



# COLVILLE CONFEDERATED TRIBES COLVILLE BUSINESS COUNCIL

## Special Session November 8<sup>th</sup>, 2018 Resolution Index

Condensed by, Naomi Yazzie, Executive Office Assistant

**Present:** Rodney Cawston, Karen Condon, Jack Ferguson, Richard Swan Sr., Andrea George, Margie Hutchinson, Norma Sanchez, Joseph Somday, Marvin Kheel, Joel Boyd, Richard Moses

**Delegation:** Andy Joseph Jr., Susie Allen, Janet Nicholson

| Resolution No.   | Condensed Recommendation Information   | Colville Business Council Vote Tally  |
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| <b>2018-710.m&amp;b</b><br><b>10-Signature</b>         | To sponsor \$5,000 to the Indian National Finals Rodeo "Parade of Nations". Funds to come from the Donations budget.   | 10 FOR (JF, RC, MH, RS, NS, RM, KC, JB, SA, AJ)<br><br>0 AGAINST<br><br>0 ABSTAINED<br><br><b>Rationale: Timelines</b>    |
| <b>2017-711.tg</b><br><b>10-Signature</b>              | To authorize the Okanogan County Democrats to schedule and promote their November 3 <sup>rd</sup> , 2018 meeting at the Lucy F. Covington Government Center Auditorium.  | 10 FOR (MK, NS, RS, MH, JS, JF, JB, RM, AJ, AG)<br><br>0 AGAINST<br><br>0 ABSTAINED<br><br><b>Rationale: Timelines</b>    |
| <b>2018-712.e&amp;e.m&amp;b</b><br><b>10-Signature</b> | To approve the attached budget mod in the amount of \$99,000. The funds are carried over from FY18. The Chair is authorized to sign all pertinent documents.   | 11 FOR (JF, MK, NS, RM, AJ, AG, SA, KC, RS, RC JB)<br><br>0 AGAINST<br><br>0 ABSTAINED<br><br><b>Rationale: Timelines</b> |
| <b>2018-713.m&amp;b</b><br><b>10-Signature</b>         | To approve a change order to St. Clair Construction contract in the amount of \$117,403.42 from account 153.63410 to be transferred to Nespelem Community Center account 671.63410 to inspect, analyze and mitigate the mold in the gym, and to replace roofing in the framed roofing areas with new TPO membrane with a 30 year warranty. Chairman or designee to sign all pertinent documents. | 10 FOR (JF, JB, AG, RS, RC, SA, JS, JN, AJ, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED<br><br><b>Rationale: Timelines</b>    |
| <b>2018-714.m&amp;b</b><br><b>10-Signature</b>         | To approve Change Order No. 5 increasing the contract amount not to exceed \$75,594.98 to incorporate alternative reinstatement method in Coulee Dam. Funds allocated through  | 10 FOR (JF, RS, MH, JS, JB, AG, RM MK, KC, NS)<br><br>0 AGAINST   |

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|  | Resolution 2016-275 have adequate funds available to cover these changes. Chairman or designee to sign all related documents.   | 0 ABSTAINED<br><br><b>Rationale: Timelines</b>   |
| <b>2018-715.e&amp;e<br/>10-Signature</b> | To approve the attached Standards of Conduct Policy for the Early Childhood Education/Head Start Program. (Policy Council Approved 09/20/2018).   | 10 FOR (JB, NS, JS, RM, AG, RS, JN, JF, AJ, SA)<br><br>0 AGAINST<br><br>0 ABSTAINED<br><br><b>Rationale: Timelines</b> |
| <b>2018-716.e&amp;e<br/>10-Signature</b> | To approve the attached Staff Training Policy for the Early Childhood Education/Head Start Program. (Policy Council Approved 09/20/2018).   | 10 FOR (JB, JS, NS, RM, AJ, AG, RS, JN, JF, SA)<br><br>0 AGAINST<br><br>0 ABSTAINED<br><br><b>Rationale: Timelines</b> |
| <b>2018-717.e&amp;e<br/>10-Signature</b> | To approve the attached Background Checks and Procedures Policy for the Early Childhood Education/Head Start Program. (Policy Council Approved 09/20/2018).   | 10 FOR (JB, JS, NS, RM, AG, AG, RS, JN, JF, SA)<br><br>0 AGAINST<br><br>0 ABSTAINED<br><br><b>Rationale: Timelines</b> |
| <b>2018-718.hhs</b>                      | To approve Budget Modification #1 for the FY 2018 Fiscal Year. This is to reallocate existing funding of the grant to areas within that need additional support. This action requires no tribal dollars and all performances measure remain the same. CFDA #93.237. Chairman or designee to sign all pertinent documents. | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED                                    |
| <b>2018-719.m&amp;b</b>                  | To accept the funds for FY 2019 BIE Exceptional Education: Contract #A18AV00627 Budget Modification #1 for the amount of \$213,040. The Tribal Chairman or designee to sign all pertinent documents.  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED                                    |
| <b>2018-720.m&amp;b.l&amp;j</b>          | To approve the Gaming Commission's FY19 Organizational Chart and \$3,667,312 (total expenses \$3,757,312 less licensing revenue of \$90,000) to meet the needs of the Commission at the levels necessary to sustain the regulatory requirements for the fiscal year.  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED                                    |
| <b>2018-721.m&amp;b.l&amp;j</b>          | To approve the Internal Auditor's FY19 Organizational Chart and Budget for \$85,076 to meet the needs of the Commission at the levels necessary to sustain the regulatory requirements for the internal auditing for the fiscal year.   | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED                                    |
| <b>2018-722.m&amp;b.cdc</b>              | To accept the Lake Rufus Woods Fishing Access contract with Washington State Fish & Wildlife in the amount of \$1M (One Million Dollars) to develop a boat launch. Chairman or designee authorized to sign all pertinent documents. Attached are Summary of Work, Tasks, Deliverables, and Budget. No                     | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED                                    |

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|                         | Tribal dollars. Indirect \$7,881.   |   |
| <b>2018-723.m&amp;b</b> | To approve the contract between Parks and Recreation and Jesse Palmer Construction to site prep, transport, and set up facility at the Mt. Tolman Complex. No Indirect. No Tribal dollars. Expenses paid with insurance claim.  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br>0 AGAINST<br>0 ABSTAINED |
| <b>2018-724.m&amp;b</b> | To approve the attached invoices to Finley & Cook, CPA in the amount of \$251,381.62 for Serenic Annual Maintenance & Enhancements. Funds to come from approved budget. Chair or designee approved to sign all pertinent documents.   | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br>0 AGAINST<br>0 ABSTAINED |
| <b>2018-725.m&amp;b</b> | To rescind 2007-371 and replace it with another resolution. Whereas, Colville Tribal Credit acquires real estate both within and outside the exterior boundaries of the Colville Reservation through loan foreclosure and collection activities; and, Whereas, when Colville Tribal Credit acquires real estate through the above mentioned activities, it will no longer be required to first offer the real estate to the Colville Tribal government when the real estate is less than 2.5 acres in size.   | 9 for (JF, RS, AG, MH, NS, JS, MK, JB, RM)<br>1 AGAINST (KC)<br>0 ABSTAINED |
| <b>2018-726.m&amp;b</b> | To have Tribal Credit loans repaid so that adequate loan funds are available to serve current and future Tribal member borrowers, and<br>Whereas, Tribal Credit customers, as part of a standard loan package, assign to Tribal Credit as loan collateral all trust income and per capita; and<br>Therefore be it resolved, that the Colville Business Council will allow per capita holds for Tribal Credit judgments against Tribal Credit loan customers but these holds will not include any per capita from the Grand Coulee Dam (181-D) settlement money. | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br>0 AGAINST<br>0 ABSTAINED |
| <b>2018-727.m&amp;b</b> | To approve the Lake Roosevelt Community Health Clinic Proof of Loss (attached) in the amount of \$139,395.09 for the roof insurance claim, and authorize the chairman or his/her designee to sign all pertinent documents.  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br>0 AGAINST<br>0 ABSTAINED |
| <b>2018-728.tg</b>      | To adopt Zairah Mae Marcellay as applicant meets requirements of Section 8-1-160 of Enrollment Ordinance and Constitution of the Confederated Tribes of the Colville Reservation.   | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br>0 AGAINST<br>0 ABSTAINED |
| <b>2018-729.tg</b>      | To adopt Aaron Gregory Thomas Simpson as applicant meets requirements of Section 8-1-160 of Enrollment Ordinance and Constitution of the Confederated Tribes of the Colville Reservation.   | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br>0 AGAINST<br>0 ABSTAINED |
| <b>2018-730.tg</b>      | To adopt Joseph Vernon Smith as applicant meets requirements of Section 8-1-160 of Enrollment Ordinance and Constitution of the Confederated Tribes of the Colville Reservation.  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br>0 AGAINST                |

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|                     |  | <b>0 ABSTAINED</b>  |
| <b>2018-731.nrc</b> | To approve for permission to apply for the Grant PUD Northern Pike Project and authorize the Chairman or his/her designee to sign all pertinent documents. Attached is email. No Tribal dollars associated.  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2018-732.nrc</b> | To approve for permission to apply for the Bureau of Reclamation Invasive Mussel Project Grant and authorize the Chairman or his/her designee to sign all pertinent documents. Attached is grant information. No Tribal dollars associated.  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2018-733.nrc</b> | To approve for permission to apply for the Priest Rapid Coordinating Committee Northern Pike Grant and authorize the Chairman or his/her designee to sign all pertinent documents. Attached is email. No Tribal dollars associated.  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2018-734.nrc</b> | To approve amendment IAA 93-096274 for 752518 Forest Fish Support Account for Fish & Wildlife adding an additional \$40,000.00 going to History & Archaeology Department and authorize the Chairman or his/her designee to sign all pertinent documents. Attached is amendment agreement. No Tribal dollars associated.  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2018-735.nrc</b> | To approve the 2018 CCT šnpəšq <sup>w</sup> áwšəx <sup>w</sup> (Wenatchi) Aboriginal Territories Hunting Regulations. The season shall be opened only for Ceremonial tags. The Chair or designee is authorized to sign all pertinent documents.  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2018-736.nrc</b> | Whereas, The Confederated Tribes of the Colville Reservation (“Tribe”) is a federally recognized tribe, organized pursuant to the Constitution of the Confederated Tribes of the Colville Reservation, as approved by the Commissioner of Indian Affairs on April 19, 1938, as may be amended from time to time; and<br>Whereas: Article V, Section 1 of the Constitution grants the Colville Business Council the authority to promulgate and enforce ordinances; and<br>Whereas: Due to changes in federal law governing leases on tribal lands, the Tribe is diligently pursuing the United States Department of the Interior’s approval of the Business Site Leasing Statute, as provided pursuant to the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (“HEARTH Act”), which authorizes federally recognized Indian tribes to pass tribal leasing statutes to approve the leasing of tribal lands provided those tribal statutes are approved by the Secretary of the Interior; and<br>Whereas: The HEARTH Act requires the Colville Business Council to adopt tribal leasing regulations to implement the HEARTH Act and take advantage of the HEARTH Act’s provisions; | 9 for (KC, JF, RS, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>1 ABSTAINED (AG) |

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|                     | <p>Whereas: The HEARTH Act Business Lease Ordinance constitutes the Tribe's leasing regulations for business leases as required under the HEARTH Act; and</p> <p>Whereas: This Resolution does not conflict with any Tribal or federal law or require approval of any other Tribal entity. Now therefore be it resolved that the Colville Business Council has reviewed and hereby approves and enacts the HEARTH Act Business Lease Ordinance;.</p> <p>Be it further resolved that the Colville Business Council hereby authorizes the Chairman, or the Chairman's designee, to execute and deliver the HEARTH Act Business Lease Ordinance to the United States Department of the Interior for review and approval pursuant to the HEARTH Act, and to make any necessary conforming changes to effectuate approval;.</p> |   |
| <b>2018-737.nrc</b> | To accept and approve Quentin Holford's, Colville Tribal Member, offer to purchase Tribal Fee parcel No. 25021.1205 (3403 W Hoffman Ave, Spokane, WA) at negotiated price of \$34,200.00. Chairman or designee has the authority to sign all pertinent documents.  | <p>8 for (KC, JF, MH, NS, JS, MK, JB, RM)</p> <p>1 AGAINST (AG)</p> <p>1 ABSTAINED (RS)</p> |
| <b>2018-738.nrc</b> | To approve Budget Modification #16 & #17 in the amount of \$400,308.00 for Contract #A16AV00307 FY 2017/2018 due to additional government funding awarded to the Realty PL638 Contract. Chairman or designee has authority to sign all pertinent documents.  | <p>10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>  |
| <b>2018-739.nrc</b> | <p>To accept and approve Maurice Joy, Colville Tribal Descendent, Agricultural Lease bid offer for Tribal Tract No. 101-T5317. The property is described as:</p> <p>101-T5317: The W-½ NE-¼ and the E-½ E-½ Nw-¼ of Section 15, Township 30 N, Range 26 E, Willamette Meridian, Okanogan County, Washington, containing 120.00 acres, more or less. Purpose: Agriculture Lease. Terms: 10 Years. Compensation: \$3360.00 per year. Bond: \$Required Lease Fee: 101.00 (one-time fee)</p> <p>Entire term of lease will be subject to Fair Market Rental Value. Lease subject to conditions cited in IRMP Coordinator's review. Chairman or designee has authority to sign all pertinent documents.</p>  | <p>10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>  |
| <b>2018-740.nrc</b> | <p>To accept and approve Darlene Giesen, Colville Tribal member, Pasture lease application for a lease renewal on Tribal Tract No. 101-T4596 and 101-T3727. The property is described as:</p> <p>101-T3727: The NW-¼ NE-¼ SE-¼ Section 7, Township 33 N, Range 28 E, Willamette Meridian, Okanogan County, Washington, containing 10.00 acres, more or less.</p> <p>101-t4596: The S-½ NE-¼ NE-¼, SE-¼ NE-¼, and the NE-¼ NE ¼ SE-¼ of Section 7, Township 33 N, Range 28 E, Willamette Meridian, Okanogan County, Washington, containing 70.00 acres, more or less. Total of 70.00 acres more</p>   | <p>10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>  |



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|                     | or less. Purpose: Pasture Lease. Terms: 5 year lease. Compensation: \$160.00 per year. Bond: \$Waived. Lease Fee: \$15.00 (one-time fee). Entire term of lease will be subject to Fair Market Rental Value. Lease subject to conditions cited in IRMP Coordinator's review. Chairman or designee has authority to sign all pertinent documents.  |   |
| <b>2018-741.nrc</b> | To accept and approve Lisa Orr, Colville Tribal Member, home site lease application for Tribal Tract No. 101-T4399(por). The property is described as:<br>101-T4399(por): The N½SW¼NW¼NW¼ portion of Section 18, Township 33 North, Range 28 East, Willamette Meridian, Okanogan County, Washington, containing 5.0 acres more or less. Purpose: home site lease. Terms: 99 years upon approval Compensation: \$250.00 per year. Bond: \$Waived. Lease Fee: \$15.00 (one-time fee). Entire term of lease will be subject to Fair Market Rental Value. Lease subject to conditions cited in IRMP Coordinator's review. Chairman or designee has authority to sign all pertinent documents.  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2018-742.nrc</b> | To accept and approve Trudi and Lawrence, Colville Tribal members, Agricultural BID offer to lease Tribal Tract No. 101-T4299(por). The property is described as:<br>101-T4299(por): The E-½ NE-½ Section 9, and the W½ W½ NW¼ Section 10, Township 30 N, Range 35 E, Willamette Meridian, Ferry County, Washington, containing 120.00 acres, more or less. Purpose: Agriculture lease. Terms: 10 years upon approval. Compensation: \$250.00 and 1/3 crop share per year Bond: \$waived. Lease Fee: \$15.00 (one-time fee)<br>Entire term of lease will be subject to Fair Market Rental Value. Lease subject to conditions cited in IRMP Coordinator's review. Chairman or designee has authority to sign all pertinent documents. | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2018-743.nrc</b> | To accept and approve Duran Marchand Jr., Colville Tribal member, Home Site lease application for Tribal Tract No. 101-T5585(por). The property is described as:<br>101-T45585(por): The S-½ SW-¼ NW-¼ SE-¼ NW-¼ N-½ NW-¼ SW-¼ SE-¼ NW-¼ Portion of Section 12, Township 32 N, Range 36 E, Willamette Meridian, Ferry County, Washington containing 2.50 acres more or less.<br>Purpose: home site lease. Terms: 99 years upon approval Compensation: \$250.00 per year. Bond: \$waived Lease Fee: \$15.00 (one-time fee). Entire term of lease will be subject to Fair Market Rental Value. Lease subject to conditions cited in IRMP Coordinator's review. Chairman or designee has authority to sign all pertinent documents.     | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2018-744.nrc</b> | To approve Anna White, Colville Tribal Member, to purchase parcel #63208110001002 per Resolution 2018-5274, at the negotiated value of \$30,000.00, with \$9,490.00 lease monies and renovation costs of \$20,000.00 applied to purchase price   | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST                    |

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|              | with a difference of \$510.00 owed to Colville Confederated Tribes. The property is described as: The SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> of section 8, Township 32 North, Range 36 east, Willamette Meridian, Ferry County, Washington, containing 5.00 acres, more or less. Chairman or designee has the authority to sign all pertinent documents. | 0 ABSTAINED   |
| 2018-745.cdc | To authorize ORA to file petitions for writ of restitution on behalf of Public Works when necessary.  | 9 for (JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>1 ABSTAINED (KC)                         |
| 2018-746.cdc | To authorize the CCT DOT and various Tribal delegates to proceed with meetings with FHWA, Central Office regarding the potential funding opportunities for a Bridge crossing on Lake Roosevelt. Chairman or designee to sign all pertinent documents.   | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED                         |
| 2018-347.l&j | CONFIDENTIAL  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED                         |
| 2018-748.l&j | To accept \$437,500 in funding from U.S. Department of Justice's Office on Violence Against Women to provide a Tribal Special Assistant U.S. Attorney who will work collaboratively between the CTCR and the U.S. Attorney-Eastern District of Washington's Office. The funding will cover 36 months, with a period of Nov. 1st, 2018 to Oct. 30th, 2021. No Tribal dollars. Chairman or designee authorized to sign all pertinent documents. | 9 for (KC, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED<br><br>*Out of the Room (JF) |
| 2018-749.l&j | To approve the amendments for Chapter 1-1 General Provisions (attached). Process utilizing CBC Procedural Rule3 (b), (e), (f) and (g) were followed. Comments have been received and considered during this comment period. Once approved, a copy shall be forwarded to the Code Reviser for certification and distribution.  | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED                         |
| 2018-750.l&j | To approve the amendments for Chapter 2-2 Civil Action (attached). Process utilizing CBC Procedural Rule 3 (b), (e), (f) and (g) were followed. Comments have been received and considered during this comment period. Once approved, a copy shall be forwarded to the Code Reviser for certification and distribution.   | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED                         |
| 2018-751.l&j | To approve and submit a proposal for the 2019 Bureau of Indian Affairs (BIA) Attorney Fee Request and the 2019 BIA Litigation Support Request to the BIA Office of Trust Services via the Northwest Regional Office. Chair or his designee authorized to sign all relevant documents.   | 10 for (KC, JF, RS, AG, MH, NS, JS, MK, JB, RM)<br><br>0 AGAINST<br><br>0 ABSTAINED                         |