

# COLVILLE CONFEDERATED TRIBES

## COLVILLE BUSINESS COUNCIL

### Resolution Index

**Condensed by, Ciciley M. Yellowwolf, CBC Recording Secretary**

***SPECIAL SESSION on, June 26, 2008***

Council Members Present: Ted Bessette, Karen Condon (arr. 10:40 a.m.), Michael Finley, Jeanne Jerred, Andrew Joseph Jr., Gene Joseph, Susie Mason, Cherie Moomaw, Doug Seymour, Virgil Seymour, John Stensgar

Delegation/Absent: Deb Louie, Mike Marchand, Brian Nissen

Resolution No.	Condensed Recommendation Information	Colville Business Council Vote Tally
<b>10 Signature 2008-471.l&amp;j</b>	Approve ORA investigation of ICWA matter	<b>10 FOR(CM, AJ, TB, KC, SM, JJ, VS, BN, MM, JJ) 0 AGAINST, 0 ABSTAIN</b>
<b>2008-472.nat</b>	Amend Emergency Resolution 2008-394 to reflect the correct dollar of \$220,000.00	<b>8 FOR, 0 AGAINST, 0 ABSTAIN</b>
<b>10-Signature 2008-473.hhs/m&amp;b</b>	Approve Marcella R. Palmer's Provider Contract and corresponding Open Purchase Order amount of \$350,000.00. Mental Health counseling services will be provided to American Indians/Alaska Natives and their clinical family members in need of said services pursuant to the contract. No Tribal Dollars Involved.	<b>10 FOR (AJ, CM, TB, SM, KC, JJ, DS, MF, DL, MM) 0 AGAINST, 0 ABSTAIN</b>
<b>10-Signature 2008-474.nat</b>	Approve the request from Parks and Recreation to submit a COPS grant application to the Department of Justice, Office of Community Oriented Policing Services, Tribal Resource TRGP in the amount of \$199,982.00. The purpose of the grant is to purchase 2 4x4 ATV's; 2 4x4 vehicles with accessories; patrol boat accessories; cell phone boosters; siren packages for vehicles; 5 new winches; 10 light bars and duty gear. The CBC chairman or designee to sign all pertinent documents. Requesting emergency 10 signatures.	<b>10 FOR (DS,MF,DL, JJ, KC, MM, GJ, AJ, TB, BN) 0 AGAINST, 0 ABSTAIN</b>
<b>10-Signature 2008-475.hhs</b>	The Indian Nation Program Agreement between the Colville Tribes and DSHS for Child Placing Agency Services is renewable yearly. This is a Fee for Service Contract for July 1, 2008 to June 30, 2009. This Contract involves two of our state budgets. One covers payment to the Foster Homes for the care of our tribal children, the other is used to purchase clothing, school supplies, and other needs of the tribal child while a client of the program. No Tribal dollars. Chairman or designee authorized to sign documents.	<b>10 FOR(AJ, TB, KC, JJ, DL, DS, MF, MM, GJ, BN) 0 AGAINST, 0 ABSTAIN</b>
<b>10-Signature 2008-476.l&amp;j</b>	Approve the termination of the Attorney Contract for Colville Tribal Prosecutor pursuant to its "Termination Without Cause" provision and to direct the ORA to negotiate the specifics of the Prosecutor's departure with the Tribal Prosecutor as soon as possible.	
<b>10-Signature 2008-477.l&amp;j</b>	Appoint Jonnie Bray as Acting Lead Prosecutor in the Tribal Prosecutor in the Tribal Prosecutor's Office and to direct the ORA to negotiate a contract for these services, such contract	

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	to be in effect immediately upon the departure of the current Lead Prosecutor in the Office. The contract shall not take effect until approved by resolution of the Colville Business Council.	
<b>10-Signature 2008-478.nat</b>	To rescind Resolution No. 2008-470 dated June 9, 2008 in its entirety.	<b>10 FOR (JJ ,KC, SM, VS, BN, MM, AJ, JS, DS, GJ) 0 AGAINST, 0 ABSTAIN</b>
<b>10-Signature 2008-479.nat</b>	It is the recommendation to approve Home Site Lease# 08-49 on Tribal Tract 101T4211, To Pattie Marchand (Tribal Member); Term 25 Years + 25 Years; Rental Rate: \$ 250.00 Per Annum Subject to the Fair Market Rental to be established by appraisal. Application has been routed through 3P with no objections. All concerns of 3P disciplines will be stipulated as part of the lease.	<b>10 FOR (TB, AJ, MM, GJ, MF, JS, VS, BN, SM, KC) 0 AGAINST 0 ABSTAIN</b>
<b>10-Signature 2008-480.e&amp;e</b>	It is the recommendation to instate Walter F. Arnold, Keller District, to the TERO Commission for a four year term, 2008 Through 2012.	<b>10 FOR (KC, DL, GJ, MM, SM, DS, BN, VS, TB, AJ) 0 AGAINST 0 ABSTAIN</b>
<b>10-Signature 2008-481.e&amp;e</b>	It is the recommendation to begin the advertisement of the Omak District TERO Commissioner. This will be a three year term.	<b>10 FOR (KC, DL, GJ, TB, MM, SM, DS, BN, VS, AJ) 0 AGAINST 0 ABSTAIN</b>
<b>10-Signature 2008-482.nat</b>	It is the recommendation to approve to rescind Resolution 2001-267, Donna Zacherle, Tribal Member, for Home Site Lease No. 01-28 on the following described tract: A portion of Tribal Tract No. 101-T4211 located within the NW1/4NE1/4NE1/4, Section 20, Township 34 North, Range 27 East Willamette Meridian, Okanogan County, Washington, containing 5.0 acres, more or less. This Home Site Lease was withdrawn from Realty's active lease files in December 2005.	<b>10 FOR (CM, TB, JS, VS, MF, KC, MM, BN, JJ, SM) 0 AGAINST 0 ABSTAIN</b>
<b>10-Signature 2008-483.cdc</b>	It is the recommendation to authorize the Tribal Energy Program to submit a BIA Tribal Energy Development Capacity grant application for FY2008 funding cycle. The Energy Program seeks funding to provide further assistance with the development with the Omak Woody Biomass Power Project. The Chairman or designee is authorized to sign all application documents.	<b>10 FOR (VS, GJ, CM, AJ, MF, DS, TB, JS, KC) 0 AGAINST 0 ABSTAIN</b>
<b>2008-484.cdc/m&amp;b</b>	It is the recommendation whereas the donations committee has currently \$ 21,000 unallocated funds remaining in the account, and whereas the CCT Tribe is experiencing significant shortfalls in funds to help communities fund local celebrations, it is the recommendation of this committee to allocate \$ 10, 000 of the \$ 21, 000 to be Tribal Gatherings funds and to be used as designated by Tribal Council between now and September 30, 2008.	<b>6 FOR (VS, SM, MF) 4 AGAINST (TB, CM, GJ, JJ) 0 ABSTAIN</b>
<b>2008-485cdc/m&amp;b</b>	It is the recommendation to approve FY2008 Budget Modification for the Inchelium Ferry Program in the amount of \$ 61, 400: funds to come from the Economic Development fund, "To amend the budget accordingly."	<b>9 FOR CM, TB, SM, MF) 1 AGAINST (GJ) 0 ABSTAIN</b>
<b>2008-486.cdc</b>	It is the recommendation to designate the following areas on the Colville Indian Reservation for controlled firework displays: Nespelem Area: Buffalo Lake @ Reynolds Resort; Owhi Lake @ Gua Point and the first campground on the East side of the lake, and Agency ball field with 50 yd. barrier between History/Archaeology. Omak Area: Omak	<b>9 FOR (AJ, MF) 1 AGAINST (JJ) 0 ABSTAIN</b>

	Lake @ Baines Beach and Nicholson Beach. Keller Area: Ferry Landing, Keller Park, and Head of the Lake (San Poil Bay Park.) Inchelium Area: Round Lake, Inchelium Baseball Fields, and Twin Lakes. These areas will have MTFC pumper trucks on standby for fire protection throughout the 4 <sup>th</sup> of July.	
<b>2008-487.cdc</b>	It is the recommendation to concur with CIHA Board of commissioner Resolution 2008-14 approved June 11, 2008 for appointment of Ricard Tupling representing CIHA Board of commissioner Omak District Position. Appointment shall be to fill the remaining term effective May 27, 2008 to March 1, 2011, position recently vacated by Kate Sanchez. This resolution supersedes all prior resolutions pertaining to Omak District Commissioner.	<b>10 FOR (DL, BN, SM, GJ) 0 AGAINST 0 ABSTAIN</b>
<b>2008-488.cul</b>	It is the recommendation to appoint Lucinda Seymour/Archives & Records as Coordinator of the CCT Royalty Committee. It is also the recommendation of the Culture Committee to appoint Pamela C. Nanamkin-Spencer, Trudi Tonasket, L. Marlene Poulson, and Barbara Covington-Garry as the CCT Royalty Committee. This recommendation will supersede all other resolutions pertaining to the CCT Royalty Committee.	<b>10 FOR (AJ, BN, MM, JJ) 0 AGAINST 0 ABSTAIN</b>
<b>2008-489.cul</b>	It is the recommendation to approve Research Permit Application 200-06 Daniel Audet. "Upper Columbia River RI/FS Recreation Survey." Mr. Audet will adhere to all the comments and recommendations on the permit. Mr. Audet will adhere to the Research Permit Ordinance. The Colville Tribes will retain copy right to all materials produced during the project. Information gathered will not be used for any other purpose unless written approval has been obtained in writing. Mr. Audet is responsible for providing a copy of this study to the History/Archaeology Department, and Archives/Records Center. Funding will be provided by the Teck Cominco Settlement, which is TBD, no tribal dollars needed. Lastly, Mr. Audet has until January 31, 2010 to complete his project. Failure to comply with the Research Ordinance and deadline will result in possible legal action in Colville Tribal Court.	<b>10 FOR (AJ, BN, DS, JJ) 0 AGAINST 0 ABSTAIN</b>
2008-490.cul	It is the recommendation to amend verbage in Resolution 2008-401 regarding Research Permit Application 2008-08 to include necessary legal verbage and to read as; To approve Research Permit Application 2008-08, Brendan Dowling of Wa. Dept. of Ecology, project entitled "2008 UCR Sediment Sampling: Benthic Colonization and Bioassy." Mr. Dowling will adhere to the Research Permit Ordinance and all recommendations. The Colville Tribes will retain copy right to all materials during this project. Mr. Dowling is required to provide a final copy of his project to the Archives & Records Center, and Environmental Trust Department. Mr. Dowling has until October 31, 2008 to complete his study. Failure to comply with the Research Ordinance, deadline, and recommendations will result in possible legal action in Colville Tribal Court.	<b>10 FOR (AJ, BN, DS, MM, JJ) 0 AGAINST 0 ABSTAIN</b>
2008-491.cul	It is the recommendation to approve Research Permit Application 2008-09, Lillian Herger of the Environmental	<b>10 FOR (AJ, BN, DS, JJ, MM) 0 AGAINST 0 ABSTAIN</b>

	Protection Agency, project entitled, “Mid-Columbia Toxics Study.” Ms. Herger will adhere to all the comments and recommendations on the permit. Ms. Herger will adhere to the Research Permit Ordinance. The Colville Tribes will retain copy right to all materials produced during this project. Information gathered will not be used for any other purpose unless written approval has been obtained in writing. Ms. Herger is responsible for providing a copy of the completed study to the Archives & Records Center, Environmental Trust Department, and the Fish & Wildlife Department. Lastly, Ms. Herger has until July 31, 2008 to complete her project. Failure to comply with the Research Permit Ordinance and deadline will result in possible legal action in Colville Tribal Court.	
2008-492.cul	It is the recommendation to approve Research Permit Application 2008-11, Dr. John Shaw, of U of Alberta-Dept. of Civil & Environmental Engineering, project entitled, “Glacial Flood Sediments in the San Poil Arm.” Dr. Shaw will adhere to all the comments and recommendations on the permit. Dr. Shaw will adhere to the Research Permit Ordinance. The Colville Tribes will retain copy right to all material produced during this project. Information gathered will not be used for any other purpose unless written approval has been obtained in writing. Dr. Shaw is responsible for providing a copy of his study/findings to the History/Archaeology Department, and the Archives & Records Center. Lastly, Mr. Shaw has until October 31, 2009 to complete his project. Failure to comply with the Research Ordinance and deadline will result in possible legal action in Colville Tribal Court.	<b>10 FOR (AJ, BN, JS, VS, SM, GJ, KC, JJ) 0 AGAINST 0 ABSTAIN</b>
2008-493.l&j/cul	It is the recommendation to approve Research Permit Application to approve Research Permit Application 2008-12, “Native American Juvenile Justice,” Ron Wiley. Mr. Wiley will examine and review the juvenile justice system, goals, objectives, current rehabilitation practices versus detention policies and procedures. Mr. Wiley is required to adhere to the Research Ordinance and to provide copies of the draft to his study prior to its completion for review by Adult Probation, Archives & Records, Detention Facility, Law Enforcement, ORA, Behavior Health, and Legal Services. Upon the completion of the final study Mr. Wiley will provide each aforementioned program a copy. Lastly, Mr. Wiley has until July 1, 2009 to complete his study. Failure to comply with the Research Ordinance may result in action in Colville Tribal Court.	<b>9 FOR (AJ, BN, JS, VS, SM, MF, KC, JJ) 0 AGAINST 1 ABSTAIN (GJ)</b>
2008-494.gov	It is the recommendation to correct the numbers of the attached resolution by deleting the numbers erroneously given and to assign new numbers in sequence beginning after the last number that has been correctly assigned to a resolution as of the approval of this recommendation.	<b>10 FOR (JJ, KC, SM, MM, DS) 0 AGAINST 0 ABSTAIN</b>
2008-495.gov	It is the recommendation to authorize the Enrollment department to draft all resolutions concerning enrollment cases. The Enrollment department shall utilize the resolution numbers assigned by the recording secretary. The Enrollment Department shall provide a finalized copy of the	<b>10 FOR (JJ, MM, SM, KC) 0 AGAINST 0 ABSTAIN</b>

	resolution to the recording secretary.	
2008-496.gov	It is the recommendation to authorize the Enrollment Director to release individual's membership status to other federally recognized tribal governments, the federal government, and state and local governments for the purposes of criminal prosecutions.	<b>10 FOR (KC, SM, MM, DS, JJ) 0 AGAINST 0 ABSTAIN</b>
2008-497.hum/cul	It is the recommendation for the approval for 2009 Foster Grandparent Program grant (Account 6700) in the amount of \$ 121,247.00 and matching funds (account 371) to be taken from the Tribal General Fund in the amount of \$ 47,470.00 to go towards the Colville Tribal Foster Grandparent program. Approval for the Colville Tribal Chairperson to sign off on the Foster Grandparent Grant agreeing to the terms of the Grant.	<b>7 (AJ, BN, JS, VS, SM, GJ, MF) FOR 2 AGAINST (GJ, JJ) 0 ABSTAIN</b>
2008-498.l&j/m&b	It is the recommendation to approve the recommendation to set a sliding scale for departing gifts for Colville Business Council members not re-elected. The sliding scale limit for gifts per Council person is based on consecutive length of terms; for the first term, the limit per gift is \$ 250.00, which will increase by \$ 250.00 per consecutive term; the maximum amount for a gift per Council person no re-elected who has been in office longer than eight terms is \$ 2,000.00.	<b>7 FOR (MF, VS, JS, KC, JJ) 2 AGAINST (GJ,TB) 0 ABSTAIN</b>
2008-499.l&j	It is the recommendation to direct the ORA to move to transfer jurisdiction of Washington Superior Court Case No. 07-7-00173-8 to the Colville Tribal Court.	<b>7 FOR (CM, AJ, MF, JS, VS, KC, JJ) 1 AGAINST (GJ) 1 ABSTAIN (TB)</b>
2008-500.l&j	It is the recommendation to approve amendment to Tribal Police Policies to authorize hiring prior to Police Academy completion, consistent with attached provisions and 25 CFR 12.36.	<b>8 FOR (CM, AJ, MF, JS, VS, KC) 1 AGAINST (JJ) 0 ABSTAIN</b>
2008-501.l&j	It is the recommendation to approve the emergency-hire appointment of Sheilah Cleveland as Acting Associate Judge until the vacant Associate Judge position is filled and to direct the ORA to negotiate an employment agreement with her and to present the Agreement to the CBC for its consideration.	<b>8 FOR (AJ, JS, VS, GJ, MF, KC, JJ) 1 AGAINST (JS) 0 ABSTAIN</b>
2008-502.l&j	It is the recommendation to authorize the Office of the Reservation Attorney to seek amicus status in support of the plaintiff(s) in Aubertin v. Kooy's Irrigation and Clearwater Drilling, a Tribal Court case that involves issues of civil adjudicatory authority and contract.	<b>9 FOR (AJ, JS, GJ, MF, KC, JJ) 0 AGAINST 0 ABSTAIN</b>
2008-503.l&j	It is the recommendation to approve the negotiation of a contract with Jill J. Smith as an ORA Reservation Attorney and to direct ORA Managing Attorney to negotiate a contract for employment with her and to bring the contract for review and approval of the Colville Business Council.	<b>9 FOR (JS, VS, GJ, MF, KC, JJ) 0 AGAINST 0 ABSTAIN</b>
2008-504.l&j	It is the recommendation to direct the ORA to file on behalf of the Colville Tribes as an Amicus in the appeal of a recent Colville Tribal Court order regarding the court's jurisdiction over a Tribal Member living off the reservation, Case No. CV-NC-2008-28187.	<b>9 FOR (AJ, JS, VS, GJ, MF, KC, JJ) 0 AGAINST 0 ABSTAIN</b>
2008-505.l&j/gov	It is the recommendation of the joint committee to approve the CBC Orientation Book for CBC Council members. This is the living document and will be reviewed and amended as needed.	<b>8 FOR (MF, GJ, KC, JJ) 0 AGAINST 1 ABSTAIN (AJ)</b>
2008-506.l&j	It is the recommendation to approve the attached Agreement	<b>8 FOR 1 AGAINST 0 ABSTAIN</b>

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	with Jonnie Bray as Acting Lead Prosecutor in the Prosecuting Attorney's Office and to authorize the Chairman or designee to sign. No new Tribal dollars required.	
2008-507.m&b	It is the recommendation to enact the amendments for Chapter 6-8, Tobacco as proposed. Chapter 6-8 has been processed utilizing CBC Procedural Rule 3 (b), (e), (f), and (g) is in the final stage. Once approved, a copy shall be forwarded to the Code Reviser for certification and distribution.	9 FOR (BN, MM, DL, CM, AJ, JS, SM, MF, KC) 0 AGAINST 0 ABSTAIN
2008-508.nat	It is the recommendation to transfer the following property from Colville Tribal Credit Corporation to the Confederated Tribes of the Colville Reservation: Shawn Carden: Tract # 101-5658; TID # 748, Lot 7, Block 129, Plat of the townsite of Omak, Colville Indian Reservation, as per plat thereof recorded in Book D of Plats, pages 31 and 32, records of the Auditor, Okanogan County, Washington, Section 36, Township 34 North, Range 26 E.W.M., containing 0.16 acres, more or less. Valued at \$ 40,000.	8 FOR (DS, BN, GJ, KC) 0 AGAINST 1 ABSTAIN (JJ)
2008-509.nat	It is the recommendation to approve the Tribes' EPA Clean Air Act of 105 grant submittal for \$ 96, 554 for fiscal year 2009. No Tribal funds are required and matching in-kind services are provided by the Environmental Trust BIA TPA account # 1881. Chairman or designee is authorized to sign documents related to this grant.	8 FOR (DS, GJ, VS, BN) 0 AGAINST 1 ABSTAIN (JJ)
2009-510.nat	It is the recommendation to authorize the negotiation of a contract with Dan Brudevold the Land & Property Department Director and to be brought back to the Natural Resource Committee for final approval.	8 FOR (DS, TB, BN, VS, GJ, KC, JJ) 2 AGAINST (KC, GJ) 0 ABSTAIN
2008-511.nat	It is the recommendation to appoint Albert Andrews, Milton Davis, and the Office of the Reservation Attorneys to serve as representatives on the Steering Committee under the Memorandum of Agreement on the planning and management of the Marr Ranch heritage site on a temporary basis pending further input from Chief Joseph Band members of the Colville Confederated Tribes.	10 FOR (DS, TB, BN, VS, GJ, KC, JJ) 0 AGAINST 0 ABSTAIN
2008-512.nat	It is the recommendation to authorize the transfer of the Molnar Property in British Columbia from CTEC to the Arrow Lakes Aboriginal Society for \$ 1 and other consideration.	8 FOR (DS, TB, BN, VS, KC, JJ) 0 AGAINST 1 ABSTAIN (JS)
2008-513.nat	It is the recommendation to approve the attached FY2008 Sub-Contract with Washington Department of Fish & Wildlife in the amount of \$ 30,900.00 to perform Genetic Analysis of Kokanee and to authorize the chairman and/or his designee to sign any related documents to this contract. Funded by Federal Dollars, No Tribal Dollars attached.	9 FOR (DS, KC, GJ, VS, BN, TB) 0 AGAINST 1 ABSTAIN (AJ)
2008-514.nat	It is the recommendation to approve the attached FY2008 contract with Mobley Engineering in the amount of \$ 190,190.00 and to authorize the chairman and/or his designee to sign any related documents to this contract. Funded by Washington State (CRWMP Resident Fish Enhancement) Dollars, No Tribal Dollars attached.	10 FOR (DS, JJ, KC, GJ, VS) 0 AGAINST 0 ABSTAIN
2008-515.nat	It is the recommendation to amend the Wildlife Division part of Resolution 2008-129 to include the new changes as presented on the flow chart. No Tribal Dollars attached, Federal Funds Only.	10 FOR (DS, TB, VS, GJ, KC, JJ) 0 AGAINST 0 ABSTAIN

2008-516.nat	It is the recommendation to approve the attached FY2008 Pre-award letter for the 312708 – Evaluation of Live Capture Gear/Selective Harvest Project in the amount of \$ 118, 138.00 for the period of June 1, 2008 to July 31, 2008. Funded by Federal Dollars, No Tribal Dollars attached. Authorize chair or designee to sign all documents.	9 FOR (DS, TB, BN, VS, GJ, JJ, KC) 0 AGAINST 0 ABSTAIN
2008-517.nat	It is the recommendation to recommend the authorization of this contractor, J-PAK Excavating to proceed with described excavator piling work in the Louie Creek HFR Project. Funds are allocated with federal national Fire Plan Hazardous Fuels Reduction Monies. The contract amount is \$ 103,500.00 (Bid amt \$ 115/acre *900 acres.) The completion date for all work under this contract is September 22, 2008. Authorize Chairman or designee to sign all pertinent documents.	8 FOR (DS, JJ, KC, GJ, VS, TB) 0 AGAINST 0 ABSTAIN