

**Qagan Tayagungin Tribe  
Minutes  
October 24,1996**

The Qagan Tayagungin Tribal Council meeting was called to order by Acting Chairman, David Osterback at the City Council Chambers at 7:04 P.M. The following members were present.

Members: David Osterback, Chairman Sharon Ogata,  
Peggy Osterback Edith Jacobsen

Absent: Jack Foster Jr.

Others Ramona Osterback, Sec/ Bookkeeper, Dick Jacobsen, Glen Gardner, Jr., Arleen

Present Gardner, Martin Gundersen, Dorthy McCullum, Lorna Russell, Christine Nielson,  
Pam Gundersen, Carrie Galvin, Billy Dushkin, Alvin Osterback, Ingrid Carlsen,  
Michelle Gronholdt, Douglas Holmberg, Arlene Gundersen, Susie Osterback, Emil  
Gundersen, Shannon Wildes.

**APPROVAL OF AGENDA**

*David motioned to add the agenda item "approval of the agenda" not listed and missing from the original agenda. Edith second. The tribal council voted unanimously to add the approval of the agenda. Additions made to the Agenda are as follows:*

Updates:

- A. Financial Reports/ QTT & EATS
- C. Time & Place of next meeting

Other Business:

- A. Monthly Meetings

Old Business:

- A. Fishery Committe Report/ Seafood Marketing Report

New Business:

- G. Rural Cap Alaska/EPA Americorps Program
- H. Resolution 96-28 / A/PIA Cleanup
- I. UAN Commissioner appointments
- J. Duel Enrollment of Council Member

*Edith Jacobsen moved to approve the agenda with additions. Peggy Osterback second .The tribal council voted unanimously to approve the amended agenda.*

**APPROVAL OF MINUTES**

*Sharon Ogata moved to table all of the minutes at this time. Peggy Osterback second. Motion carried with a unanimous vote, all in favor.*

Arlene Gundersen stated there obviously is a dispute regarding whether or not this tribe has been recognized, she would like to see the council look into this.

Glen Gardner Jr. suggested the Council get legal counseling and call a special meeting for this issue as soon as possible.

***David motioned to table this issue. Sharon second.***

***Roll call vote, motion carried. Peggy-yes, Sharon-yes, David-yes, Edith-yes, Christine-yes,***

Peggy would like to see which organization of the Council of Tlingit, Haida has federally recognized, as there are a number of different Tlingit & Haida tribes.

Edith explained that a lot of villages in Southeast have tribes and they all belong to the Council of Tlingit & Haida. The Council of Tlingit & Haida works for these tribes by resolution. The same as A/PIA or EAT working for QTT by resolution.

Edith called a 5 minute break at 8:50 pm. The meeting was called back to order at 9:00 pm.

## **OLD BUSINESS**

### **A. Fisheries Committee Report/Seafood Marketing**

Peggy Osterback and Jack Foster Jr. are the two co-chairs for this committee. Their plans are to review the lawsuit that Babe Newman was working on concerning the June fisheries. They will be looking at the CDQ and IFQ Programs. Jack will be attending the NPFC fish meetings in Wasilla and report on fish issues. The committee will be made up of at least seven to nine members to discuss fish issues and tribal fisheries.

Sharon Boyette is writing a proposal on Seafood Marketing. False Pass will be managing this ANA Grant as QTT currently has an existing ANA Grant. The tribes wrote resolutions in support of the ANA Grant, Seafood Marketing Proposal.

***Sharon Ogata motioned to approve the written proposal. David Osterback second. Roll call vote, Peggy, yes; Sharon, yes; David, yes; Edith, yes; Christine, yes. Motion carried.***

### **B. QTT & Unga Tribes; Joint Fisheries Issues**

Edith explained the members of the Unga Tribe approached the QTT Council on fishery issues. They would like to get together and form a joint unit to work on the fishery issues. We would like to keep in contact with the Unga Tribe. A letter will be sent to the Unga Tribe to let them know that QTT is interested in working with them on fishery issues.

## NEW BUSINESS

### A. Council Appointments

*Sharon Ogata motioned to appoint Christine Nielson to Pam Gundersen's chair. Edith Jacobsen second. Sharon moved to appoint Connie Kochuten to Arleen Gardner's chair. Peggy Osterback second.*

*Edith moved to close nominations. Peggy second.*

**Roll Call Vote:** Edith- yes- David- yes; Sharon- yes; Peggy- yes.

*The closed ballot results showed that Christine Nielson and Connie Kochuten had both received four votes each. Both Christine and Connie were appointed to the Tribal Council.*

David called for a 5 minute break at 7:19 pm so Connie could be notified of her appointment. David called the meeting back to order at 7:25 P.M.

### B. Swear in of Council Members

Christine Nielson was sworn into office and took her Oath of Office. Connie Kochuten was unable to attend at the meeting and will be sworn into office at the next meeting.

### C. Election of Council Members

The Chairman opened nominations for President, Vice-President, and Secretary/Treasurer. David Osterback opened nominations for President. *Sharon nominated Edith, Christine second.. Peggy nominated David, Edith second. With no other nominations, Edith moved to close nominations. Peggy second. Secret ballot vote: Edith received three (3) votes. David received two (2) votes.* Edith was congratulated and assumed the Presidents position.

Edith opened nominations for Vice-President. *David nominated Peggy. Peggy declined. Peggy nominated David. David nominated Sharon. Sharon declined. Edith declared nominations closed. No objections, nominations were closed. A voice vote found all in favor, unanimously electing David Osterback, Vice-President.*

Edith opened nominations for Secretary/Treasurer. *Peggy nominated Christine. Christine declined. Sharon nominated Peggy. Christine second.* Hearing no objections Edith closed nominations. *A voice vote found all in favor, unanimously electing Peggy Osterback, Secretary/Treasurer.*

### D. Legal Opinion on Conflict of Interest

The Tribal Council received a legal opinion from the tribes attorney of Sonosky, Chambers, Sachse, Miller & Munson regarding the conflict of interest issue raised concerning the EAT appointment. Glen Gardner Jr. handed out and read a letter to the council he received from his lawyer, David Case. Glen explained that his term ends in December, EATS did their

appointments early because their Annual meeting was planned for October that was bumped back. EAT needed to have the appointees before this meeting which was asked for in the EAT minutes.

*Peggy made a motion to move the Conflict of Interest into executive session for discussion. Sharon second. Unanimous vote to move the conflict of interest into executive session.*

DISCUSSION: Glen stated he wanted to sit in executive session because the EAT appointment concerned him.

#### **E. EATS Representative and alternate appointments**

*Peggy motioned to move EATS Representative and alternate appointments after executive session. David second.*

**Roll call vote. Peggy- yes; Sharon- yes; David-yes; Edith-yes; Christine-yes.**

#### **F. BIA Road Project**

David discussed the BIA Meetings he attended in Anchorage. The Red Cove Road project has been on going for sometime. If QTT is planning on administering this project, the tribe should make the request to BIA. David requested a committee be set up to oversee the road project, and see if the tribe has the qualifications to administer the project. David recommended Alvin D.Osterback, Project Manager, since he has been with the project for some time. Alvin agreed, only if a committee is put together with a board chairman. A discussion and questions took place. Alvin explained the funding. The tribal council suggested David work with Alvin. Edith would like to see the whole council work with Alvin's expertise. Alvin recommended that a Shumagin Corp. representative be involved.

*David motioned to form a BIA Road Committee with at least three tribal members and any interested tribal council members. Sharon second.*

**Roll call vote: Peggy- yes; Sharon-yes; David- yes; Edith- yes; Christine- yes.**

#### **G. Rural Cap Alaska EPA Americorp Program**

Rural Cap is a recycling program which QTT or the City of Sand Point has a choice to take on. This program will start on January 27,1996. Application deadline is November 22,1996 for one applicant from each community to apply.

*Peggy motioned to post applications to see if there are interested applicants before the tribe applies for the Americorp program. Christine second. Unanimous vote in favor of the motion. Motion carried.*

#### **H. Resolution 96-28 A/PIA cleanup**

*Peggy motioned to table resolution 96-28 until the next meeting. Sharon second.*

**Roll call vote: Peggy- yes; Sharon- yes; David- yes; Edith- yes; Christine- yes.**

### **I. United Aleut Nation - Commissioner and Alternate appointments**

*David motioned to appoint Edith as Commissioner and Peggy as alternate commissioner. Sharon second.*

*Roll call vote, Christine- yes; Edith- yes; David- yes; Sharon- yes; Peggy- yes.*

### **J. Duel Enrollment**

Glen Gardner Jr. explained that one of the enrolled members of the QTT is enrolled in another tribe. Edith explained that this was just brought to her attention. She explained that she sat on the committee that drafted the QTT Constitution and checked on the enrollment. She was assured that there was no problem. She did recheck with the BIA superintendent and recorded her conversation. BIA assured her that there was no problem. He said that if she belonged to a Tribe in Klawock there would be a question. Edith stated that she belongs to the Central Council of Tlingit & Haida which is the same as A/PIA and EATS. Glen stated that he checked on this and the Tlingit & Haida are not the same as A/PIA or EATS. The Tlingit & Haida is a federally recognized tribe and are in the Federal Register.

Glen referred back to the Constitution of the Qagan Tayagungin Tribe of Sand Point. He read Article III, Section 5. Duel Membership prohibited. No person may be a member of the Qagan Tayagungin Tribe of Sand Point who is also an enrolled member of another Federally Recognized Alaskan Native or American Indian Tribe. Glen stated that he talked to someone at BIA, they explained to him that Edith would have to give up enrollment of one of the tribes. Also at the time that Edith entered into the election this would make the elections null & void. Glen talked to a number of people on this matter. Edith explained that she would play the recorded conversation for the council in executive session or with the public.

Glen stated that the BIA has nothing to do with the Qagan Tayagungin Tribe, QTT is a federally recognized tribe and we have our own laws, which is called the Constitution of the Qagan Tayagungin Tribe, we do not answer to BIA. We answer to the written Constitution of our tribe. Dick commented that everyone in this room is part of A/PIA, EATS for example. The Tlingit & Haida is basically the exact same organization. There is no difference, they do not have tribal status. Glen had a copy of the federal register.

David commented that he received a copy of the federal register and copy of old minutes in the mail before he came to the meeting. He questioned if any of the other council members received the same information. The remaining council members stated they had not received this information. David asked why he was the only one selected to receive the information. Ramona explained that she didn't send this brown envelope, and thought David picked this register up at the office.

Dick explained that the Tlingit & Haida are not a federally recognized tribe, they have been trying to get recognized for sometime. Glen stated that this is not true, the federal register lists this. The Tlingit & Haida tribe has been recognized since 1935.

## **OTHER BUSINESS**

### **A. Monthly Meetings**

The tribal council discussed scheduling a monthly meeting date. The other regular meetings scheduled throughout the month were also taken into consideration

*Peggy motioned to set the regular monthly meeting for the first Wednesday of every month, to be changed if other meetings are scheduled, as necessary. Christine second.*

*Roll call vote: Peggy, yes; Sharon, yes; David, yes; Edith, yes; Christine, yes; motion carried*

The monthly meetings will be scheduled for the first Wednesday of each month, and will be changed if needed. The next meeting was scheduled for Wednesday, November 6, 1996 at 7:00 P.M. at the City Council Chambers

## **FINANCIAL REPORT:**

### **A. QTT and EATS**

The tribal council requested a monthly report which would include funding received and expended, including amounts encumbered. A copy of the check register was requested. The tribal council would like a copy of the EAT financial report.

### **B. Docket 369 Financial Report Update**

David did call for information on this account. A letter was written requesting information on the use of these funds.

### **C. Time & Date of Next Meeting.**

The next scheduled meeting will be on November 6, 1996 at 7:00 P.M. at the City Council Chambers. Lorna Russell discussed the date set for the Tribal Potluck. The scheduled date is also November 7, 1996. Dick Jacobsen informed the tribal council that Don Young will be arriving on the 7th or 8th of November. Dick discussed the new AEB building dedication and asked if the tribe would consider possibly holding the potluck there.

## **EXECUTIVE SESSION**

*Peggy Osterback motioned to go into Executive Session to discuss the legal opinion concerning the EAT appointment and personnel. David second. Unanimous vote in favor of the motion. Motion carried.*

The meeting was called back to order at 11:25 P.M. No action taken in executive session.

*David motioned to accept QTT's attorney's legal opinion letter regarding the EAT Representative. The tribal council's determination on the EAT appointment and finding is*

***that it was improperly noticed and a conflict of interest existed and there is a financial gain to the person appointed. Christine second.***

DISCUSSION:.. Glen requested it be noted in the minutes that during the discussion of Conflict of Interest in the executive session he was excluded. Edith stated that the tribal council questioned Glen on who would be paying for the lawyer 's legal opinion he presented at the meeting. Noting that there is no record that the EAT board approved the payment for this legal opinion to question the tribes action. There is record of health insurance benefits and there is financial gain.

***Vote on the motion was held by secret ballot. Total vote of five (5) yes; zero (0) no. Motion carried.***

At this time the tribal council appointed the EAT representative and alternate.

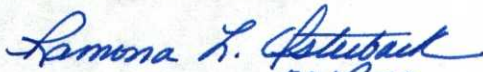
***Sharon Ogata motioned to nominate Peggy Osterback as the Representative for EAT's and Edith Jacobsen as the alternate. David second..***

***Vote on motion: Peggy declared a conflict of interest due to the financial gain. Vote on the motion was held by secret ballot. Total vote of four (4) yes, zero (0) no. Motion carried.***

No action on office staff position is taken at this time. The Council offered Ramona a bonus for her time from June 1,1996 until the administrator is hired, The financial status will be reviewed before a bonus is given.

***David moved to adjourn the meeting. Peggy second. Unanimous vote to adjourn. There being no further business to come before the tribal council the meeting was adjourned at 11:36 P.M.***

Respectfully Submitted,

  
Ramona L Osterback *RL*

Approved: 03/07/97