



COLVILLE CONFEDERATED TRIBES

COLVILLE BUSINESS COUNCIL

Special Session October 2nd, 2014 Resolution Index

Condensed by, Trisha Jack, CBC Recording Secretary

Council Members Present: Jim Boyd Sr., Stevey Bylilly, Allen Hammond, Michael Marchand, Edwin Marchand, Andy Joseph Jr., Nancy Johnson, Ricky Gabriel, William Nicholson II, Jack Ferguson and Joseph Somday

Delegation/Absent: Marvin Kheel, Mel Tonasket and Richard Tonasket

Resolution No.	Condensed Recommendation Information	Colville Business Council Vote Tally
10-Signature 2014-619.hhs	To approve Contract Amendment #2 1469-93646 between the State of Washington Department of Social and Health Services (DSHS) and Colville Tribe to increase by \$90,184.00 for a new total maximum consideration of \$158,437.00.	10 FOR (AJ, MM, NJ, AH, SB, EM, JS, WN, JB, MK) 0 AGAINST 0 ABSTAINED *Rationale: Timelines
10-Signature 2014-620.e&e	To accept this contract for the Welding Training for 10 Colville Tribal participants; training will begin October 20, 2014 through to December 19, 2014, an 8 week course. The Welding Training is contracted for \$31,882.32, funded by TERO training monies; TERO is not requesting tribal funding. Chairman or designee authorized to sign all pertinent documents.	10 FOR (JF, WN, MT, RG, SB, NJ, EM, MM, JS, RT) 0 AGAINST 0 ABSTAINED *Rationale: Timelines
10-Signature 2014-621.nrc	<p>To approve Dianna & Daniel Creveling application for Right-of-Way (ROW) through four (4) tribal tracts, Colville Tribe owns 100% ownership and two (2) allotments in which the Colville Tribes owns an undivided 50% interest. The ROW's are needed for tribal member Carey Picking to purchase the Creveling's fee land (3 separate tracts) through a FSA loan for agricultural purposes (see attached email). The allotments/tribal tracts are described as follows:</p> <p>101-T238 (CCT 100% ownership): The N1/2N1/2S1/2SE1/4 and the N1/2SE1/4 of Section 17, Township 31 North, Range 31 East, Willamette Meridian, Okanogan County, Washington, containing 100.00 acres, more or less.</p> <p>101-T365 (CCT 100% ownership): The SE1/4 of Section 16, Township 31 North, Range 31 East, Willamette Meridian, Okanogan County, Washington, containing 160.00 acres, more or less.</p>	10 FOR (JS, JF, NJ, WN, JB, RT, MT, AJ, EM, MK) 0 AGAINST 0 ABSTAINED *Rationale: Timelines – FSA loan approval requirements deadline is September 30, 2014

	<p>101-T4170 (CCT 100% ownership): The N1/2N1/2NW1/4, N1/2S1/2N1/2NW1/4, and the N1/2S1/2S1/2N1/2NW1/4, of Section 15, Township 31 North , Range 31 East, Willamette Meridian, Okanogan County, Washington, containing 70.00 acres, more or less.</p> <p>101-T5044 (CCT 100% ownership): The N1/2N1/2N1/2NE1/4, Section 10, Township 31 North, Range 31 East, Willamette Meridian, Okanogan County, Washington, containing 20.00 acres, more or less.</p> <p>101-68-1 (CCT 50% ownership): The S1/2N1/2S1/2SE1/4, and the S1/2S1/2SE1/4 of Section 17, Township 31 North, Range 31 East, Willamette Meridian, Okanogan County, Washington, containing 60.00 acres, more or less.</p> <p>101-69 (CCT 50% ownership): The NE1/4 of Section 20, Township 31 North, Range 31 East, Willamette Meridian, Okanogan County, Washington, containing 160.00 acres, more or less.</p> <p>The Creveling's will be required to submit a formal certified survey/sketch showing width and length of each ROW on tribal tracts 101-T4170 and 101-T5044 only as existing unrecorded dirt roads are already in existence through 101-T268 and 101-T365 allotments 101-68-1, 101-69 per the attached map. Chairman or designee has authority to sign all pertinent documents.</p>	
<p>10-Signature 2014-622.hhs</p>	<p>To support and recommend passage of the legislation in Washington Legislature to authorize Federally-recognized tribes, tribal organizations, and urban Indian health organizations authorized under his Indian Health Care Improvement Act to train and employ Dental Health Aide Therapist to provide services in Tribal communities.</p> <p>Whereas, American Indians and Alaskan Natives (AI/AN) have a very limited access to health care services and are disproportionately affected by oral health disease and these disparities are directly attributed to the lack of dental professionals in Indian communities, which has caused a serious access issue and backlog of dental treatment among (AI/AN) people; and</p> <p>Whereas, many Washington Tribes have great difficulty and face a significant challenge in recruiting dental health professionals to work in Indian communities that result in further challenges in ensuring oral health care for tribal members; and</p> <p>Whereas, Washington State and its legislatures have a strong history of government-to-government relationship with Tribes and have historically supported efforts of Washington</p>	<p>10 FOR (AJ, WN, JF, NJ, MK, JS, MM, EM, MT, RG)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p> <p>*Rationale: Timelines</p>

	<p>Tribes to address health issues among tribal members and to reduce the disproportionate number of AI/AN people affected by health disparities; and</p> <p>Whereas, one of the goals in the "2010-2013 American Indian Health Care Delivery Plan" developed jointly by Washington Department of Health (DOH) and the American Indian Health Commission of Washington State (AIHC) is to improve the oral health of tribal members and the ability of tribes to provide comprehensive dental services in their communities, which a critical objective to achieving this goal by "... Exploring options for the use of trained/certified expanded function personnel in order to increase oral health care services and tribal communities."</p> <p>Whereas, two bills (HB2466 and SB6275) were introduced in 2014 legislative session to authorize Dental Health Aide Therapist to be allowed in Tribal health programs carrying out services with the federal government under the Indian Self-Determination and Education Assistance Act (P.L. 93-638); and</p> <p>Whereas, DHATs work under the general supervision of a dentist, performing cleaning, fillings, and simple extractions and present a tremendous opportunity for addressing the unmet dental care needs in Washington's tribal communities and there have been many research studies that demonstrate safety and quality of care provided by DHATs; and</p> <p>Whereas, HB2466 and SB6275 authorizes DHATs to work only in Indian Health Service (IHS), Tribal and Urban Indian (I/T/U) programs authorized under Indian Health Care Improvement Act and not in the general population of Washington State and would serve to greatly expand dental care to the state's most needy children and families.</p> <p>Whereas, the National Congress of American Indians, the Affiliated Tribes of Northwest Indians, and the Northwest Portland Indian Health Board and many others Tribal organizations have adopted and approved legislation creating a licensing program for DHATSs to improve access to dental services and the health of rural, tribal and unserved populations.</p>	
10-Signature 2014-623.hhs	<p>To approve the attached letter to the Administrator Marilyn Tavenner at Centers for Medicare and Medicaid (CMS) outlining changes to the CMS Consultation Policy.</p> <p>Whereas, the CMS sent a letter to Tribes requesting comments on the CMS Consultation Policy that was adopted on November 17, 2011; and</p> <p>Whereas, comments are due no later than October 1, 2014,</p>	<p>10 FOR (AJ, NJ, JS, WN, EM, MM, RG, MT, MK, RT)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p> <p>*Rationale: Cancellation of HHS Committee on September 22 due to ATNI Conference and Comments due by October 1, 2014</p>

	<p>and the attached letter outlines various concerns the Tribe has with the CMS Consultation Policy and the timing of notifications to Tribes and ensuring tribal input is received when CMS engages in Rule-Making or Guidance Notifications; and</p> <p>Whereas, ensuring that Tribal Consultation occurs with CMS in a timely and consistent manner is especially important due to changes under the Affordable Health Care Act and many tribal members seeking out medical insurance coverage beyond just Indian Health Service through Medicare, Medicaid, Children's Health Insurance Program, or other plans available in the Marketplace; and</p> <p>THEREFORE, BE IT RESOLVED, that we, the Colville Business Council do hereby approve the attached letter to CMS Administrator Marilyn Tavenner with Comments on the CMS Consultation Policy. Chairman or designee to sign all pertinent documents.</p>	
<p>10-Signature 2014-624.hhs</p>	<p>To approve the attached letter Indian Health Service Director Yvette Roubideaux regarding IHS's request to reprogram \$48 Million to cover prior years Contract Support Cost claims after Congressional Mandate to fully fund CSC.</p> <p>WHEREAS, The United States Congress mandated that Indian Health Service (IHS) fully fund Contract Support Costs (CSC) Claims but Congress failed to appropriate additional funds to IHS to cover those costs; and</p> <p>WHEREAS, IHS has been working towards settling prior years CSC claims with Tribes and Tribal Health Organizations across the country, creating a need for additional funding to cover those Claims; and</p> <p>WHEREAS, in May of this year IHS Director Roubideaux notified Tribes that IHS anticipated approximately \$10 Million Shortfall in Fiscal Year 2014 to fully fund CSC Claims; and</p> <p>WHEREAS, earlier this month IHS Director Roubideaux notified Tribes that IHS has made progress in settling prior years CSC claims and notifying Tribes that IHS request from Congress to reprogram a maximum of \$48 Million from the existing IHS budget to cover CSC Claims with resulting reductions in the Services budget; and</p> <p>WHEREAS, Direct Service Tribes will face cuts disproportionately over tribes that have fully compacted or contracted all other health services from IHS and that the Colville Service Unit is Direct Service Tribe and will face cuts to Services; and</p>	<p>10 FOR (AJ, NJ, JS, WN, EM, MM, RG, MT, MK, RT)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p> <p>*Rationale: Cancellation of HHS Committee on September 22 due to ATNI Conference and Comments due by October 1, 2014</p>

	THEREFORE, BE IT RESOLVED, that we, the Colville Business Council, do hereby approve the attached letter to IHS Director Yvette Roubideaux regarding IHS' request to reprogram up to \$48 Million to fully fund CSC Claims and the Tribe's concerns with reprogramming. Chairman or designee to sign all pertinent documents.	
2014-625.m&b/tg	<p>To approve the 2014 November Elder Quarterly Stipend, from account PL75747012, in the amount of \$293.00 to each eligible tribal member age 55 and older of the Confederated Tribes of the Colville Reservation. The Elder stipend will be mailed on or before November 3, 2014. To be eligible for the elder stipend, each member must be enrolled, age 55, and living as of midnight October 20, 2014. The following shall not apply to the 2014 November Elder Stipend: Debt Set-Off Ordinance and Retro Active Payments. The following departmental holds are approved departmental holds are approved for deposit into the tribal members IIM account:</p> <p>1.Social Services (Regular) Court Order/Voluntary consent for adults. 2.Convalescent Center Court Order/Voluntary consent for adults. 3.Enrollment Deceased Elders.</p>	<p>12 FOR (SB, AH, EM, MM, MT, RT, NJ, AJ, RG, WN, JF, JS)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>
2014-626.m&b	<p>To approve and authorize the Colville tribal staff to proceed with the planned development and construction of the Tribal Administration Building (the "Project").</p> <p>Whereas, it is the recommendation of the Management & Budget Committee to enter into a proposed financing of up to \$40,000,000.00 (the "Financing") to be arranged by Key Bank National Association ("Key Bank") having the general terms and conditions described in the attached Commitment Letter. The proceeds of the loan will be used for (i) paying construction costs; and (ii) providing leverage loans to secure new market tax credits.</p> <p>Whereas, it is the recommendation of the Management & Budget to authorize the Chairman to sign the attached Commitment Letter, and authorize staff to negotiate the necessary documents to close the proposed financing with Key Bank having the general terms and conditions described in the Commitment Letter, pursuant to which the Tribe will make certain representations and warranties, and agree to certain limited covenants, in connection with the financing, including approving limited waivers of sovereign immunity, consenting to arbitration, and entering into a non-impairment agreement, provided that the final form of all loan documents will remain subject to approval by the Colville Business Council.</p>	<p>11 FOR (SB, AH, EM, MM, MT, RT, AJ, RG, WN, JF, JS)</p> <p>0 AGAINST</p> <p>1 ABSTAINED (NJ)</p>
2014-627.hhs/m&b	To approve the HRSA Outreach and Enrollment Supplemental Funding grant proposal for \$71,188.00 that would expand the outreach and enrollment assistance	<p>12 FOR (SB, AH, EM, MM, MT, RT, NJ, AJ, RG, WN, JF, JS)</p> <p>0 AGAINST</p>

	activities and facilitate enrollment into affordable healthcare insurance coverage to Lake Roosevelt Community Health Center patients. No tribal dollars identified. Chairman or designee to sign all pertinent documents.	0 ABSTAINED
2014-628.hhs/m&b	<p>To authorize the Tribes' legal counsel at Hobbs, Straus, Dean & Walker, LLP, to take such steps as may be necessary to finalize and implement a settlement of the Tribes' 2005 through 2012 contract support cost claims for a sum of \$1,400,000.00 plus interest, including execution of a settlement agreement on behalf of the Tribes.</p> <p>Whereas, the Colville Confederated Tribes (Tribes) are federally recognized tribe that has negotiated a Contract and Funding Agreements (FAs) with the Indian Health Service (IHS) under Title I of the Indian Self-Determination and Education Assistance Act (ISDEAA); and</p> <p>Whereas, the ISDEAA, as well as the Tribes' agreements with the IHS, provides that the IHS shall pay to the Tribes contract support costs for the reasonable administrative and overhead costs of carrying out the programs, functions, services and activities that the Tribes have agreed to provide; and</p> <p>Whereas, the Tribes have filed Requests for Contracting Officers Decisions, seeking to recover unpaid contract support costs owed to the Tribes under its ISDEAA agreements for fiscal years 2005 through 2012; and</p> <p>Whereas, it has been the desire of the Tribes to reach a fair, amicable, and speedy settlement with the IHS to resolve its fiscal year 2005 through 2012 claims, and to that end the Tribes through legal counsel have engaged in settlement negotiations with the IHS covering those claim years; and</p> <p>Whereas, as a result of the Tribes' and the IHS's efforts, the Parties have reached a negotiated settlement that the Business Council has reviewed and believes is fair and reasonable.</p>	<p>12 FOR (SB, AH, EM, MM, MT, RT, NJ, AJ, RG, WN, JF, JS)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>
2014-629.m&b/l&j	To approve the attached Memorandum of Agreement with CTPD for the services of 2 Marshals, 1 Dispatch and half the salary for the Deputy Public Safety Director positions. The amount of this MOA is \$238,093.00 for FY 2014. No tribal dollars will be expended. Chairperson or designee to sign all pertaining documents.	<p>12 FOR (SB, AH, EM, MM, MT, RT, NJ, AJ, RG, WN, JF, JS)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>
2014-630.m&b	<p>To appoint William E. Nicholson as director on the Colville Tribal Credit Board of Directors for a two year period by the Colville Business Council.</p> <p>Whereas, the term of the representative from the membership of the Tribe, as appointed by the Business Council expires on September 06, 2014.</p>	<p>11 FOR (SB, AH, EM, MM, MT, RT, NJ, AJ, RG, JF, JS)</p> <p>0 AGAINST</p> <p>1 ABSTAINED (WN)</p>
2014-631.cdc	To approve through this resolution which states the Colville Business Council's interest in forming a Council of Governments; and appoints the Chairman of the CBC	<p>9 FOR (SB, EM, MM, MT, RT, NJ, WN, JF, JS)</p> <p>0 AGAINST</p>

	<p>Community Development Committee (CDC) to serve as the primary representative, and appoints the 1st Vice Chairman of the CBC CDC to serve as alternate on the forming committee for the purpose of creating Articles of Association and Bylaws for consideration by the Council/Board of the Confederated Tribes of the Colville Reservation.</p> <p>WHEREAS, the Confederated Tribes of the Colville Reservation, has an interest in transportation planning where previously members of the North Central Regional Transportation Planning Organization; and</p> <p>WHEREAS, Okanogan County is no longer a member of the North Central Regional Transportation Planning Organization; and</p> <p>WHEREAS, Okanogan County finds that it is in the interest of the public and satisfies a requirement of the law to engage in regional transportation planning with the cities, towns, Colville Confederated Tribes, and other organizations with an interest in transportation planning; and</p> <p>WHEREAS, a meeting of Okanogan County, several cities, and representative of the Washington State Department of Transportation met on April 24, 2014 to discuss an alternative to membership in the North Central Regional Transportation Organization for the purpose of engaging in regional transportation planning; and</p> <p>WHEREAS, Revised Code of Washington 36.64 allows counties and cities to form a Council of Governments to study issues of mutual interest and formulate recommendations for the member agencies; and</p> <p>WHEREAS, those present at the April 24, 2014 meeting were asked to query their respective commissions and councils as to their interest in creating a forming committee to create articles of association and bylaws for a council of Governments for consideration by their respective organizations.</p>	<p>3 ABSTAINED (AH, AJ, RG)</p>
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CC:
File
Flodell Williams, Office Administrator (Broadcast)
Colville Business Council
Neeka Somday, Legal Assistant/Policy Analyst
Dorothy Burke, Office Administrator
Naomi Yazzie, Support Staff
Peggy Circle, Support Staff
Emby Stensgar, Support Staff
Carrie Pakootas, Support Staff
Francis Somday, Executive Director
Cary Rosenbaum, Tribal Tribune
Justus Caudell, Tribal Tribune
Karen Condon, Archives & Records
Anna Vargas, Office of the Reservation Attorney
Debra Wulff, Superintendent Bureau of Indian Affairs