



# COLVILLE CONFEDERATED TRIBES COLVILLE BUSINESS COUNCIL

## Special Session December 22<sup>nd</sup>, 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, Joe Somday, Jarred Erickson

**Absent:** Andy Joseph Jr., Virgil (Smoker) Marchand, Richard Swan Sr., Marvin Kheel

| Resolution No.                   | Condensed Recommendation Information   | Colville Business Council Vote Tally   |
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| 2020-743.m&b.cdc<br>10-Signature | To approve the attached purchase agreement with Ditch Witch in the amount of \$227,770.28. This purchase will utilize CARES Act funding to purchase one Heavy Duty Ditch Witch RT125Q trencher to build fiber to the home (FTTH) for broadband deployment. The Colville Business Council has determined that this expense is necessary to respond to the COVID-19 public health emergency and meet the immediate needs of the tribal community, and is appropriate under the Treasury Department guidance and FAQs in effect as of the date of the recommendation. It is required that the delivery of good or performance of services be completed no later than December 30, 2020. The Chairman or his designee shall sign and approve all relevant documents. | 10 FOR (JF, KC, AJ, JS, MK, JB, RF, DB, SZ, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED<br><br>Rationale: Timelines |
| 2020-744.m&b.cdc<br>10-Signature | To approve the attached purchase agreement with Pape Material in the amount of \$20,121.20. This purchase will utilize CARES Act funding to purchase one new Doosan C185WDO-T4F air compressor to build fiber to the home (FTTH) for broadband deployment. The Colville Business Council has determined that this expense is necessary to respond to the COVID-19 public health emergency and meet the immediate needs of the tribal community, and is appropriate under the Treasury Department guidance and FAQs in effect as of the date of the recommendation. It is required that the delivery of good or performance of services be completed no later than December 30, 2020. The Chairman or his designee shall sign and approve all relevant documents. | 10 FOR (JF, KC, AJ, JS, MK, JB, RF, DB, SZ, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED<br><br>Rationale: Timelines |
| 2020-745.m&b.cdc<br>10-Signature | To approve the attached purchase agreement with Pape Machinery in the amount of \$49,712.22. This purchase will utilize CARES Act funding to purchase one new 2020 John Deere 35G compact excavator to build fiber to the home   | 10 FOR (JF, KC, AJ, JS, MK, JB, DB, SZ, RF, JME)<br><br>0 AGAINST  |

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|   | (FTTH) for broadband deployment. The Colville Business Council has determined that this expense is necessary to respond to the COVID-19 public health emergency and meet the immediate needs of the tribal community, and is appropriate under the Treasury Department guidance and FAQs in effect as of the date of the recommendation. It is required that the delivery of good or performance of services be completed no later than December 30, 2020. The Chairman or his designee shall sign and approve all relevant documents.  | 0 ABSTAINED<br><br>Rationale: Timelines  |
| <b>2020-746.tg</b><br><b>10-Signature</b> | To support State Representative Debra Lekanoff to be nominated to serve as the EPA Region 10 Administrator. For almost two decades, our Washington Tribes have been a part of Debra's growth in politics. Her commitment to building a stronger place for all communities is portrayed in her skill to bring communities, governments and stakeholders together. Debra has served not only our Washington Tribes, but served in leadership roles at the state, regional, national and national matters. We believe in this new role, that she will bring strong leadership skills to address the legal, science and policy demands of the Agency. | 10 FOR (RF, JB, JS, JME, SZ, AJ, NS, JF, KC, RC)<br><br>0 AGAINST<br><br>0 ABSTAINED<br><br>Rationale: Timelines |
| <b>2020-747.tg</b><br><b>10-Signature</b> | To extend the closure of the Colville Reservation to all non-essential visitors until midnight on May 31, 2021. The Chairman or designee is authorized to sign any pertinent documents.   | 10 FOR (JF, NS, AJ, RC, KC, JME, JS, JB, RF, SZ)<br><br>0 AGAINST<br><br>0 ABSTAINED<br><br>Rationale: Timelines |
| <b>2020-748.hhs</b>                       | To approve Amendment #1 to accept additional funding in the amount of \$25,014.00, bringing total contract amount to \$156,138.00. Tribal Chairman or authorized designee to sign all pertinent documents.  | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED                                  |
| <b>2020-749.hhs</b>                       | To approve Amendment #2 to accept additional funding in the amount of \$3,821.00, bringing total contract amount to \$159,959.00. Tribal Chairman or authorized designee to sign all pertinent documents.   | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED                                  |
| <b>2020-750.hhs</b>                       | To approve Amendment #3 to accept additional funding in the amount of \$555.00, bringing total contract amount to \$160,514.00. Tribal Chairman or authorized designee to sign all pertinent documents.   | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED                                  |
| <b>2020-751.m&amp;b.cdc</b>               | To accept Office of Head Start Non-competing FY2021 funds (Grant#90CI9932-06-000) in the amount of \$731,541.00 with a non-federal match of \$345,195.00, waiver requested in the amount of \$20,576.00. Chairman or designee to sign all pertinent documents.  | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED                                  |
| <b>2020-752.m&amp;b.cdc.e&amp;e</b>       | To approve the submission of the Office of Head Start 1303, Pre-Approval Checklist to release facility funding in the amount  | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)  |

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|                  | of \$1,605,702.00 for Omak Head Start Facility Project. Chairman or designee to sign all pertinent documents.   | 0 AGAINST<br>0 ABSTAINED   |
| 2020-753.m&b.cdc | To approve Change Order#2 for the contract with Ribail Advisory Services. Resolution 2019-84 approved the three-year contract for \$25,000.00 per year. This change order brings the total to \$75,000.00 which exceeds the signing authority of the Executive Director. Chairman or designee to sign all pertinent documents.  | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br>0 AGAINST<br>0 ABSTAINED  |
| 2020-754.m&b.cdc | To approve the attached Change Order #1 for contract #C20-073, signed pursuant to Resolution 2019-777, with Softchoice in the amount of \$234,920.00. This change will utilize CARES Act funding to purchase 24 months of systems security and storage to support broadband deployment. The Colville Business Council has determined that this expense is necessary to respond to the COVID-19 public health emergency and meet the immediate needs of the tribal community, and is appropriate under the Treasury Department guidance and FAQs in effect as of the date of the recommendation. It is required that the delivery of goods or performance of services be completed no later than December 30, 2020. Chairman or designee to sign and approve all relevant documents. | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br>0 AGAINST<br>0 ABSTAINED  |
| 2020-755.m&b.cdc | To rescind Resolutions 2020-557 and 2020-626.   | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br>0 AGAINST<br>0 ABSTAINED  |
| 2020-756.m&b.cdc | To approve the attached purchase agreement with CED in the amount of \$2,756.44. This purchase will utilize CARES Act funding to purchase electrical materials to build power to support wireless broadband deployment in Malott, Washington. The Colville Business Council has determined that this expense is necessary to respond to the COVID-19 public health emergency and meet the immediate needs of the tribal community, and is appropriate under the Treasury Department guidance and FAQs in effect as of the date of the recommendation. It is required that the delivery of goods or performance of services be completed no later than December 30, 2020. Chairman or his designee shall sign and approve all relevant documents.                                    | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br>0 AGAINST<br>0 ABSTAINED  |
| 2020-757.m&b.l&j | The Colville Business Council has been directly advised by tribal member owners of filling stations doing business within the jurisdiction of the Confederated Tribes of the Colville Reservation that they are purchasing and distributing fuel in a manner contrary to the Colville Tribal Law and Order Code (hereinafter "Code"). Specifically, the filling stations are purchasing fuel on which state fuel tax has not been paid, and they are distributing fuel to retail customers without collection of the State of Washington's motor vehicle fuel tax or special  | 7 FOR (JB, JF, NS, DB, SZ, JS, JME)<br>0 AGAINST<br>2 ABSTAINED (KC, RF) |

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|  | <p>fuel tax, as applicable, upon each gallon of fuel sold or delivered. It is the joint recommendation of the Management and Budget and Law &amp; Justice Committees that the Colville Business Council specifically find the purchase and distribution of fuel without collection of the State fuel tax, by filling stations within the jurisdiction of the Colville Reservation, to be in violation of the Code, including but not limited to Chapter 6-12 of the Code.</p> <p>Further, the Colville Tribes has committed in the "Agreement Concerning Taxation of Motor Vehicle Fuel and Special Fuel Between the Confederated Tribes of the Colville Reservation and the State of Washington" (hereinafter "Agreement") to enforce Tribal law and the State's laws respecting the imposition and collection of its fuel taxes where the Colville Tribes exercises governmental authority. It is the joint recommendation of the Management &amp; Budget and Law &amp; Justice Committees that the Colville Business Council specifically find that the purchase and distribution of fuel without collection of the State fuel tax, by filling stations within the jurisdiction of the Colville Reservation, causes financial loss to the Colville Tribes under the terms of the Agreement, and that the Tribes is committed to enforcement of its tribal law under the Agreement.</p> <p>It is the joint recommendation of the Management &amp; Budget and Law &amp; Justice Committees that all tribal employees and staff, including but not limited to the Office of Reservation Attorney and the Executive Director, have been and be and hereby are, authorized to take all lawful steps necessary to enforce the Code and the Tribes' Agreement. No federal Indian trader's license should be issued to, or remain active for, any business within the jurisdiction of the Colville Reservation while said business is in violation of tribal law, nor should any subsidiary business licenses be issued or remain active to a business in violation of tribal law, including but not limited to fuel or tobacco licenses. Chairman or designee to sign all pertinent documents.</p> |  |
| <p><b>2020-758.m&amp;b.cdc.hhs</b></p> | <p>To send a letter of support for the Healing Lodge of Seven Nations, to enter into a 20 Year No-Cost IHS out lease agreement. The facility construction will provide Behavioral Health Clinic out-patient care for minors and youth.</p>   | <p>9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p> |
| <p><b>2020-759.m&amp;b.cdc.hhs</b></p> | <p>That given the emergency nature of response to the COVID-19 Pandemic and a current need for the developing of vaccine and healthy behavior related marketing materials, a sole source contract allocating COVID-19 CARES Act funding is authorized between the Tribes and Tran Creative for the development of a COVID-19 Response Marketing Campaign. Chairman or designee to sign all pertinent documents.</p>  | <p>9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p> |

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| <b>2020-760.m&amp;b.cdc.hhs</b> | To accept the Amendment between North Central Accountable Community of Health (NCACH) and the Confederated Tribes of the Colville Reservation Health & Human Services Department. While the purpose and responsibilities outline in the original MOU (Resolution 2020-128) have not changed, some line items are being adjusted or removed based on the assessment and priorities of the CCT-HHS new Director. Chairman or designee to sign all pertinent documents.   | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2020-761.m&amp;b.cdc.hhs</b> | To approve the payment of \$66,651.29 from the general fund to cover the over-expenditure of funds allocated to NARCH Award# U261HS0086 between 2015-2018 to Washington State University.  | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2020-762.m&amp;b.cdc.hhs</b> | To accept Continuing Grant Award Number: H1D1IHS0436-17-03 in the amount of \$519,357.00. Whereas, the budget will include salary and wages for costs to oversee the project activities. Chairman or designee is authorized to sign all pertinent documents.   | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2020-763.m&amp;b.cdc.hhs</b> | To award Number: 1-N&58NP006731-01-00 in the amount of \$124,000.00 for a one year grant period. Whereas, the budget will include salary and wages for costs to oversee the project activities. Whereas, the Diabetes Prevention Program (DPP) agrees to coordinate local training in with collaboration with Northwest Regional Council in a virtual setting; and, Whereas, the WEAVE-NW grant funds will seek to enhance and implement a Cultural Wellness approach offering healthy activities and virtual education for district community members from Omak, Nespelem, Keller or Inchelium communities. Chairman or designee is authorized to sign all documents.   | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2020-764.m&amp;b.cdc.hhs</b> | To institute a curfew in the Keller District each day between the hours of 9:00 p.m. through 6:00 a.m. This curfew is necessary as the Keller District is currently experiencing an outbreak of COVID-19 infections. The curfew is intended to minimize in-person interactions, which are the primary means of transmission of COVID-19, and will curtail the spread of COVID-19 and preserve the peace, health, safety, and welfare of the Colville Reservation. The curfew in the Keller District is effective immediately and will remain in effect until further notice. Residents of, and visitors to, the Keller District are required to remain indoors during these hours. The curfew does not apply to travel which is absolutely essential, such as to seek medical care or to go to or from verified and essential employment. A violation of this curfew will be a violation of the Colville Tribal Law and Order Code Chapter 3-7-40, "Violation of Tribal Law". The Chairman or designee is authorized to sign all relevant documents. | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED |
| <b>2020-765.tg</b>              | To approve the following eligibility requirements and deadlines for the 2021 181-D (Grand Coulee Dam) Annual BPA   | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)                                     |

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|                         | <p>Settlement disbursement from account PL7219709 to be distributed on or before March 29, 2021. Eligibility requirements: must be enrolled and living as of midnight of January 21, 2021; DNA testing completed by December 31, 2021. Completed Enrollment Application packet received by January 11, 2021; February 1, 2021 is deadline for the following: Department Hold list, Half-Share forms, Voluntary request, Official Court Orders, and Direct Deposit forms. Emergency Custody Orders issued will be accepted until the closing of the file and payment shall be held into the minors IIM account. Debt Set-Off Ordinance and Retro Active Payments shall not apply. The following shall be approved for deposit into the tribal members IIM accounts:</p> <ol style="list-style-type: none"> <li>1. Children &amp; Family Services - Court Orders/voluntary consent for minors and court declared incompetent adults.</li> <li>2. Social Services (Regular) - Court Orders and voluntary consent for minors and court declared incompetent adults.</li> <li>3. Enrollment Department - Court Orders and voluntary consent for minors and adults/Deceased Members/Custody Orders received after deadline/Unclaimed Checks past 90 days.</li> </ol> | <p>0 AGAINST</p> <p>0 ABSTAINED</p>  |
| <b>2020-766.tg</b>      | <p>To approve the 2021 February Elder Quarterly Stipend, from 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 February 1, 2021. Eligibility for the Elder Stipend shall be: age 55, enrolled and living as of midnight of December 31, 2020. The following shall not apply to the 2021 February Elder Stipend: Debt Set-Off Ordinance and Retro Active Payments. Department hold list is due January 8th, 2021. The following departmental holds shall be approved for deposit into the tribal members IIM account:</p> <ol style="list-style-type: none"> <li>1. Social Services (Regular) - Court Order/Voluntary consent for adults.</li> <li>2. Enrollment - Deceased Elders/Unclaimed Checks past 90 days.</li> </ol>   | <p>9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p> |
| <b>2020-767.e&amp;e</b> | <p>To approve the MOU between Colville Confederated Tribes ECE/Head Start and NEWESD 101. Tribal Chairman or designee to sign all pertinent documents.</p>   | <p>9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p> |
| <b>2020-768.e&amp;e</b> | <p>To approve the renewal of the Memorandum of Understanding between Colville Confederated Tribes Early Childhood Education/Head Start and Okanogan County Child Development Association. Tribal Chairman or designee to sign all pertinent documents.</p>   | <p>9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p> |
| <b>2020-769.e&amp;e</b> | <p>To approve the MOU between Colville Confederated Tribes ECE/Head Start and Bright Start Services, LLC. Tribal Chairman or designee to sign all pertinent documents.</p>   | <p>9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)</p> <p>0 AGAINST</p>                    |

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|                      |   | 0 ABSTAINED  |
| 2020-770.nrc         | To approve the Toby Epperson Pasture Lease Application for Tribal Tract 101-T3750, Toby Epperson is a tribal member is in good standing.<br>This property is described as:<br>The SW NW of section 29, Township 32 North, Range 33 East, Willamette Meridian, Ferry County, Washington, containing 40.00 acres, more or less. Term: 5 years from date of approval. Compensation: \$75.00/per year. Bond: Waived. 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.  | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED  |
| 2020-771.nrc         | To accept and approve Colville Confederated Tribes I.T. business lease application to move forward in negotiations on the Lacy Paul Allotment No. 101-2459(por) described as: 101-2459: The W-1/2 E-1/2 SW-1/4, THE W-1/2 SW-1/4 of section 21 and the NW-1/4 NW-1/4 of section 28, township 29 N, Range 31 E. Willamette Meridian, Okanogan County, Washington, containing 160.00 acres, more or less. Term: 25 years plus option for 25 years. Compensation: Subject to Negotiations between CCT IT and Landowner. Bond: \$Required. Lease Fee: \$waived. Lease subject to conditions cited in IRMP Coordinator's review. Chairman or designee has authority to sign all pertinent documents. | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED  |
| 2020-772.nrc         | To approve continuation of Memorandum of Agreement between Washington State University and Colville Confederated Tribes, for funding of \$106,300.00 as outlined in Appendix A of MOA (attached). Dollars already budgeted, no new dollars requested. Chairperson or designee authorized to sign Appendix A of existing MOA and all pertinent documents.  | 8 FOR (JB, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>1 ABSTAINED (KC) |
| 2020-773.nrc         | To approve the 2021 Invasive Species Funding request in the amount of \$100,000 to be used to help manage the wild horse population on the Colville Reservation. The funding would be used to pay tribal members \$350 per horse using ground-based capture methods. The Chair or designee is authorized to sign all pertinent documents.   | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED  |
| 2020-774.nrc         | To approve the 2021 Wildhorse bounty, in the amount of \$50,000 to be paid from Tribal Range account 781. Payments will be made on a first come first serve basis, not to exceed the above dollar amount. Tribal members will be required to enter into a formal contract with the Tribe and abide by the rules and regulations outlined in the 2020-2021 Season Chase and Capture Rules. The Chair or designee is authorized to sign all pertinent documents.  | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br><br>0 AGAINST<br><br>0 ABSTAINED  |
| 2020-775.nrc.m&b.cdc | To approve Change Order No. 2 to add \$15,106.54 to the contract and extend the contract to February 28, 2021. Total contract amount will be increased to \$921,943.35. Chairman or   | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)                                      |

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|                         | designee to sign all pertinent and related documents.  | 0 AGAINST<br>0 ABSTAINED  |
| <b>2020-776.fish</b>    | To approve the New Award for 311920 Colville Hatchery M&E in the amount of \$729,786 and the dates are from December 1, 2020 to November 30, 2021 and authorize the Chairman or his/her designee to sign all pertinent documents. Attach is the New Award. No Tribal dollars associated.   | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br>0 AGAINST<br>0 ABSTAINED |
| <b>2020-777.fish</b>    | To approve the budget modification #1 for 160120 BIA Canada Lynx Bud Mod #1 doing a line item transfer of funds and the contract value and dates remain the same, and authorize the Chairman or his/her designee to sign all pertinent documents. Attached is budget mod #1. No Tribal dollars associated.   | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br>0 AGAINST<br>0 ABSTAINED |
| <b>2020-778.fish</b>    | To approve for permission to apply for the BIA Invasive Species Northern Pike Grant in the amount of \$120,000 and authorize the Chairman or his/her designee to sign all pertinent documents. Attached is Grant Proposal and budget. No Tribal dollars associated.  | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br>0 AGAINST<br>0 ABSTAINED |
| <b>2020-779.fish</b>    | To approve the new sub contract for 752620 Trout Unlimited WWTP in the amount of \$77,955 and the dates are from signed document to June 30, 2021 and authorizes the Chairman or his/her designee authorized to sign all pertinent documents. Attach is the sub contract & SOW. No Tribal dollars associated.  | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br>0 AGAINST<br>0 ABSTAINED |
| <b>2020-780.l&amp;j</b> | To approve the attached Memorandum of Agreement between the Federal Bureau of Investigation and CTCR to pay for non-criminal background checks as part of the Tribal Access Program (TAP). Participating programs with authority to query the FBI for non-criminal backgrounds include CIHA, Human Resources, Child Support Enforcement, Children & Family Services, and Tribal Civil Court. Chairman and or designee is authorized to sign all pertinent documents. | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br>0 AGAINST<br>0 ABSTAINED |
| <b>2020-781.l&amp;j</b> | To sign the attached letter to the NIGC with the tribes comments on the proposed changes to the Memorandum of Understanding related to the Federal Bureau's Investigation's Criminal History Record Information (CHRI). Chairman or designee authorized to sign all pertinent documents.   | 9 FOR (JB, KC, JF, NS, DB, SZ, RF, JS, JME)<br>0 AGAINST<br>0 ABSTAINED |