



COLVILLE CONFEDERATED TRIBES

COLVILLE BUSINESS COUNCIL

Special Session April 16th, 2015 Resolution Index

Condensed by, Trisha Jack, Administrative Assistant II

Present: Jim Boyd, Stevey Seymour, Allen Hammond (present 9:04am), Marvin Kheel, Richard Tonasket, Michael Marchand, Edwin Marchand, Nancy Johnson, Ricky Gabriel, William Nicholson II, Jack Ferguson, and Joseph Somday

Absent: Mel Tonasket and Andy Joseph, Jr.

Resolution No.	Condensed Recommendation Information	Colville Business Council Vote Tally
10-Signature 2015-270.nrc	To approve the contract for Jesse Palmer Construction to remove and replace livestock fencing. The contractor will be in Kartar. Work to be performed will include the following: Remove and Replace old degraded fence-line that has fallen down over the years and has become a safety issue to livestock and wildlife, improve remaining standing fencing, also construct and install approximately 9 miles (47,520 feet) of 4 strand fencing-line that is wildlife friendly that will meet NRCS specifications. The amount awarded for the contract is \$177,249.60. Chair or designee is authorized to sign all pertinent documents.	10 FOR (JS, AH, NJ, MM, MK, EM, SS, WN, JF, RT) 0 AGAINST 0 ABSTAINED *Rationale: Patrick Tonasket signature
2015-271.hhs/m&b	To amend the FY2015 AFA (Annual Funding Agreement) for the Human Services Contract #A08AV00187 in the amount of \$73,000.00. The scope of work is amended to include a social worker to address family violence issues.	11 FOR (SS, MK, AH, EM, MM, RT, NJ, RG, WN, JF, JS) 0 AGAINST 0 ABSTAINED
2015-272.hhs	WHEREAS, the contract between the State of Washington Department of Social and Health Services (DSHS) and the contractor is hereby amended as follows: A. The period of performance is extended through August 31, 2015. (B) Exhibit A. Statement of Work, is revised and replaced by Exhibit A-1, Statement of Work, which is attached hereto and incorporated herein. (C) Exhibit B-2, Work Plan Year Three, is attached hereto and incorporated herein. (D) Exhibit C-1 Budget is revised and replaced by Exhibit C-2 Budget, which is attached hereto and incorporated herein. (E) The maximum consideration is increased by \$10,000.00 for a new total maximum consideration of \$43,550.00.	11 FOR (SS, MK, AH, EM, MM, RT, NJ, RG, WN, JF, JS) 0 AGAINST 0 ABSTAINED

	All other terms and conditions of this contact remain in full force and effect. Chairman or his designee is hereby authorized to sign the amendment No. 03 1269-63927.	
2015-273.m&b	<p>WHEREAS, the Confederated Tribes of the Colville Reservation (the “Tribes”) is a federally recognized Indian tribe organized pursuant, and established pursuant to a Constitution and By-Laws adopted by the members of the Tribes on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938 (as amended to date, the “Constitution”); and</p> <p>WHEREAS, Article II of the Constitution provides that the Tribes shall be governed by the Colville Business Council (the “Colville Business Council”); and</p> <p>WHEREAS, the Colville Business Council possesses constitutional authority to approve the Tribes entering into contracts, which power the Colville Business Council has continuously and openly exercised since on or about the date of the effectiveness of the Constitution;</p> <p>WHEREAS, the Tribes desire to participate in the Key2Purchase Program (the “Program”), which is a charge card program offered by KeyBank National Association (“KeyBank”) for charging expenses related to the governmental and business activities of the Tribes; and</p> <p>WHEREAS, the Colville Business Council has reviewed the documentation necessary to maintain the Program, including the: (1) Application and incorporated by reference Key2Purchase Program Terms and Conditions; (2) Addendum A, Addendum E and Addendum F to the Key2Purchase Program Terms and Conditions; and (3) Key2Purchase Program set up documentation (collectively, the “Program Documents”); and</p> <p>WHEREAS, it is the recommendation of the Management & Budget Committee that the Colville Business Council approve such documents as the Tribes determine necessary and appropriate to maintain the program, including the execution of documentation that grants a limited waiver of sovereign immunity and provides for dispute resolution procedures.</p> <p>WHEREAS, it is the recommendation of the Management & Budget Committee that the Colville Business Council approve and authorize the execution and delivery of the Program Documents pursuant to which the Tribes will make certain representations and warranties, agree to certain limited covenants, and agree to a limited waiver of sovereign immunity and specified dispute resolution provisions in favor of KeyBank.</p>	<p>11 FOR (SS, MK, AH, EM, MM, RT, NJ, RG, WN, JF, JS)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>

	<p>THEREFORE, BE IT RESOLVED, that we, the Colville Business Council, meeting in a SPECIAL SESSION this 16th day of April 2015, acting for and on behalf of the Tribes, do hereby approve the above-described recommendations of the Management & Budget Committee.</p> <p>BE IT FURTHER RESOLVED, that we, the Colville Business Council, acting for and on behalf of the Tribes, hereby authorize the establishment and maintenance of the Program from KeyBank;</p> <p>BE IT FURTHER RESOLVED, that we, the Colville Business Council, acting for and on behalf of the Tribes, hereby approves the form of each of the program Documents in the form presented to the Colville Business Council, and with such changes as may be approved by the Chairman of the Colville Tribe, the Vice Chairman of the Colville Tribe, the Secretary of the Colville Tribe, the Executive Director of the Colville Tribe, the Centralized Services Director of the Colville Tribe (each, an “Authorized Officer”). The Colville Business Council hereby further authorizes and directs the conversion of each Program Document into the final form thereof, together with such changes or modifications as deemed necessary or desirable by an Authorized Officer upon the approval of legal counsel. The Authorized Officers, acting alone or together, are hereby authorized and directed to execute the final form of each Program Document in the name and on behalf of the Tribes, and such signature shall be conclusive evidence of the approval of the Colville Business Council hereunder.</p> <p>BE IT FURTHER RESOLVED, that we, the Colville Business Council, acting for and on behalf of the Tribes, hereby certifies that (a) this Resolution is in conformity with and does not contravene the provisions of any applicable statutes, regulations, administrative code, or other document governing or in effect for the Tribes, (b) neither the Constitution nor any agreement of any kind binding upon the Tribes prohibits the Tribes from entering into and performing its obligations under the Program Documents, which Program Documents constitute binding obligations of the Tribes, (c) the Tribes’ correct Employer identification number issued by the Internal Revenue Service is _____, (d) the Tribes have not been notified by the Internal Revenue Service that it is subject to backup withholding as a result of failure to report all interest or dividends, and further certifies that, in any case, the Tribes are exempt from backup withholding because it is a federally recognized Indian tribe not subject to federal income tax, and (e) this Resolution constitutes the only action required by the Constitution to be taken by the Colville Business</p>	
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	<p>Council to authorize the Authorized Officers to take the actions described herein.</p> <p>BE IT FURTHER RESOLVED, that we, the Colville Business Council, acting for and on behalf of the Tribes, do further specifically approve the limited waivers of sovereign immunity of the Tribes, the waiver of exhaustion of tribal remedies, and the agreement to arbitration, in each case described therein as irrevocable, in favor of the Lender contained in the Program Documents.</p> <p>BE IT FURTHER RESOLVED, that we, the Colville Business Council, acting for and on behalf of the Tribes, do further find and determine that:</p> <p>(a) The Authorized Officers, and their respective successors in office from time to time, are designated the officers of the Tribes who are authorized to open and close accounts (the “Accounts”) under the Program Documents, to designate a Program Administrator (as defined in the Program Documents), to designate Cardholders (as defined in the Program Documents), and to execute and deliver such documentation as may be required by KeyBank to effect the intent of this Resolution; provided however, that the Authorized Officers may not waive the Tribe’s sovereign immunity, nor may they increase the Tribe’s liability under Program Documents, beyond that approved in this Resolution;</p> <p>(b) KeyBank may accept the instructions of any Program Administrator, including without limitation instructions received through the electronic portal established to administer the Program, as to the administration of the Accounts, including without limitation, establishing new Accounts under the Program, adding and deleting Cardholders from the Program and revising ACLs (as defined in the Program Documents), making electronic payment from depository accounts of the Tribes for payment of the Accounts established under the Program and directing application of rebates under the Program, and that KeyBank may conclusively assume that all actions of the Program Administrator are authorized by the Tribes until receipt by KeyBank of written notice to the contrary, in accordance with the provisions of the Program Documents;</p> <p>(c) KeyBank is hereby authorized to process and pay all transactions of Cardholders, without inquiry as to the circumstances of the use of the Cards (as defined in the Program Documents), subject to the terms of the Program Documents;</p> <p>(d) All present and future rules and regulations of KeyBank</p>	
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	<p>governing the Program, including without limitation all Accounts thereunder, are hereby assented to and shall be binding upon the Tribes, in accordance with the Program Documents, but in each case subject to the Tribes' right to refuse to accept any changes thereto within thirty (30) days of receiving notice thereof pursuant to the Program Documents; and</p> <p>(e) The Authorized Officers may execute and deliver, or authorize other officers or employees of the Tribes in writing to execute and deliver, agreements for services related to the Program, including ACH transactions to make payments under the Program and receive rebates under the Program, among other things and bind the Tribes to all such agreements.</p> <p>BE IT FURTHER RESOLVED, that we, the Colville Business Council, acting for and on behalf of the Tribes, do hereby authorize and direct the Authorized Officers, acting alone or together, to execute and deliver, and to attest to the final forms of the documents referenced in this Resolution when the same have been prepared for and in the name of the Tribes, and such execution and delivery shall be deemed as conclusive evidence of the approval thereof. The Colville Business Council and any and all other officers of the Tribes are hereby authorized and directed, on behalf of the Tribes, to do any and all things and to take any and all actions, including execution and delivery of the agreements described in this Resolution, assignments, certificates, requisitions, notices, consents, instruments of conveyance, warrants, and other documents which any of such officers may deem necessary or advisable in connections with the execution and delivery of the Program Documents.</p> <p>BE IT FURTHER RESOLVED, that we, the Colville Business Council, acting for and on behalf of the Tribes, hereby ratifies any and all prior actions heretofore or hereafter taken by any officer or officers of the Tribes in connection with the Program and the matters described in this Resolution be, and hereby are, ratified, confirmed, approved and authorized in all respects as the acts and deeds of the Tribes as fully as if each such action had been presented to and approved by the Colville Business Council prior to being taken.</p>	
2015-274.m&b	To approve the following loan from Colville Tribal Credit Corporation to Colville Tribal Federal Corporation: Term Loan: Amount \$1,500,000.00 plus fees, Due: 36 monthly payments of approximately \$45,471.00, rate: 5.75 % fixed, loan fee: 1%, collateral: \$20.00 per MBF from delivered log revenue.	<p>10 FOR (SS, MK AH, EM, MM, RT, RG, WN, JF, JS)</p> <p>0 AGAINST</p> <p>1 ABSTAINED (NJ)</p>
2015-275.m&b	To approve the attached construction contract to Allen Construction for remodel of a Tribally owned structure at	<p>11 FOR (SS, MK, AH, EM, MM, RT, NJ, RG, WN, JF, JS)</p>

	28970 Hwy 97, Omak, WA. Funds to come from insurance claim. Chair or designee to sign all relevant documents.	0 AGAINST 0 ABSTAINED
2015-276.m&b	To approve a Budget Modification in the amount of \$20,000.00 to come from ORA unused Salaries and Fringe to be obligated to ORA Litigation (587) to fund CCO Market Transaction support for the remainder of FY 2015. These funds will be used for a contract which will be managed by the Office of Reservation Attorney. Chairman or designee to sign all pertinent documents.	9 FOR (SS, MK, AH, EM, MM, RT, RG, JF, JS) 1 AGAINST (WN) 1 ABSTAINED (NJ)
2015-277.cdc	To approve Allen Construction contract in the amount of \$60,700.00 for the renovation of #6 Lower & Upper Loop Hud Nespelem, WA 99155 with the funding coming from account #784.63410. Chairman or Designee to sign all pertinent documents.	11 FOR (SS, MK, AH, EM, MM, RT, NJ, RG, WN, JF, JS) 0 AGAINST 0 ABSTAINED
2015-278.cdc/m&b	To approve the purchase and replacement of the electricity pole, installation of a new meter base and GFCI outlets at the Inchelium City Park. Total project cost of \$1,999.13 will be paid from account 193052. All work will be completed by Public Works and Utilities. The electric service agreement shall be between the Inchelium Community Center and Avista, with Inchelium Community Center solely responsible for the payment of monthly service.	11 FOR (SS, MK, AH, EM, MM, RT, NJ, RG, WN, JF, JS) 0 AGAINST 0 ABSTAINED
2015-279.cdc	To appoint Walt A. Arnold to the Keller Position and Melanie Green to the Omak/Malott Position on the Colville Indian Housing Authority Board of Commissioners.	9 FOR (SS, AH, EM, MM, RT, NJ, RG, WN, JS) 0 AGAINST 2 ABSTAINED (MK, JF)
TABLED 2015-280.cdc	To approve the lowest bid for the purchase of a Senior Bus for the Inchelium Senior Center. Funds will be taken out of the General Fund. Chairman or designee to sign all pertinent documents.	
2015-281.cul	To approve Research Permit Application 2015-02, "Traffic Safety Issues on SR155/Fatalities, 2007-2013", submitted by Adam W. Amundson. Mr. Amundson has agreed to adhere to the CCT Law & Order Code, Chapter 6-6, Research Regulations, when he read, signed and submitted the Research Permit Application for processing. A copy of the completed project will be submitted to the following CCT Programs and/or Departments: Law & Order, Department of Transportation and Archives & Records Center, no later than December 31, 2015. In accordance with the CCT Law & Order Code, Chapter 6-6, the CCT reserves the right to impose and/or collect fees if the final project is published.	11 FOR (SS, MK, AH, EM, MM, RT, NJ, RG, WN, JF, JS) 0 AGAINST 0 ABSTAINED
2015-282.cul	To approve Research Permit Application 2015-04, "Washington State History Museum - Ancient One and Archaeological Sites", submitted by William L. Lang, Salmon-Huckleberry Historical Consulting. Mr. Lang has agreed to adhere to the CCT Law & Order Code, Chapter 6-6, Research Regulations when he read, signed and submitted the research permit application for processing and approval. A final copy of the completed project will be submitted to the CCT History & Archaeology Program and the Archives & Records Center no later than December 31, 2015. In	11 FOR (SS, MK, AH, EM, MM, RT, NJ, RG, WN, JF, JS) 0 AGAINST 0 ABSTAINED

	accordance with the CCT Law & Order Code, Chapter 6-6, the CCT reserves the right to impose and/or collect fees on the final project if it is published.	
2015-283.cul	To approve the attached organizational chart for the History/Archaeology Program. The organizational chart includes the Tribal Museum and Gift Shop and Fort Okanogan Interpretive Center. This authorizes the Chairperson or designee to sign all documents related to this project.	11 FOR (SS, MK, AH, EM, MM, RT, NJ, RG, WN, JF, JS) 0 AGAINST 0 ABSTAINED
TABLED 2015-284.cul	To create the position of a Curriculum Coordinator under the Education Director and pursue funding for the position through the Office of the Superintendent for Public Instruction.	
2015-285.ele	To approve for inclusion on the 2015 General Election ballot the following referendum question: "Should the Confederated Tribes of the Colville Reservation amend its current laws to allow for the legalized recreational use of marijuana, in a way similar to the State of Washington's implementation of the passage of I-502 in 2012, so long as the Colville Business Council feels that it is and continues to be in the best interests of the Tribes' legally, economically, and from a health and safety standpoint?"	11 FOR (SS, MK, AH, EM, MM, RT, NJ, RG, WN, JF, JS) 0 AGAINST 0 ABSTAINED