



COLVILLE CONFEDERATED TRIBES COLVILLE BUSINESS COUNCIL

Regular Session

April 8th, 2020

Resolution Index

Condensed by, Naomi Yazzie, Executive Office Assistant

Present: Rodney Cawston, Jack Ferguson, Joel Boyd, Karen Condon, Norma Sanchez, Margie Hutchinson, Roger Finley, Richard Moses, Richard Swan Sr., Darnell Sam

Delegation/Leave: Janet Nicholson, Joseph Somday, Marvin Kheel, Jarred-Michael Erickson

Resolution No.	Condensed Recommendation Information	Colville Business Council Vote Tally
<i>2020-149.l&j</i> <i>10-Signature</i>	Whereas, all camping whether in a designated area or random camping in a tent, trailer, etc. within the exterior boundaries of the Colville Reservation shall be prohibited until further notice, in an effort to help reduce the spread of COVID-19. Effective immediately.	10 FOR (JME, DS, MK, RS, KC, RC, JF, RF, JS, RM) 0 AGAINST 0 ABSTAINED Rationale: Timelines
<i>2020-150.l&j</i> <i>10-Signature</i>	Whereas, to curtail the spread of the COVID-19 pandemic in Washington State and protect our most vulnerable populations, it is necessary to immediately prohibit any number of people from congregating in public venues for purposes of public entertainment, recreation, food or beverage service, and other similar activities in order to limit opportunities for disease exposure and transmission in the State.	10 FOR (JME, DS, MK, RS, KC, RC, JF, RF, JS, RM) 0 AGAINST 0 ABSTAINED Rationale: Timelines
<i>2020-151.tg</i> <i>10-Signature</i>	To restrict gatherings of ten or more people in public places, until further notice.	10 FOR (JME, MK, RS, KC, RC, JF, RF, DS, JS, RM) 0 AGAINST 0 ABSTAINED Rationale: Timelines
<i>2020-152.exe</i> <i>10-Signature</i>	To approve the closure of the Colville Reservation in response to the Covid-19 pandemic. Only tribal members, non-member residents, reservation employees, delivery, postal, food service, and other pre-approved outside agency personnel or essential services will be allowed access. Chair or designee authorized to sign all pertinent documents.	10 FOR (RC, JF, RF, KC, DS, MK, RM, MH, JS, JME) 0 AGAINST 0 ABSTAINED Rationale: Timelines
<i>2020-153.tg.m&b.cdc</i>	To approve the 2020 May Elder Quarterly Stipend, from	10 FOR (MK, KC, JF, RF,

<p><i>10-Signature</i></p>	<p>account PL75747012, in the amount of \$350.00 to each eligible tribal member age 55 and older of the Confederated Tribes of the Colville Reservation. Elder Stipend shall be distributed on or before May 4, 2020. Eligibility for the Elder Stipend shall be: age 55, enrolled and living as of midnight of March 30, 2020. The following shall not apply to the 2020 May Elder Stipend: Debt Set-Off Ordinance and Retro Active Payments. Department hold list is due April 6, 2020. The following departmental holds shall be approved for deposit into the tribal members IIM account: 1. Social Services (Regular): Court Order/Voluntary consent for adults. 2. Enrollment: Deceased Elders/Unclaimed Checks past 90 days.</p>	<p>RC, DS, JME, JB, MH, JS) 0 AGAINST 0 ABSTAINED Rationale: Timelines</p>
<p><i>2020-154.m&b.cdc.hhs</i> <i>10-Signature</i></p>	<p>To move monies from budgeted salaries and fringe line items to Agency Nursing line items to provide adequate nursing department staff. The Convalescent Center is moving monies within their approved budget so no additional monies are needed.</p>	<p>10 FOR (JF, RC, DS, KC, JME, JS, JB, MK, NS, RM) 0 AGAINST 0 ABSTAINED Rationale: Timelines</p>
<p><i>2020-155.ele.tg</i> <i>10-Signature</i></p>	<p>To approve and accept Na'ah Illahee Fund for 2020 Native Census initiative. The Chairman or designee is authorized to sign all pertinent documents.</p>	<p>10 FOR (JF, DS, KC, RC, RE, MH, JB, JS, RM, JME) 0 AGAINST 0 ABSTAINED Rationale: Timelines</p>
<p><i>2020-156.tg</i> <i>10-Signature</i></p>	<p>Whereas, the Colville Business Council as the duly elected governing body of the Confederated Tribes of the Colville Reservation is charged with the profound responsibility of caring for the public health and safety of all members of the Colville Tribes and of all residents of the Colville Reservation; and Whereas, the novel coronavirus COVID-19, a virus which spreads easily from person to person and can result in hospitalization or death, has been classified by the World Health Organization as a global pandemic; and Whereas, there are currently at least 2,221 documented cases of COVID-19 within Washington State, which have tragically resulted in at least 110 deaths; and Whereas, cases of COVID-19 have been reported in counties occupied by, or neighboring, the Colville Reservation; and Whereas, medical models predict that the virus can spread so quickly that hospitals and other medical care facilities can become overwhelmed with critically ill patients, and the real impact of increasing hospitalizations has already been observed in Washington State and around the country and the world; and Whereas, it is necessary to substantially slow the spread of the virus to maximize public safety; and</p>	<p>10 FOR (JF, DS, RM, KC, RC, RE, MH, NS, JS, JME) 0 AGAINST 0 ABSTAINED Rationale: Timelines</p>

Whereas, this pandemic threatens the life and health of all residents of the Colville Reservation, as well as the economy of the Colville Reservation; and

Whereas, enforcing strict social distancing between people has been an effective means of slowing the spread of the virus; and

Whereas, the Tribes began expending resources to protect the public very early in the crisis, including a deep cleaning of Tribal facilities from March 5, 2020 to March 8, 2020 with a day of administrative leave for affected employees, and the Tribes began foregoing revenue to protect the public, including the closure of a major Tribal casino on March 15, 2020; and

Whereas, the Tribes announced a partial shutdown of Tribal government on March 18, 2020, and released a formal COVID-19 Emergency Action Plan on March 19, 2020 to mandate a partial shutdown of Tribal operations which are not necessary to preserve public safety or for the immediate continuity of essential governmental services, to be effective until April 1, 2020; and

Whereas, the Colville Tribes passed Resolution #2020-126 on March 19, 2020, which declared a Public Health Emergency due to the COVID-19 outbreak, and formed an Incident Response Team to coordinate resources with the Tribes' governmental partners and across the Colville Reservation, and in which the Tribes requested assistance from its state and federal partners to secure additional resources to supplement the resources of the Tribes which will be severely strained during this crisis; and

Whereas, the Tribes passed Emergency Resolution #2020-149 on March 23, 2020, to prohibit camping within the exterior boundaries of the Colville Reservation; and

Whereas, the Tribes passed Emergency Resolution #2020-150 on March 23, 2020, to prohibit public congregations for purposes of public entertainment, recreation, food or beverage service, and other similar activities, and;

Whereas, the Tribes passed Emergency Resolution #2020-151 on March 23, 2020, to prohibit gatherings of ten or more people in public spaces; and

Whereas, the Tribes announced on March 25, 2020 that the Colville Reservation is closed to non-essential traffic until further notice, with all of these governmental actions intended to enforce social distancing, slow the spread of the virus, limit the economic damage caused by spread of the virus, and to safeguard public health and safety; and

Whereas, the Governor of the State of Washington has instituted "stay at home and stay safe" orders, including Proclamation #20-25 on March 23, 2020, to close businesses and keep citizens at home within Washington, while other states have not issued any such orders, and the Colville Tribes has acted to

cooperate with and reinforce the State of Washington's approach to protecting the public health and safety for all residents within the State of Washington; and

Whereas, the Colville Reservation sits in a rural, poor area of the State of Washington and lacks adequate medical resources in the best of times, as, for example, many residents live many miles from any clinic or hospital; and

Whereas, all of the revenue generated by for-profit enterprises of the Colville Tribes is used exclusively for the purpose of providing essential government services to enrolled members of the Colville Tribes and to all residents of the Colville Reservation; and

Whereas, American Indians and Alaska Natives are known to be historically impacted at a disproportionate level by outbreaks of communicable disease, such as during the 2009 H1N1 pandemic when the Center for Disease Control advised in a December 11, 2009 letter that American Indians and Alaska Natives should be considered a priority population;

Now, Therefore, the Colville Business Council through its duly appointed Chairman, Rodney Cawston, does hereby proclaim that a State of Emergency as described in Resolution #2020-126 continues to exist on the Colville Reservation and will continue to exist until further notice. All prior proclamations and Resolutions and orders and directives of the Colville Business Council and its agencies are to remain in full force and effect until formally amended or terminated.

Further, the prohibitions contained within Resolutions #149, 150, and 151, which are all designed to enforce social distancing, prohibit public congregations, and to require citizens to stay safe by staying at home, and the announced closure of the Colville Reservation to non-essential traffic, will remain in effect until midnight on April 30, 2020, unless later extended beyond that date.

Further, the COVID-19 Emergency Action Plan announced on March 19, 2020, which included the partial shutdown of those functions of Tribal government not immediately required to protect public safety or to secure the continuous function of Tribal government, is extended until midnight on April 30, 2020 unless later extended beyond that date. An appendix is attached hereto which reflects the current determinations of work status across the many agencies of Tribal governments. The work status of employees as reflected in these documents will continue until midnight on April 30, 2020 unless later extended beyond that date, and except as amended by future Resolution of the Colville Business Council or by supervisors of individual tribal agencies.

Further, all essential activities for which residents of the Colville Reservation may leave their homes are defined to

include obtaining supplies and services necessary to maintain safety, sanitation and essential maintenance of a home for family or household members and pets; activities essential for health and safety such as seeking medical or emergency care or obtaining medical supplies or medication; caring for a family member, friend, or pet; and engaging in limited outdoor activities such as walking or biking but only if appropriate social distancing practices are used.

Further, Resolution #2020-149 is hereby amended to permit camping within the exterior boundaries of the Colville Reservation by enrolled tribal members, but the prohibition on camping shall otherwise continue until midnight on April 30, 2020 unless later extended beyond that date, and the prohibition on gatherings of ten or more people in public places applies to allowed camping by enrolled tribal members.

Further, this prohibition shall not apply to people experiencing homelessness or whose homes become unsafe, such as victims of domestic violence, but such people are strongly encouraged to find safe shelter as soon as possible.

Further, all non-essential businesses on the Colville Reservation shall cease operations except for performing basic minimum operations. All essential businesses are encouraged to remain open and maintain operations, but must comply with social distancing and sanitation measures as established by the United States Department of Labor or the Washington State Department of Health Guidelines. Essential businesses are defined in the Appendix to the Governor of Washington's Proclamation #20-25 issued on March 23, 2020, with the concurrence of the Colville Business Council but subject to amendments or re-classifications that may be made by the Colville Business Council in regard to the Colville Reservation. This prohibition shall remain in effect until midnight on April 30, 2020 unless later extended beyond that date.

Further, as announced on March 25, 2020 the Colville Reservation is now closed to visitors until further notice. Access remains allowed for tribal members, non-member residents of the Reservation, employees of the Tribes, delivery, postal, and food services, and other pre-approved outside agency personnel or essential services. The state highways on the Reservation, including Highways #155, 97, and 21, remain open to through traffic.

This Resolution shall not be construed to prohibit working from home, operating a single owner business with no public interaction, or restaurants or other food-service businesses providing a take-out service so long as proper social distancing and sanitation measures are implemented, nor does it prohibit construction services on facilities deemed essential by Tribal government.

	Further, the Colville Tribes does not waive, alter or otherwise diminish its sovereign immunity, whether express or implied, by virtue of the declaration of emergency or other actions taken to combat the spread of COVID-19.	
2020-157.m&b.cdc	To appoint Andrew Pooler to the Colville Tribal Federal Corporation Board of Directors for a term of two years. In the event Mr. Pooler declines the appointment or does not clear the background check the position will remain open until filled. This authorizes the Chairman or designee to sign all relevant documents.	6 FOR (JF, JB, MH, RF, RM, RS) 0 AGAINST 3 ABSTAINED (KC, NS, DS)
2020-158.m&b.cdc.l&j	To approve amendments for Chapter 6-5 Gaming Code, with non-substantive corrections, as attached. Process utilizing CBC Procedural Rule 3 (b), (e), and (g) were followed. Further, it is the recommendation of the Management & Budget/Community Development and Law & Justice Committees to declare an emergency pursuant to CBC Procedural Rule 3 (c) to approve an additional amendment to Chapter 6-5-101 (c)(4)(G) to clarify the required information requested during background investigations. It is also recommended that if NIGC declines to approve these updates, the version certified November 2017 shall continue to remain in effect. Once approved, a copy shall be forwarded to the Code Reviser for certification and distribution.	9 FOR (JF, JB, KC, NS, MH, RF, RM, RS, DS) 0 AGAINST 0 ABSTAINED
2020-159.m&b.cdc	To approve the attached Non-Disclosure Agreement between the Confederated Tribes of the Colville Reservation and Mural Net a Non-Profit organization. Mural Net will conduct a wireless study analysis, assist the Colville Tribes with FCC application for the 2.5GhZ spectrum licensing, and assist with a wireless deployment plan to home, anchor institutes and businesses located on the Colville Reservation. Chair or Designee to sign all pertinent documents.	9 FOR (JF, JB, KC, NS, MH, RF, RM, RS, DS) 0 AGAINST 0 ABSTAINED
2020-160.m&b.cdc.nrc	To select and implement the Alternative proposed by the 3P (IRMP) team for the Friedlander Logging Unit. The Friedlander Timber Sale will harvest of an estimated 1,613,000 board feet of Ponderosa Pine, 7,459,000 board feet of Douglas-Fir/Western Larch, and 938,000 of White Fir/other species for a total harvest of 10,010,000 board feet. The project will treat a total of 1,856 acres of Tribal Trust land (848 acres of tractor skid system and 237 acres of cable skid system). In addition, Forestry will be deducting an estimated \$11.06 per mbf to be paid into the "Special Forestry Projects" account to implement Excavator Site Preparation contracts by the Forestry Department. Any remaining monies in the Special Forestry Projects funding will be returned back as additional stumpage. The chairperson or his or her designee may sign all pertinent documents.	9 FOR (JF, JB, KC, NS, MH, RF, RM, RS, DS) 0 AGAINST 0 ABSTAINED
2020-161.m&b.cdc.nrc	To select and implement the Alternative proposed by the 3P (IRMP) team for the Elbow Lake Logging Unit. The Elbow Lake Timber Sale will harvest of an estimated 513,000 board	9 FOR (JF, JB, KC, NS, MH, RF, RM, RS, DS) 0 AGAINST

	feet of Ponderosa Pine, 10,628,000 board feet of Douglas-Fir/Western Larch, 3,034,000 board feet of Lodgepole Pine, and 5,509,000 of White Fir/other species for a total harvest of 19,684,000 board feet. The project will treat a total of 1,683 acres of Tribal Trust land (1,325 acres of tractor skid system and 358 acres of cable skid system). In addition, Forestry will be deducting an estimated \$7.84 per mbf to be paid into the "Special Forestry Projects" account to implement Excavator Site Preparation contracts by the Forestry Department. Any remaining monies in the Special Forestry Projects funding will be returned back as additional stumpage. The chairperson or his or her designee may sign all pertinent documents.	0 ABSTAINED
2020-162.m&b.cdc.nrc	To select and implement the Alternative proposed by the 3P (IRMP) team for the Gold Mountain Logging Unit. The Gold Mountain Timber Sale will harvest of an estimated 996,000 board feet of Ponderosa Pine, 14,596,000 board feet of Douglas-Fir/Western Larch, 834,000 board feet of Lodgepole Pine, and 5,991,000 of other White Fir species for a total harvest of 22,417,000 board feet. The project will treat a total of 1,856 acres of Tribal Trust land (1,377 acres of tractor skid system and 479 acres of cable skid system). In addition, Forestry will be deducting an estimated \$5.28 per mbf to be paid into the "Special Forestry Projects" account to implement Excavator Site Preparation contracts by the Forestry Department. Any remaining monies in the Special Forestry Projects funding will be returned back as additional stumpage. The chairperson or his or her designee may sign all pertinent documents.	9 FOR (JF, JB, KC, NS, MH, RF, RM, RS, DS) 0 AGAINST 0 ABSTAINED
2020-163.m&b.cdc.nrc	To select and implement the Alternative proposed by the 3P (IRMP) team for the Wildhorse Logging Unit. The Wildhorse Timber Sale will harvest of an estimated 11,483,000 board feet of Ponderosa Pine, 5,283,000 board feet of Douglas-Fir/Western Larch, and 45,000 board feet of Lodgepole Pine, for a total harvest of 16,811,000 board feet. The project will treat a total of 2,524 acres of Tribal Trust land (2,306 acres of tractor skid system and 218 acres of cable skid system). In addition, Forestry will be deducting an estimated \$12.39 per mbf to be paid into the "Special Forestry Projects" account to implement Excavator Site Preparation contracts by the Forestry Department. Any remaining monies in the Special Forestry Projects funding will be returned back as additional stumpage. The chairperson or his or her designee may sign all pertinent documents.	9 FOR (JF, JB, KC, NS, MH, RF, RM, RS, DS) 0 AGAINST 0 ABSTAINED
2020-164.m&b.cdc.nrc	To select and implement the Alternative proposed by the 3P (IRMP) team for the Haden Creek Logging Unit. The Haden Creek Timber Sale will harvest of an estimated 3,164,000 board feet of Ponderosa Pine, 9,634,000 board feet of Douglas-Fir/Western Larch, 1,632,000 board feet of Lodgepole Pine, and 1,999,000 of White Fir/other species for a total harvest of	9 FOR (JF, JB, KC, NS, MH, RF, RM, RS, DS) 0 AGAINST 0 ABSTAINED

	16,429,000 board feet. The project will treat a total of 2,491 acres of Tribal Trust land (2,491 acres of tractor skid system and 0 acres of cable skid system). In addition, Forestry will be deducting an estimated \$12.23 per mbf to be paid into the "Special Forestry Projects" account to implement Excavator Site Preparation contracts by the Forestry Department. Any remaining monies in the Special Forestry Projects funding will be returned back as additional stumpage. The chairperson or his or her designee may sign all pertinent documents.	
2020-165.m&b.cdc.fish	To approve budget modification #1 for 910419 Restore Salmon Creek adding an additional \$3,500 bringing the total contract value to \$89,974 and the contract dates remain the same, and the Chairman or his/her designee authorized to sign all pertinent documents. Attached is budget modification #1. No Tribal dollars associated.	9 FOR (JF, JB, KC, NS, MH, RF, RM, RS, DS) 0 AGAINST 0 ABSTAINED
2020-166.m&b.cdc.fish.nrc	To approve change order #4 for Leading Edge Aviation adding an additional \$70,000 from fund 341 and bringing the total contract value to \$436,234 and contract dates remain the same, and authorize the Chairman or his/her designee to sign all pertinent documents. Attached is CO #4.	9 FOR (JF, JB, KC, NS, MH, RF, RM, RS, DS) 0 AGAINST 0 ABSTAINED
2020-167.m&b.cdc.fish	To approve 1993 Timber, Fish, Wildlife Supplemental for \$99,764 and contract dates are from October 1, 2019 to September 30, 2020. Please include the following statement in the resolution, "The Colville Confederated Tribes acknowledges that this proposal addresses only funds available for Timber, Fish, Wildlife Supplemental, and further acknowledges that no guarantee is made, or implied, that funds will be available for that purpose beyond the current fiscal year" and authorizes the Chairman or his/her designee to sign all pertinent documents. Attached is the fiscal year budget. No tribal dollars associated.	9 FOR (JF, JB, KC, NS, MH, RF, RM, RS, DS) 0 AGAINST 0 ABSTAINED
2020-168.l&j.m&b.cdc	To approve the attached Isolation and Quarantine Plan.	9 FOR (JF, JB, KC, NS, MH, RF, RM, RS, DS) 0 AGAINST 0 ABSTAINED
2020-169.l&j.m&b.cdc	To approve amendments to Chapter 3-1 Criminal Code, creating a new offense at Chapter 3-1-202 for the violation of an Isolation and Quarantine Plan, as attached. Further, it is the recommendation of the Law & Justice and Management & Budget/Community Development Committees to declare an emergency pursuant to CBC Procedural Rule 3(c). Once approved, a copy shall be forwarded to the Code Reviser for certification and distribution.	9 FOR (JF, JB, KC, NS, MH, RF, RM, RS, DS) 0 AGAINST 0 ABSTAINED