higher Education-18,000 /Social Services-9,438 / Direct Employment-3,369 /Adult Vocational Training-30,013 / Indian Children Welfare Act-31,300.

These figures are based on the population of the nineteen-ninety census for the Sand Point area. The census was done in October 1990 the numbers were down because there were a lot of people on vacation, at the boat show or on a business trip that were not counted on the census. APIA receives child funds to help pay for childcare. They are available to anyone in the community. To be eligible the child has to be between the ages of birth and twelve, also the parent has to be working outside the home.

The payment to the childcare provider is determined on the household income. APIA can use

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some of the money to operate a daycare center. There has to be at least 50 children in a community to receive the block grant. For the year of 1997 APIA received a block grant of 76,000 dollars to use in the Aleutian Region and designated 30,000 dollars for construction of a daycare center or to purchase or upgrade a building here in Sand Point. The construction funds have to be utilized by September 1997.

Dan Duame talked about compacting and contracting. These are some of the question answered.

1.) Historical background (compacting and contracting) 2.) Defining Tribal shares 3.) Effect of compacting/contracting tribal shares 4.) Compacting vs. Contracting (Title I vs. Title IV) 5.) How does compacting with APIA really work? 6.) Unga Issue

In contracting they want to know your budget and what you are going to do with the funds ahead of time. With contracting there are a lot of strings attached to what you want to do with your money. Once you compact all your money is moved out of the BIA budget system and into the OSG and they manage all of the funds. You also have short fall money where as in contracting you don't. You have more of a government to government relationship. All the funds are used where needed and where they think they need it more. The 638 contracting started in 1972 and in 1987 was when they created a new title in the 638 law that created compacting. Originally it was Title III, now it's Title IV. Compacting grew out of contracting, it was kind of evolutionary kind of thing where tribes got frustrated with contracting, felt like there were too many strings attached, too many obstacles to do what they wanted to do with what they perceived to be their own money. Title I covers 638 contracting and IHS compacting is under section III. This is still in the experimental demonstration mode, it has not yet been made permanent. When compacting started it was only for BIA. Many of the tribal leaders would like to have compacting expand into all the branches of the federal government. In 1994 there were some amendments made to the Title I contracting section of the law which made contracting very close to compacting.

Budgeting Process:

It starts every January, the President submits his budget to congress and in that budget there is a part for the Department of Interior (which holds the BIA portion) and they are the ones that propose to congress how much money they think they should have for the year. When congress passes the budget it goes out to the Department of Interior and then goes to BIA which is made up of three main levels of offices. All the money goes to the Central Office levels which keeps a big chunk for Administrative Area Office Levels which keeps a smaller chunk of the administrative money because they manage and administer the Agency Office Levels. Then the money goes to the lowest level of offices but they do all the 638 contracts and pass the money down to the tribes existing 638 contracts and grants. All the compacting tribes money does directly from the department of Interior to the Office of Self Governance. Most of all the money from the OSG goes directly to the tribes.

We had five BIA Agencies in Alaska until we lose three of them to compacting. One position from Bethel and one position from Nome moved to anchorage and the Southeast Agency has completely shut down. Our only two existing agencies are in Anchorage and Fairbanks. The TPA budget has been getting larger and more of it has been made available to tribes for 638 contracts. The money from congress a lot of it is already earmarked for existing 638 contracts

and grants. There is still a Hugh chunk of administration money in BIA that the tribes want to try to get but there are some things that only BIA can do by law. Like the Indian Native Blood Card (CDBC), IRA elections, Native Allotments, Managing Indian money account, education, a lot of things to do with tribal government and a lot of stuff in the area of trust services. You have all this money and a term was developed called the residual. Compacting was built on the thirty that the only funds that BIA could take were the thing that they had to do by law, treaty, and that they had a legal requirement to do. Everything else that was left was available to tribes as a tribal share. Compact funding comes from two sources which are new tribal shares and old 638 contracts from when they went into compacting. Part of the new dollars are what they call short fall. In contracting prior to 1994 you did not have all these tribal share dollars all you had was your old 38 contract funds. In 1994 the law changed and they set up a system similar to compacting and now contractors can access tribal shares.

Unga is under the Office of Self Governance and is an active tribe. Unga's funds are under our cost code and Unga wants to move these funds under their own cost code but to do that they need our authorization. When they do that then they can decide if they want to put it with APIA's pot or keep it where it is. APIA wanted to identify Unga's money since they are in compacting and we are not. Their 36 population number was in our 433 population number. There are funds out there that they can't access because of this inability to divide up this money. APIA met with Unga and there were two issues brought up. One was whether or not that QTT identify their funds and track their funds separately. The second was once QTT identified and tracked their funds what do we do with it. The only problem area is scholarships funds because it is not based on population count, it is based on a student count.

The QTT Council has no problem signing if that money is in our pot of funds but before we sign any papers we would have to go over the figures first and call BIA to get some answers to the questions that we have. We should meet with Unga and go over the figures. If Unga does not agree on the numbers then they would have to go the Bureau of Indian Affairs.

*President Edith Jacobsen called for a five minute recess at 9:50 p.m.
The Tribal Council reconvened at 9:55 p.m.*

***Peggy motioned to table any decision on the formula until tomorrow to meet with Unga to discuss this issue with APIA. David second.
Vote on motion, all in favor with 6-yes and 0-no.***

***Peggy motioned to go into executive session to discuss the TFSA position. Christine second.
Vote on motion, all in favor with 6-yes and 0-no.***

The Tribal Council entered executive session at 10:10 p.m.

EXECUTIVE SESSION

The Tribal Council came out of executive session at 10:42 p.m. There was no action taken in executive session.

*Peggy motioned to recess at 11:00 p.m. and reconvene on March 19th at 10:30 a.m. to meet with the Unga Tribe. Christine second.
Vote on motion , all in favor with 6-yes and 0-no.*

The Tribal Council was in recess until March 19, 1997 at 10:30 a.m.

MARCH 19, 1997

President Edith Jacobsen reconvened the meeting at 10:36 a.m.

PRESENT: Edith Jacobsen, President Jack Foster Jr., Member
 David Osterback, Vice-President Sharon Ogata, Member
 Peggy Osterback, Sec/Treasurer Christine Nielsen, Member

ABSENT: Connie Kochuten, Member (excused)

The Tribal Council met with the Unga Tribe to discuss the formula. The QTT Council has no problem with separating out Unga's funds if they are part of QTT's funds. Dan explained that because of Unga's membership is residing in Sand Point their money went both places. Most of their shares are under compacting and most of Unga's money is short fall money except for five programs. The five programs are the Tribal OPS, Social Services, Direct Employment Assistance, Adult Vocational Training, and the Scholarships. There was only one allocation made for the Sand Point community in terms for the tribal ops and instead of splitting the \$13,550 in half APIA made an agreement with the Office of Self Governance that they would fully fund Unga's share out of short fall. The other four which three are population based and the other one was student count that we have to give Unga their funds. There is a rule in the BIA budget system that once money is in a Tribal TPA location it can not be moved out of there with out the tribes permission. When APIA negotiated their compact, which Unga was a part of, APIA was unable to negotiate their share of the programs without the QTT Council's permission. APIA identified what they thought was an estimated amount based on the population and it was all agreed upon by BIA, OSG and all the people that were at the table negotiating. All they could do was put it in a footnote because they never had time at the negotiations to go to Sand Point and say here's our problem or go to Unga and try to straighten it out. APIA was hoping that some day it would and the funds would be moved. Unga's budget was not moved the first year when they negotiated and the next year it wasn't moved again because there ws no authorization for the money to be moved from QTT's funds. That is how it has been since Unga compacted. APIA said that the student count for Unga was 2 and that they would be getting \$4,000 for scholarships. Including all four programs Unga would receive around \$8,000. The QTT Council and the Unga Tribe will have to sign the certificate before Unga could receive these funds. A deadline was set for no later than Thrusday, March 27, 1997 to have our decision for Unga. Unga also wanted to know is the Sea Otter money has been used and if it has, where or what it has been used for.

Jack motioned to adjourn. David second. Unanimous vote to adjourn.

There being no further business to come before the Council, the meeting was adjourned at 11:55 a.m.

Respectfully Submitted,

Lavern L. Dushkin by ckr

Lavern L. Dushkin

approved: 4/28/97