



# COLVILLE CONFEDERATED TRIBES COLVILLE BUSINESS COUNCIL

February 18, 2010  
Resolution Index

Condensed by, Lawrence Waters, CBC Recording Secretary

Council Members Present: Shirley K. Charley, Michael O. Finley, Carleen Anderson, Juanita Warren, Brian Nissen, Gene Joseph, John Stensgar, Susie Allen, Virgil Seymour, Jeanne Jerred, Harvey Moses Jr., (In at 11:22am)

Delegation/Absent: Ernie Williams, Andy Joseph Jr., Mike Marchand

Resolution No.	Condensed Recommendation Information	Colville Business Council Vote Tally
<b>10-Signature 2010-085.com</b>	Amend Resolution 2010-082 to approve the Purchase of an 2009 Bomag Pneumatic Tire Roller for \$46,365.00 from Case Power and Equipment for the Roads Program; All funds are federal monies from the approved 638 Roads Contract (CTP03T10165).	<b>10 FOR (EW, GJ, SA, JJ, HM, BN, MF, JS, CA, VS) 0 AGAINST 0 ABSTAINED</b>
<b>10- Signature 2010-086.l&amp;j/com</b>	The DOJ, OVW has as funding opportunity available through the Assistance Program to provide up to \$350,000 dollars over a 24 month period. Therefore, it is the recommendation of the Community Development Committee and Law and Justice Committee to approve the submission of an application for the grant funds. The Chair or designee is authorized to sign all pertinent documents.	<b>10 FOR (EW, VS, JW, BN, SA, GJ, CA, JJ, JS, HM) 0 AGAINST 0 ABSTAINED</b>
<b>10-Signature 2010-087.com/m&amp;b</b>	Accept a 10 signature process for the 2010 EDA Grant for the amount of \$48,739. This grant has been within the Tribe for the last 20+ years and help the Comprehensive Planning Department carry out yearly duties.	<b>10 FOR (EW, GJ, SA, HM, JW, BN, MF, JS, VS, CA) 0 AGASINT 0 ABSTAINED</b>
<b>2010-088.l&amp;j/m&amp;b</b>	The Department of Justice, Office of Violence Against Women is offering grants under its Rural Sexual Assault Program; and Whereas, the grant requires a memorandum of the Tribes' project under this program; and whereas, The Support Center has provided this kind of support to Colville Reservation residents for over 30 years; NOW THEREFORE BE IT RESOLVED that the Law and Justice Committee/Management and Budget recommends the Memorandum of Understanding be adopted by the CCT. The Chairman or his designee is authorized to sign all pertinent documents.	<b>8 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ) 0 AGANST 0 ABSTAINED</b>
<b>2010-089.nat/m&amp;b</b>	Approve the budget modification #2 to fund 7702 – Lake Roosevelt Structures and authorize the Chairman and/or his designee to sign contract and all or any related documents. Funded by WA DOE, no tribal dollars.	<b>9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS) 0 AGAINST 0 ABSTAINED</b>
<b>2010-090.nat/m&amp;b</b>	Approve the Sole Source request from the Fish and Wildlife Department to purchase boat, modifications and accessories in the amount of \$117,500.00 from Kuller Fish Company and authorize the Chairman to sign all and any related	<b>9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS) 0 AGAINST 0 ABSTAINED</b>

	documents. Funded by BPA, budget medication in process. No Tribal dollars.	
<b>2010-091.nat</b>	Approve a Pasture Lease No. 10-41 to Cherie Moomaw, Tribal Member, for Tribal Tract No. 101-T5562 described as: SEE ATTACHED LEGAL DESCRIPTION. TERM 5 years. From January 1, 2010 to December 31, 2014. Compensation: \$225.00/year Entire term of lease will be subject to Fair Market Rental	9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS) 0 AGAINST 0 ABSTAINED
<b>2010-092.nat</b>	Approve a Farm/Pasture Lease No. 09-14 to Mike Marcellay, Tribal Member, for Tribal Tract No. 101-T3436-1 described as: That portion of Government Lot 7, Section 16, Township 30 North, Range 25 East, Willamette Meridian, Okanogan County, Washington, more particularly described as follows: Beginning at the SE corner of said Government Lot 7: thence along the south line of said Government Lot 7, S.75°26'13"W., 1320.18 feet, to the project boundary line of the Wells Hydroelectric project; thence along said project boundary line the following courses and distances: N.75°42'55"E., 69.39 feet; N.30°52'14"W., 594.94 feet; N.59°05'49"E 699.32 feet; S.75°26'15"E., 300.02 feet; N.75°26'15"E., 457.46 feet; N.69°08'34"E., 300.02 feet; N.75°21'43"E., 229.06 feet to the east line of said Government Lot 7; thence along said east line S.00°49'42"E., 917.97 feet to the point of beginning: Exceptions therefrom 2.06 acres, more or less acquired part by the United States in connection with the Chief Joseph Dam and reservoir project, under Civil Act No. 862, declaration of taking as a Tract No. C-200, filed in the United States District Court for the Eastern District of Washington, Northern District, July 13, 1950, pursuant to the Act of February 28, 1931 (48 Stat 142), 40 U.S.C., Section 258A and Acts supplementary thereto and amendatory thereof, containing 26.10 acres, more or less. TERM: 10 years, from March 1, 2010 to December 31, 2019. Compensation: 1/3 crop share after the first 2 years for preparation and \$100.00/year as of 1/1/10. Entire term of lease will be subject to Fair Market Rental value	9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS) 0 AGAINST 0 ABSTAINED
<b>2010-093.nat</b>	Approve a Farm/Pasture Lease No. 09-15 to Mike Marcellay, Tribal Member, for Tribal Tract No. 101-T3506 described as: That portion of Government Lot 5, Section 21, and Government Lot 6, Section 16, both in Township 30 North, Range 25 East, Willamette Meridian, Okanogan County, Washington, more particularly described as follows: Beginning at the North quarter of said section 21; thence along the North line of said section N.89°	9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS) 0 AGAINST 0 ABSTAINED

	<p>16' 39" E., 1320.00 feet to the Southwest corner of said Government Lot 6; thence along West line of said Government Lot 6, N. 00° 47' 28" W., 1314.74 feet to the Northwest corner of said Government Lot 6; thence along the North line of said Government Lot 6, N.88° 42' 00" E., 1324.76 feet to the Northeast corner of said Lot 6; thence along the East line of said Lot 6, S.00° 58'00" E., 726.26 feet to the project Boundary Line for the Wells Hydroelectric Project; thence along said project line the following course and distances: SEE ATTACHED DISTANCES</p> <p>See Attachment: Term: 10 years from March 1, 2010 to December 31, 2019.</p> <p>Compensation: Fence repair, Irrigation repair and replacement, and reseed. 1/3 crop share after the first 2 years for preparation and \$100.00/year as of 1/1/10. Entire term of lease will be subject to Fair Market Rental value.</p>	
<b>2010-094.nat/m&amp;b</b>	<p>Approve the Tribes 2011 EPA 106 Water Quality Grant in the amount of \$170,000. No Tribal Dollars are required and the 5% match is covered by the Tribes' BIA Water Resources 638 contract. Chairperson or authorized designee is authorized to sign all relevant documents.</p>	<p>9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS) 0 AGAINST 0 ABSTAINED</p>
<b>2010-095.nat</b>	<p>Approve the contract with Don Kruse Electric to remove, dispose, of and replace 5 heating and cooling systems and one wall pack unit, install 5 carrier 5 ton 13 seer comfort series R-410A heat pumps/air conditioning units and Bard 2 ton wall pack A/C unit. Funds are allocated in the Mt. Tolman Complex GSA reimbursement account 641, no matching dollars and no additional dollars are required. No TERO fee assessed.</p>	<p>9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS) 0 AGAINST 0 ABSTAINED</p>
<b>2010-096.nat/l&amp;j/m&amp;b</b>	<p>Approve the contract with Morgan Jones for services related to assisting the Colville Tribes in doing business with China, and to direct that \$24,000.00 be transferred from the Wells Dam/Economic Development Account to the ORA's Outside Contracts budget line (Account #587) for these contract services.</p>	<p>9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS) 0 AGAINST 0 ABSTAINED</p>
<b>2010-097.nat</b>	<p>Rescind Tribal Resolution 2009-804 dated November 4, 2009 in its entirety. The aforementioned resolution was corrected and replaced by Tribal Resolution 2009-816 dated November 12, 2009.</p>	<p>9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS) 0 AGAINST 0 ABSTAINED</p>
<b>2010-098.nat</b>	<p>Purchase the Sajjadi Family Holdings LLC fee property located at NNA Road 23 NW, Soap Lake, Washington to include tax parcel no. 160953000 containing 30.10 acres more or less; legally described in short as the E 810 feet of the W 2940 feet of the North half Ls Tx#s in 12-22-26 Grant County, Washington. The Colville Tribe is authorizing the purchase of the property in the amount of \$550,000.00 with a closing date of on or before March 31, 2010. Upon purchase, property to be immediately transferred from fee to trust status. Funds</p>	<p>8 FOR (SC, CA, JW, BN, JS, SA, JJ, VS) 1 AGAINST (GJ) 0 ABSATINED</p>

	for purchase and associated closing costs to be disbursed from the Land Purchase/Wells Dam 1/3 account. Chairperson or designee to sign all pertinent documents and legal instruments.	
<b>2010-099.nat/m&amp;b</b>	Approve the new funding award for the Rufus Woods Broodstock Net Pens Project in the amount of \$166,875.00 and authorize the Chairman and/or his designee to sign contract and all or any related documents. Funded by BPA, no tribal dollars.	9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS) 0 AGAINST 0 ABSTAINED
<b>2010-100.nat/m&amp;b</b>	Approve the 2010/2011 Non-Member Sports Fishing Regulations.	8 FOR (SC, JW, GJ, BN, JS, SA, JJ, VS) 1 AGAINST (CA) 0 ABSTAINED
<b>2010-101.nat/m&amp;b</b>	Approve the 316610 – Okanogan Subbasin Planning Project in the amount of \$896,362.00 and authorize the Chairman and/or his designee to sign contract and all or any related documents. Funded by BPA, no Tribal dollars.	8 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ) 0 AGAINST 0 ABSTAINED **VS out of room**
<b>2010-102.nat/m&amp;b</b>	Approve the 317510 – Lake Roosevelt Rainbow Trout Project in the amount of \$638,575.00 and authorize the Chairman and/or his designee to sign contract and all or any related documents. Funded by BPA, no Tribal dollars.	8 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ) 0 AGAINST 0 ABSTAINED **VS out of room**
<b>2010-103.nat/m&amp;b</b>	Approve the budget modification #1 to fund – Lake Roosevelt Structures and authorize the Chairman and/or his designee to sign contract and all or any related documents. Funded by WA Department of Ecology, no Tribal dollars.	8 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ) 0 AGAINST 0 ABSTAINED **VS out of room**
<b>2010-104.nat/m&amp;b</b>	Donate \$1,000.00 to the Cheyenne River Sioux Tribe for relief efforts. Funds will be paid out of the Wells Dam Economic Development Account. Check to made payable to Affiliated Tribes of Northwest Indians, whom will collect pledges and forward to the Cheyenne River Sioux Tribe.	5 FOR (JS, JW, GJ, BN, MF) 4 AGAINST (JJ, SC, SA, CA) 0 ABSTAINED **VS out of room**
<b>2010-105.m&amp;b</b>	Approve the request of Colville Tribal Enterprise Corporation to a 60-day (January and February, 2010) deferral of the 80/20 payment to the Confederated Tribes of the Colville Indian Reservation. The deferral will be repaid within 60 days with interest.	7 FOR (SC, CA, GJ, BN, JS, SA, JJ) 1 AGAINST (JW) 0 ABSTAINED **VS out of room**
<b>2010-106.m&amp;b</b>	Approve the Memorandum of Agreement between Colville Tribes and the State Department of Licensing to return to the terms of the 2004 Fuel Tax Compact effective immediately, Chairman or designee is authorized to sign all documents.	7 FOR (CA, GJ, BN, JS, SA, JJ, JW) 1 AGAINST (SC) 0 ABSTAINED **VS out of room**
<b>2010-107.m&amp;b</b>	Approve \$3000.00 for strategy implementation planning and facilitation services from Action Strategy to input the Colville Confederated Tribes Strategic Plan into the software program. Funds to come from the Wells Dam Economic Development account. Chairman or designee authorized to sign pertinent documents. Amendment: To amend budget accordingly.	7 FOR (SC, CA, JW, GJ, BN, JS, SA) 1 AGAINST (JJ) 0 ABSTAINED **VS out of room**
<b>2010-108.m&amp;b</b>	Support a breakfast at the 2010 Celebrating Salish Conference in the amount of \$1,800.00 with funds coming from the Wells Dam Elders and Youth funds and amend the budget accordingly.	7 FOR (SC, CA, JW, GJ, BN, JS, SA) 1 AGAINST (JJ) 0 ABSTAINED ** VS out of room
<b>2010-109.m&amp;b/e&amp;c</b>	Approve the Early Childhood Special Education contract, Amendment 21 – No. CTP03T10139, in the amount of \$167,950.00 and amend the budget accordingly. The chair and/or his designee is authorized to sign the contract.	9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS) 0 AGAINST 0 ABSTAINED
<b>2010-110.m&amp;b/l&amp;j</b>	Approve the employment contract with Dana Cleveland as a	9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS) 0 AGAINST

	Reservation Attorney and authorize the Colville Business Council Chairman/designee to sign all appropriate documents. Funding for this contract is available in the ORA FY 2010 budget.	<b>0 ABSTAINED</b>
<b>2010-111.m&amp;b</b>	Approve the letter to BIA Director Stanley Speaks noting the Protocol for appointment to the Tribal Budget Advisory Council (TBAC) has not been followed, to request recession of a selection to TBAC, and to recommend the appointment of CBC member Harvey Moses Jr to the TBAC. Authorize the Chairman or designee to sign the letter.	<b>9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS)</b> <b>0 AGAINST</b> <b>0 ABSTAINED</b>
<b>2010-112.m&amp;b</b>	Direct that a letter be drafted, for the signature of the Chairman of the Colville Tribes, requesting President Barack Obama to (1) convene a Tribal Summit to address the taxation practices of the Internal Revenue Service for work done by Indians on trust property, teaching the Indian Language, exercise of Tribal and cultural activities, such as games, dancing, and crafts, and any other activities performed by Indians on Indian Reservations and Allotments; and (2) direct the Internal Revenue Service to cease taxation of activities related to Tribal culture and for work performed by Indians on Indian Trust Lands; and (3) formulate an executive order calling for the designation of Tribes and traditional practices, work performed by Indian people on trust lands be designated as work preserving under a new National Historical and Cultural Preservation of American Indians; and approve the Chair or designee to sign this letter.	<b>9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS)</b> <b>0 AGAINST</b> <b>0 ABSTAINED</b>
<b>2010-113.l&amp;j/gov</b>	The Law & Justice Committee will have committee jurisdiction over the Confederated Tribes of the Colville Reservation (CTCR) Domestic Violence program for advisory committee updates, including grant compliance reporting requirements.	<b>8 FOR (SC, JW, GJ, BN, JS, SA, JJ, VS)</b> <b>1 AGAINST (CA)</b> <b>0 ABSTAINED</b>
<b>2010-114.l&amp;j</b>	Request the Colville Gaming Commission, the primary regulator of gaming on the Colville Indian Reservation, research, deliberate, and issue an Indian Lands Opinion on whether certain property, commonly referred to as "Barney's Junction," constitutes Indian Lands for the purposes of Colville Law and defined by the Indian Gaming Regulatory Act.	<b>9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS)</b> <b>0 AGAINST</b> <b>0 ABSTAINED</b>
<b>2010-115.l&amp;j</b>	Approve a request by John Arum that the Colville Tribes sign onto an amicus brief, being prepared by the Lummi Nation, challenging a state Department of Ecology decision allowing Easterday Ranches to take an estimated 500 acre-feet of drinking water per year for stock watering. Amicus would be filed in above-described case, pending in Franklin County Superior Court.	<b>9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS)</b> <b>0 AGAINST</b> <b>0 ABSTAINED</b>
<b>2010-117.gov</b>	Accept this as an official notification that the Tribal Government Chair, Shirley K. Charley has received an Ethics Complaint, signed under oath from Harvey Moses, Jr., Nespelem District elected councilperson, against Susie Allen, Inchelium District elected councilperson. This process will start on the date of acceptance by the Rules Committee.	<b>9 FOR (SC, JJ, GJ, BN, CA, HM, JW, VS, JS)</b> <b>0 AGAINST</b> <b>1 ABSTAINED (SA)</b>
<b>2010-118.gov</b>	Accept this as an official notification that the Tribal Government Chair, Shirley K. Charley has received an	<b>9 FOR (SC, JJ, GJ, BN, CA, SA, HM, JW, JS)</b> <b>0 AGAINST</b> <b>1 ABSTAINED (VS)</b>



	Ethics Complaint, signed under oath from Harvey Moses Jr., Nespelem District elected councilperson, against Virgil Seymour, Sr., Inchelium District elected councilperson. This process will start on the date of acceptance by the Rules Committee.	
<b>2010-119.gov</b>	Accept this as an official notification that the Tribal Government Chair, Shirley K. Charley has received an Ethics Complaint, signed under oath from Harvey Moses Jr., Nespelem District elected councilperson, against Jeanne Jerred, Keller District elected councilperson. This process will start on the date of acceptance by the Rules Committee.	<b>9 FOR (SC, GJ, BN, CA, SA, HM, JW, VS, JS)</b> <b>0 AGAINST</b> <b>1 ABSTAINED (JJ)</b>
<b>2010-120.gov</b>	Accept this as an official notification that the Tribal Government Chair, Shirley K. Charley has received an Ethics Complaint, signed under oath from Harvey Moses Jr., Nespelem District elected councilperson, against Juanita Warren, Inchelium District elected councilperson. This process will start on the date of acceptance by the Rules Committee.	<b>9 FOR (SC, JJ, GJ, BN, CA, SA, HM, VS, JS)</b> <b>0 AGAINST</b> <b>1 ABSTAINED (JW)</b>
<b>2010-121.gov</b>	Accept this as an official notification that the Tribal Government Chair, Shirley K. Charley has received an Ethics Complaint, signed under oath from Leroy Jerred, Tribal member from the Keller District, against Carleen Anderson, Omak District elected councilperson. This process will start on the date of acceptance by the Rules Committee.	<b>8 FOR (SC, GJ, BN, SA, HM, JW, VS, JS)</b> <b>0 AGAINST</b> <b>2 ABSTAINED (CA, JJ)</b>
<b>2010-122.gov</b>	The legal review of the complaint against Councilperson Carleen Anderson, be conducted by the Office of Reservation Attorney (ORA). Upon completion and recommendations to the Rules Committee under the Tribal Government Committee no further action will be conducted as far as this complaint.	<b>8 FOR (SC, GJ, BN, SA, HM, JW, VS, JS)</b> <b>0 AGAINST</b> <b>2 ABSTAINED (CA, JJ)</b>
<b>2010-123.gov</b>	The legal review of the complaint against Councilperson Juanita Warren, be conducted by the Office of Reservation Attorney (ORA). Upon completion and recommendations to the Rules Committee under the Tribal Government Committee no further action will be conducted as far as this complaint.	<b>9 FOR (SC, JJ, GJ, BN, CA, SA, HM, VS, JS)</b> <b>0 AGAINST</b> <b>1 ABSTAINED (JW)</b>
<b>2010-124.gov</b>	The legal review of the complaint against Councilperson Virgil Seymour, Sr., be conducted by the Office of Reservation Attorney (ORA). Upon completion and recommendations to the Rules Committee under the Tribal Government Committee no further action will be conducted as far as this complaint.	<b>9 FOR (SC, JJ, GJ, BN, CA, SA, HM, JW, JS)</b> <b>0 AGAINST</b> <b>1 ABSTAINED (VS)</b>
<b>2010-125.gov</b>	The legal review of the complaint against Councilperson Jeanne Jerred, be conducted by the Office of Reservation Attorney (ORA). Upon completion and recommendations to the Rules Committee under the Tribal Government Committee no further action will be conducted as far as this complaint.	<b>9 FOR (SC, GJ, BN, CA, SA, HM, JW, VS, JS)</b> <b>0 AGAINST</b> <b>1 ABSTAINED (JJ)</b>
<b>2010-126.gov</b>	The legal review of the complaint against Councilperson Susie Allen, be conducted by the Office of Reservation Attorney (ORA). Upon completion and recommendations to the Rules Committee under the Tribal Government Committee no further action will be conducted as far as this	<b>9 FOR (SC, JJ, GJ, BN, CA, HM, JW, VS, JS)</b> <b>0 AGAINST</b> <b>1 ABSTAINED (SA)</b>

	complaint.	
<b>2010-127.com/m&amp;b</b>	Approve the contract for Stimson Contracting in the amount of \$448,940.00, for the construction of the Dance Arbors for Nespelem Fourth of July Grounds and Omak Stampede Grounds. Tribal dollars identified and designated from Wells Dam Fund per resolutions 2010-080 (nespelem) & 2010-081 (omak). TERO fees are waived. Chairman or designee to sign all pertinent documents.	<b>10 FOR (SC, JJ, GJ, BN, CA, HM, JW, VS, JS, SA)</b> <b>0 AGAINST</b> <b>0 ABSTAINED</b>
<b>2010-128.nat</b>	Approve a lease agreement to Steven D. Brown of the homesite located at 28970 Hwy 97, Okanogan, and parcel #3326114000 and legally described as the Northwest quarter of Section 11, Township 33 North, Range 26 E.W.M., Okanogan County, Washington, on the Colville Reservation to include homesite only and driveway plus 100 feet north, south, east and west of homesite dwelling. Lease terms to commence March 1, 2010 to June 30, 2010 at the monthly rental rate of \$500.00 in "as is condition". Chairman or designee to sign all pertinent document	<b>9 FOR (SC, CA, JW, GJ, BN, JS, SA, JJ, VS)</b> <b>0 AGAINST</b> <b>0 ABSTAINED</b>