



COLVILLE CONFEDERATED TRIBES COLVILLE BUSINESS COUNCIL

Special Session November 5th, 2020 Resolution Index

Condensed by, Naomi Yazzie, Executive Office Assistant

Present: Rodney Cawston, Joel Boyd, Karen Condon, Jack Ferguson, Norma Sanchez, Dustin Best, Shar Zacherle, Roger Finley, Andy Joseph Jr., Joe Somday, Virgil (Smoker) Marchand, Richard Swan Sr., Marvin Kheel, Jarred Erickson

Resolution No.	Condensed Recommendation Information	Colville Business Council Vote Tally
<i>2020-621.hhs</i> <i>10-Signature</i>	To approve the FY 2021 Annual Funding Agreement (AFA) and the Scope of Work (SOW) identified as IHS Contract Number 248-96-0001. Chair or designee authorized to sign all pertinent documents.	10 FOR (NS, JME, RC, AJ, KC, DB, JS, RF, SZ, SM) 0 AGAINST 0 ABSTAINED Rationale: Timelines
<i>2020-622.hhs</i> <i>10-Signature</i>	That given a short deadline, which has not yet been extended in spite of the best efforts of the NIHB, HHS recommends that the CBC authorize the HHS Director to notify the Indian Health Service - Area Office that the Colville Tribes intend to rely primarily upon the Indian Health Service for the distribution of vaccines to Colville Tribal Members residing within the CCT Reservation rather than relying exclusively on the State of Washington to distribute said vaccines when they become available.	11 FOR (NS, AJ, KC, VSM, DB, JS, JME, JF, JB, RF, SZ) 0 AGAINST 0 ABSTAINED Rationale: Timelines
<i>2020-623.m&b.cdc</i> <i>10-Signature</i>	To approve attached Non-Disclosure Agreement between the Confederated Tribes of the Colville Reservation and Inland Cellular, LLC. Agreement will allow for information sharing on telecommunications infrastructure for broadband planning on the Colville Reservation. No dollars needed. Chair or designee to sign all documents.	10 FOR (JF, AJ, JS, JB, JME, VSM, NS, RF, DB, SZ) 0 AGAINST 0 ABSTAINED Rationale: Timelines
<i>2020-624.hhs</i> <i>10-Signature</i>	To offer Andrew Joseph Jr. as a potential tribal representative to serve on the Governor's and State Legislator's Children and Youth Behavioral Health Workshop through December 2026. Chairman or Designee is authorized to sign all pertinent documents.	10 FOR (NS, KC, VSM, DB, JME, RC, JF, SZ, JS, RF) 0 AGAINST 0 ABSTAINED Rationale: Timelines
<i>2020-625.m&b.cdc.e&e</i> <i>10-Signature</i>	To approve \$198,312 in CARES Act funds to allow the Youth Development Program and Human Resources to direct hire 20	10 FOR (JF, AJ, DB, SZ, JS, RF, RC, VSM, KC, JB)

	tutors, with Executive Director final approval, inclusive of benefits to service the Omak, Nespelem, Inchelium, and Keller Districts through December 31, 2020. The Colville Business Council has determined that these expenditures are necessary to respond to the current COVID-19 public health emergency and appropriate under the Treasure Department guidance and FAQs in effect as of the date of this recommendation. The Chairman or his designee shall sign any relevant documents.	0 AGAINST 0 ABSTAINED Rationale: Timelines
2020-626.m&b.cdc	To appoint William Nicholson I, to the vacant CTFC Board of Director's (L-3028) position for a two year term. Hire will be contingent upon passing required background clearances. In the event that William Nicholson I does not pass the background check or declines the position, the position will remain open until filled. Chairman or designee to sign all pertinent documents.	12 FOR (JB, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 1 AGAINST (KC) 0 ABSTAINED
2020-627.m&b.cdc	To appoint Matthew Pleasants, to the vacant CTFC Board of Director's (L-3028) position for a two year term. Hire will be contingent upon passing required background clearances. In the event that Matthew Pleasants does not pass the background check or declines the position, the position will remain open until filled. Chairman or designee to sign all pertinent documents.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED
2020-628.m&b.cdc	To appoint Rodney Cawston as the CBC delegate to the Washington Economic Development Association. Membership Dues and Fees to come from Account #121.63001. Chairman or designee to sign all pertinent documents.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED
2020-629.m&b.cdc	To appoint Jack Ferguson as the alternate to the Washington Economic Development Association.	12 FOR (JB, KC, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 1 ABSTAINED (JF)
2020-630.m&b.cdc	Whereas, one of the most pronounced difficulties for Healthcare facilities located in rural communities are the challenges of recruiting health care professionals. The recruitment of Health Care Professionals for rural communities should be proactive and strategic. As such, it is the recommendation of the Management and Budget/Community Development, Employment and Education, and Health and Human Services Committees to authorize the Health and Human Services Director, Dr. Dan Barbara to conduct all recruitment activities for the Keller Treatment Center. In this capacity, Dr. Dan Barbara is authorized to conduct all Human Resource recruitment practices, with the exception of 'screening applicants' which will be conducted by the HR Department. This authorization includes negotiating the terms of employment, including salaries for Health Care professionals up	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED

	to an approved upon amount determined by the approved HHS Budget. Chairman or designee authorized to sign all pertinent documents.	
2020-631.m&b.cdc	To approve and accept the additional funding from Washington State Department of Commerce CARES Act Funding for Tribal Governments Funding Contract 501-4611C-002 in the amount of \$722,000.00. This contract is to provide funding for emergency to COVID-19 outbreak. Performance period from March 1, 2020 to December 31, 2020. Chairman or designee is authorized to sign all pertinent documents.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED
2020-632.m&b.cdc	To approve the attached Master Service Agreement between the Confederated Tribes of the Colville Reservation and PCS Technologies, Inc. in the amount of \$771,090.42, utilizing CARES Act funds to purchase 2.5 GHz wireless equipment inclusive of installation and training costs. The Colville Business Council has determined that these expenditures are necessary to respond to the current COVID-19 public health emergency and appropriate under the Treasury Department guidance and FAQs in effect as of the date of this recommendation. The Chairman or his designee shall sign and approve all relevant documents.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED
2020-633.m&b.cdc	To approve the attached "Certificate of Formation" of Bigfoot Communications, LLC; to authorize the Chairman or his designee to sign and to file the certificate of formation pursuant to Colville Tribal Code Chapter 7-1; and to waive any filing fees of the Tribal Secretary.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED
2020-634.m&b.cdc.nrc	To send the attached 30 day lease termination letter to Brett Marchand. A copy of the letter and Resolution will be provided to the Realty Department. It is further recommended that Resolution 2019-256 be rescinded in its entirety due to future tribal development. Chairman is authorized to sign the letter and any related documents.	7 FOR (JB, JF, SZ, AJ, JS, RS, MK) 6 AGAINST (KC, NS, DB, RF, VSM, JME) 0 ABSTAINED
2020-635.m&b.cdc	To appoint Margie Hutchinson, Michael Marchand, and Cindy Boyd to the Board of Managers of CRMS, LLC, upon completion and passing of the required fingerprint based background check. Should any individual not pass the background check they will not be members of the Board and their position will be immediately vacant and may be filled by the remaining Board members with the written consent of the Colville Business Council, who will approve the appointment by Resolution. They will serve a term of 2 years, and may continue to serve until such time as they are replaced by Resolution of the Colville Business Council	12 FOR (JB, KC, JF, NS, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 1 ABSTAINED (DB)
2020-636.m&b.cdc	To approve the attached lease modification for AT&T Nespelem Water Tank. Chair or designee to sign documents.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST

<p>2020-637.rules</p>	<p>Whereas, the Rules Committee convened on October 26, 2020 with a quorum present to conduct a formal investigative hearing pursuant to Tribal Code section 1-8-30 into an ethical complaint filed against Councilmember Virgil "Smoker" Marchand, and the Rules Committee having considered documents generated in an initial investigation in support of the complaint, and Councilmember Marchand having been given proper advance notice of the evidence against him, and Councilmember Marchand having been afforded a full and complete opportunity in the investigative hearing to make statements on his own behalf and to introduce evidence in the form of witnesses or documents on his own behalf, the Rules Committee now makes the following written findings of fact based upon evidence produced in the investigative hearing pursuant to Tribal Code section 1-8-30(1):</p> <p>Councilmember Marchand disclosed confidential, privileged information gained by virtue of holding Council office. This disclosure was in violation of the Council's Code of Professional Responsibility at Tribal Code sections 1-8-6, 1-8-20(c)(1), and 1-8-20(d)(2), (3). The public disclosure by Councilmember Marchand of confidential, privileged information gained by virtue of holding Council office was not in dispute at the investigative hearing. While Councilmember Marchand did not explicitly intend to commit an ethical violation or to do harm, his conduct nevertheless violated Council's Code of Professional Responsibility. Also, this violation was an offense to the integrity of Council itself regardless of the impact on, or opinions of, any other individuals who may have been implicated in the disclosure.</p> <p>Having found the facts presented in the investigative hearing do support a finding of unethical conduct, the Rules Committee also makes the following recommendations for disciplinary action to the full Colville Business Council pursuant to Tribal Code section 1-8-30(1)(1):</p> <p>Councilmember Marchand should receive a 60 day suspension from his duties as a Councilmember, without pay. Further, he should be required to receive in-person certified training on rights to privacy and keeping confidentiality before being permitted to participate in deliberations involving confidential material. Further, he should be required to return to the Colville Business Council any documents currently in his possession of a confidential nature. Further, any additional violations of confidentiality by Councilmember Marchand of the Council's Code of Professional Responsibility may be acted upon by the</p>	<p>0 ABSTAINED</p> <p>8 FOR (JB, JF, RF, AJ, JS, RS, MK, JME)</p> <p>5 AGAINST (KC, NS, DB, SZ, VSM)</p> <p>0 ABSTAINED</p>
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	<p>Rules Committee via a simple vote, without the process normally afforded in Tribal Code, and are subject to immediate expulsion from the Colville Business Council.</p> <p>A copy of these written findings of fact and recommendations shall be provided to Councilmember Marchand within ten (10) days of the next available Special Session of the Colville Business Council, at which time this matter will be heard pursuant to Tribal Code section 1-8-30(1)(2) The Chairman or designee is to sign all pertinent documents.</p> <p>Virgil "Smoker" Marchand is personally liable for any financial burden that may be placed on the Colville Confederated Tribes.</p>	
2020-638.e&e.l&j	To renew the attached contract with Hobbs, Straus, Dean & Walker LLP for FY '21. Funds will be available in the FY '21 budget, 587 line. The Chairman or designee is to sign all pertinent documents.	<p>13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>
2020-639.e&e	To approve the submission of Bureau of Indian Education Biennial Report in accordance with Part B, July 1, 2018 to June 30, 2020. Tribal Chairperson or Designee to sign all pertinent documents.	<p>13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>
2020-640.e&e	To approve the Memorandum of Understanding between the Colville Confederated Tribes Early Childhood Education/Head Start and Colville Confederated Tribes Woman, Infant, Children/Nutrition Program. Tribal Chairperson or designee to sign all pertinent documents.	<p>13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>
2020-641.nrc	To approve the Fish and Wildlife Program's request to require that all new fence construction within pronghorn management areas meet the established guidelines for pronghorn friendly fence on the Reservation. The goal of this requirement is to promote the safe and effective movement of pronghorn through the available habitat, while still restricting livestock movement to approved areas. The fence specification will be a four (4) strand combination of smooth and barbed wire where the top strand is smooth wire no higher than 42" and the bottom strand is smooth wire no lower than 18" above the ground. The middle two strands may be barbed wire. The Chair or designee is authorized to sign all pertinent documents.	<p>13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>
2020-642.nrc	To approve the Lower Coyote Creek Salvage. For the benefit of all Tribal members the Colville Business council enacted resolution 2001-583 which in part states: "For cultural and restoration and economic value..." All salvage operations...be handled in a manner that expedites the Tribes objectives." The project encompasses approximately 365 acres; of which 315	<p>13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>

	acres are trust lands, and 50 acres are Allotments, and are scheduled for treatment, with an estimated volume of 1,000,000 board feet of which Ponderosa Pine is: 99%, and Douglas-fir Western Larch is 1.0%. The Lower Coyote Creek Fire Salvage is 100% tractor logging. The salvage will be implemented by a contract modification into the Armstrong Creek Logging Unit #309. Chairperson or designee has the authority to sign all pertinent documents.	
2020-643.nrc	To approve the Cold Springs Fire Salvage. For the benefit of all Tribal members the Colville Business council enacted resolution 2001-583 which in part states: "For cultural and restoration and economic value..." All salvage operations...be handled in a manner that expedites the Tribes objectives." The project encompasses approximately 1,130 acres; of which 837 acres are trust lands, and 293 acres are Individually Owned Allotments, and are scheduled for treatment, with an estimated volume of 1,130,000 board feet of which Ponderosa Pine is: 99.5%, and Douglas-fir Western Larch is 0.5%. The Cold Springs Fire Salvage is 100% tractor logging. The salvage will be implemented by a contract modification into the Wildhorse Logging Unit #317. Chairperson or designee has the authority to sign all pertinent documents.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED
2020-644.nrc	To approve the Inchelium Highway Fire Salvage. For the benefit of all Tribal members the Colville Business council enacted resolution 2001-583 which in part states: "For cultural and restoration and economic value..." All salvage operations...be handled in a manner that expedites the Tribes objectives." The project encompasses approximately 811 acres; of which 326 acres are on trust lands, and 485 acres are on Allotments, and are scheduled for treatment, with an estimated volume of 6,000,000 board feet of which Ponderosa Pine is: 75%, and Douglas-fir Western Larch is 25%. The Inchelium Highway Fire Salvage is 100% tractor logging. The salvage will be implemented by a contract modification into the Elbow Lake Logging Unit #315. Chairperson or designee has the authority to sign all pertinent documents.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED
2020-645.nrc	To approve the Kewa Fields Fire Salvage. For the benefit of all Tribal members the Colville Business council enacted resolution 2001-583 which in part states: "For cultural and restoration and economic value..." All salvage operations...be handled in a manner that expedites the Tribes objectives." The project encompasses approximately 2,112 acres; of which 1,599 acres are on trust lands, and 153 acres are Allotments, and are scheduled for treatment, with an estimated volume of 15,000,000 board feet of which Ponderosa Pine is: 75%, and Douglas-fir Western Larch is 25%. The Kewa Fields Fire Salvage is 78.3% (1,653 acres) of tractor skid system and .7% (459 acres) of cable skid system. The salvage will be	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED

	implemented by a contract modification into the Wilmont Creek Logging Unit #313. Chairperson or designee has the authority to sign all pertinent documents.	
2020-646.nrc	To approve Change Order #3 for Cunningham Engineering, Inc. (#C20-033) extending the contract for 1 year; from 11/30/2020 to 11/30/2021. No additional dollars are being requested, Chairman or designee authorized to sign all pertinent documents.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED
2020-647.fish	To approve new full award for 320020 Lake Roosevelt Fisheries Evaluation Program from (Spokane Tribe of Indian) in the amount of \$198,699 and the dates are from August 1, 2020 to July 31, 2021, and the Chairman or his/her designee is authorized to sign all pertinent documents. Attached is the new contract and budget. No Tribal dollars associated.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED
2020-648.fish	To approve new sub contract for 912020 Trout Unlimited Washington Water Power in the amount of \$105,000 and the Chairman or his/her designee is authorized to sign all pertinent documents. Attached is sub contract and SOW. No Tribal dollars associated.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED
2020-649.fish	To approve budget modification #1 for 320820 Upper Columbia United Tribes (UCUT) adding an additional \$7,000 bringing total contract value to \$107,000 extend the date to December 31, 2021 and authorize the Chairman or his/her designee is authorized to sign all pertinent documents. Attached is budget mod #1. No Tribal dollars associated.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED
2020-650.fish	To approve the new award for 911820 Colville Regional Coordination in the amount of \$69,673 and contract dates are from April 1, 2020 to March 31, 2021 and authorizes the Chairman or his/her designee is authorized to sign all pertinent documents. Attached is the new award. No Tribal dollars associated.	13 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK, JME) 0 AGAINST 0 ABSTAINED
2020-651.fish	To approve change order #1 915820-815920 Flowers & Sons sub contract adding additional \$27,662 bringing the total contract value to \$349,647 and adding fund number 1763 and authorizes the Chairman or his/her designee is authorized to sign all pertinent documents. Attached is the CO#1. No Tribal dollars associated.	12 FOR (JB, KC, JF, NS, DB, SZ, RF, AJ, JS, VSM, RS, MK) 0 AGAINST 1 ABSTAINED (JME)