



COLVILLE CONFEDERATED TRIBES COLVILLE BUSINESS COUNCIL

May 10, 2010
Resolution Index

Condensed by, Trisha Jack, CBC Recording Secretary

Council Members Present: Ernie Williams, Shirley Charley, Michael Finley, Jeanne Jerred, Gene Joseph, Brian Nissen, Carleen Anderson, Susie Allen, Harvey Moses Jr, Juanita Warren (arrival time 1:11 p.m.)

Delegation/Absent: Andy Joseph Jr, Michael Marchand, Virgil Seymour, and John Stensgar

Resolution No.	Condensed Recommendation Information	Colville Business Council Vote Tally
10-Signature 2010-286.nat	To approve that the \$30,000 received from the BIA Safety of Dams Program be placed in the 1616 account (Environmental Trust, BIA Special Projects) according to attached budget mod for Account 1616. No Tribal dollars required. Chairman or authorized designee to sign all related documents.	10 FOR (VS, MF, JS, HM, BN, EW, CA, JW, SA, JJ) 0 AGAINST 0 ABSTAINED
10-Signature 2010-287.m&b	Authorizes the Executive Director and ORA to start the contracting negotiations with Stauffer & Associates PLLC to provide accounting management support services to the Tribes. Final contract will be brought forward to the next Management & Budget Committee on May 5, 2010 for approval consideration of the Colville Business Council.	11 FOR (HM, SA, VS, JW, CA, JJ, MF, AJ, BN, GJ, SC) 0 AGAINST 0 ABSTAINED
10-Signature 2010-288.nat	To allow Theresa Vieira aka Theresa Cavasos to exercise the option to purchase under terms as recorded by tribal resolution no. 2002-331 of home site described as follows: a parcel of fee property and mobile home described as being situated within Lot 11, Riverview Subdivision, as recorded in Volume G Plat, Page 33, Records of Okanogan County Auditor's Office, and correction plat recorded in Book D of Surveys, Page 305, located within Section 30, Township 29 North, Range 31 East, Willamette Meridian, Okanogan County, Washington, most commonly known as 29 Riverview Drive, Coulee Dam, Washington. Purchase price to be based upon appraised value less lease payments made to date of \$36,800.00. All associated fees for purchase transaction to be paid for by buyer/purchaser. Chairman or designee to sign all pertinent documents.	10 FOR (VS, JW, GJ, EW, HM, MM, SC, MF, AJ, BN) 1 AGAINST (CA) 0 ABSTAINED
10-Signature 2010-289.cul	To authorize the History/Archaeology Program to accept the contract with Teck American, Inc. in the amount of \$85,348.00 to conduct cultural resources work at Black Sand Beach. This also authorizes History/Archaeology to negotiate scopes of work and budgets with Teck American, Inc cultural resources work under NHPA and Executive Order 05-05. Work will be performed on the Reservation or in the traditional territories of the CCT. This work is	10 FOR (HM, JW, JJ, SA, MF, AJ, BN, MM, EW, CA) 0 AGAINST 0 ABSTAINED *Rationale: Timelines need ASAP

	associated with the cleanup of the Columbia River/Lake Roosevelt. All contracts awarded will go through the administrative review process for approval prior to any work being conducted. This authorizes the Chairman or designee to sign all documents related to this matter.	
10-Signature 2010-290	To approve the Tribe's EPA Clean Air Act 105 Grant submittal for \$221,788 for FY2011 and 2012. No Tribal funds are required and matching services of \$11,644 are provided by Environmental Trust BIA TPA account 1881. Chairman or designee is authorized to sign all documents.	<p>11 FOR (VS, JW, HM, JJ, SA, CA, GJ, MF, AJ, BN, MM)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p> <p>*Rationale: Grant Application is DUE by April 30, 2010. CBC approval is required to submit application to EPA by due date.</p>
10-Signature 2010-291.m&b	To support the School Tours of America field trip to Washington D.C. chaperone Tania L. Barnhart-King \$1,000.00 donation request to match the fundraising efforts of \$1,700.00, funds to be distributed from the Wells Dam 1/3 Elders and Youth account. Chairman or designee authorized to sign all pertinent documents.	<p>10 FOR (HM, SA, VS, JJ, JW, MF, MM, BN, JS, EW)</p> <p>1 AGAINST (CA)</p> <p>0 ABSTAINED</p> <p>*Rationale: Timelines</p>
10-Signature 2010-292.m&b	To support the School Tours of America field trip to Washington D.C. chaperone \$1,000 donation request to match the fundraising efforts of \$1,800 funds to be distributed from the Wells Dam 1/3 Elders and Youth account by April 19,2010 by 4:00 pm.	<p>10 FOR (SA, JS, HM, VS, JW, JJ, MF, AJ, MM, BN)</p> <p>1 AGAINST (CA)</p> <p>0 ABSTAINED</p> <p>*Rationale: Timelines payment due by 4-20-10</p>
10-Signature 2010-293.com	To enter into an Inter-Governmental Cooperation Agreement with the City of Omak which will serve as a facilities agreement for the Eastside Park Dance Pavillion. The attached "facilities agreement" has gone through review with the Office of Reservation Attorneys; further to authorize the Chairman or his designee to sign said agreement.	<p>10 FOR (EW, JS, MF, JW, BN, AJ, GJ, CA, SC, JJ)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p> <p>*Rationale: Time lines-construction scheduled to start May 3, 2010. To meet the 2010 Omak Stampede event deadline to have facility constructed, it is emergent to process this recommendation through the 10 signature process so that construction can start as slated on May 5, 2010 to meet the 2010 Omak Stampede event deadline.</p>
10-Signature 2010-294.com	To approve the Consultant Contract with Womer and Associates, Inc for Engineering Services, including Administration, Planning, Survey and Design of the Buffalo Lake Road Improvements in the amount of \$278,520.00. All funds are federal monies from the approved 638 "Multiple Projects" Contract (CTP03T10165). Chairman or designee to sign all pertinent documents.	<p>10 FOR (EW, JS, BN, AJ, HM, GJ, SC, MF, VS, SA)</p> <p>1 AGAINST (CA)</p> <p>0 ABSTAINED</p> <p>*Rationale: Timelines for projects completion by 9-20-10.</p>
10-Signature 2010-295.nat	Approve emergency resolution to submit application for a FY2010-2011 competitive EPA wetland program grant. \$49,915 is requested to support writing a wetland program plan & assessment/monitoring strategy, obtaining EPA approval of Clean Water Act Sec. 401 treatment similar to a state, supporting administrative procedures to revise CTC 4-9 Hydraulic code, developing and presenting wetlands training.	<p>10 FOR (JS, AJ, GJ, EW, MF, JW, CA, SA)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>
10-Signature 2010-296.m&b	Allocate \$3,000.00 for the Inchelium Elders Dinner with funds coming out of the Wells Dam 1/3 Elder and Youth Account. This will be an annual event and will be included in Tribes Gathering Budget yearly. The Chairman or	<p>10 FOR (HM, CA, SA, JJ, JW, EW, GJ, BN, JS, SC)</p> <p>0 AGAINST</p>

	designee authorized to sign all pertinent documents.	0 ABSTAINED *Rationale: Time frames for planning.
2010-297.nat	To approve the Colville Wenatchi Spring Chinook Wenatchapam Fishery on Icicle Creek 2010 Fishing Regulations. Fishing period: This fishery will commence on May 11, 2010 and continue through the end of July 31, 2010. Weekly fishing periods will initially begin on Tuesday at 6:00 AM and continue through 6:00 AM on Sunday. Weekly fishing periods will be adjusted in-season based on salmon availability.	8 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM) 0 AGAINST 0 ABSTAINED
2010-298.nat	To approve Biomass Removal contract to San Poil Logging for skidding of material sub-merchantable material on 13 blocks totaling 605.8 acres and biomass removal of material from 20 blocks in the amount of \$238,758.00. Projects are funded with federal fuels and ARRA monies, no tribal dollars required. Chairman or designee is authorized to sign all necessary or pertinent documents.	6 FOR (EW, JJ, GJ, BN, SA, HM) 2 AGAINST (SC, CA) 0 ABSTAINED
2010-299.m&b	To approve the attached letter responding to the letter of April 27, 2010 from Senator John Barrasso to tribal leaders regarding suggested changes to the proposed settlement in Cobell v. Salazar. This authorizes the chairman or designee to sign all related documents.	9 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM, JW) 0 AGAINST 0 ABSTAINED
2010-300.m&b/l&j/com	WHEREAS, the DOJ has a funding opportunity available through CTAS; and the total estimated CCT grant is \$4.7 million for the following Purpose Areas: COPS, Alcohol & Substance Abuse Prevention, Tribal Court Assistance, Corrections Facilities, Sexual Assault Services Program, Elder Outreach, and Tribal Youth Program; NOW THEREFORE BE IT RESOLVED that the Colville Confederated Tribes certifies that it will provide the required 10% match for the Corrections Facilities and Tribal Youth Purpose Areas, both of which may be in-kind, in support of this application for the project periods covering 9/30/2010 to 9/30-2013 and BE IT FURTHER RESOLVED it is the recommendation of the Management and Budget, Law and Justice and Community Development Committees to approve the submission of an application for CTAS. The chair or his designee is authorized to sign all pertinent documents.	8 FOR (EW, JJ, GJ, GN , CA, SA, HM, JW) 1 AGAINST (SC) 0 ABSTAINED
2010-301.com/m&b	WHEREAS, the HIS has funding opportunity available through the RPMS to provide grant dollars up to \$100,000 over a 12 month period assist the Tribes with developing interfaces to electronically report data to the IHS. Therefore, it is the recommendation of the CDC and M&B Committee to direct the Executive Director to modify the contract with Sparrowhawk Consulting Company for preparation of the RPMS application for \$5,845 plus related travel fees with funds coming from the 1/3 Wells Dam Economic Development Funds, and modify the budget accordingly. The Chair or designee is authorized to sign all pertinent documents.	9 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM, JW) 0 AGAINST 0 ABSTAINED
2010-302.cul/m&b	That in order to relieve the IRS taxation burden from the elders, we remove them from Contract status employees to that of regular employees of the Colville Confederated	9 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM, JW) 0 AGAINST

	Tribes. Their contract income is already being reported by the Colville Tribes to IRS per contract stipulations. However, we've found that many elders do not understand, completely, their responsibilities as self-employed contractors. And we, as administrators, can assist the elders with their taxation issues more adequately when they're classified as staff employees.	0 ABSTAINED
2010-303.e&e	To approve to strike "except for CTEC, which shall be subject to TERO contract fees only" under the Law & Order Code, Title 10, Chapter 10-1-26(a) second paragraph. It is also recommended to approve to strike "except CTEC which shall be subject to contract fees only" of the Law & Order Code, Title 10, Chapter 10-1-26, subsection (c) (1).	8 FOR (EW, SC, GJ, BN, CA, SA, HM, JW) 1 AGAINST (JJ) 0 ABSTAINED
2010-304.gov	To approve the attached Declaration of Unity and Memorandum of Understanding between the Colville Tribes and the ONA and its constituent bands and authorize the Chairman of the Colville Business Council or designee to sign said Declaration and MOU on behalf of the Colville Tribes.	8 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM) 0 AGAINST 0 ABSTAINED
2010-305.gov	The Rules/Tribal Government Committee hereby finds that no violation of the Council Code of Professional Responsibility occurred and dismissing the charges against Juanita Warren.	7 FOR (EW, SC, JJ, GJ, BN, SA, HM) 1 AGAINST (CA) 0 ABSTAINED
2010-306.gov	The Rules/Tribal Government Committee hereby finds that no violation of the Council Code of Professional Responsibility occurred and dismissing the charges against Jeanne Jerred.	6 FOR (EW, SC, GJ, BN, SA, HM) 1 AGAINST (CA) 1 ABSTAINED (JJ)
2010-307.gov	The Rules/Tribal Government Committee hereby finds that no violation of the Council Code of Professional Responsibility occurred and dismissing the charges against Virgil Seymour.	7 FOR (EW, SC, JJ, GJ, BN, SA, HM) 1 AGAINST (CA) 0 ABSTAINED
2010-308.m&b/e&e	To waive the TERO fees for all subcontracts awarded for the construction of the new K-12 school building project for the Grand Coulee Dam School District, pursuant to the authority of the Colville Business Council to waive such fees as provided for in Colville Tribal Code 10-1-26 (c) (3) (C), as the assessment of the fees on this project would create an economic hardship for the project as a whole and reduce the amount of dollars available for the direct enhancement of educational opportunities for all students in the Grand Coulee Dam School District.	8 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM) 0 AGAINST 0 ABSTAINED
2010-309.l&j/m&b/nat	To authorize John Arum of Zointz, Chestnut, Vernel & Berley, the Colville Tribes' outside counsel on this matter, to sign the attached pleading, asking the Federal Energy Regulatory Commission to approve the Wells Aquatic Settlement Agreement, already approved and signed by the Colville Tribes.	9 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM, JW) 0 AGAINST 0 ABSTAINED
2010-310.com	To rescind resolution 2009-198 in its entirety. It is further recommended to allow Colville Tribal Member vendors to set up their stands at the Trading Post all year. All other vendors will be allowed to set up their stands at an alternate location near or at the Nespelem Community Center. All vendors will be responsible for their own sanitation facilities and solid waste disposal. There will be no disposal or	9 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM, JW) 0 AGAINST 0 ABSTAINED

	sanitation facilities available at the Trading Post Store. All vendors will be assessed a fee of \$50.00 and apply through the Planning Department for their permits which will be good for one year.	
2010-311.m&b	To approve the Colville Tribal Sort Yard and to modify the budget in the amount of \$533,032 to come from the Wells Dam Economic Development account. This will fund the Sort Yard for the remainder of the 2010 fiscal year, ending September 30, 2010. This sort yard will be managed by CTEC on behalf of the Colville Tribe. A separate tribal account will be established to administer the funds for the sort yard.	8 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM) 1 AGAINST (JW) 0 ABSTAINED
2010-312.m&b	Support the \$450.00 donation request to the Inchelium School District for their annual Community Environmental Clean-Up day on May 7, 2010 funds to derived from the annual donations account and that this be budgeted as an annual event for the Inchelium district.	8 FOR (EW, SC, JJ, GJ, BN, SA, HM, JW) 1 AGAINST (CA) 0 ABSTAINED
2010-313.com/l&j	To declare that an emergency exists, for the safety and welfare of the members of the Colville Reservation and to enact the amendments for Chapter 6-9, Animal Control and Protection, as proposed. Chapter 6-9 is being processed utilizing CBC Procedural Rule 3 (c) where an emergency is declared to exist. Once approved, a copy shall be forwarded to the Code Reviser for certification and distribution.	8 FOR (EW, SC, JJ, GJ, CA, SA, HM, JW) 1 AGAINST (BN) 0 ABSTAINED
2010-314.com/m&b	To approve the purchase of a 2010 Power Sweeper for \$43,528.00 from Rowand Machinery for the Roads Program; All funds are federal monies from the approved 638 Roads Maintenance Contract (CTP03T10165)	8 FOR (EW, SC, JJ, GJ, BN, CA, SA, JW) 0 AGAINST 1 ABSTAINED (HM)
2010-315.com	To approve the contract renewal with Pacific Energy Systems, the consultant will perform the Mechanical Engineering portion of the investment grade feasibility study for a new woody biomass power plant at CIPV, Omak, WA. The Contract will be paid for with funds from the Program's BIA Energy and DOE Block grants. Amount of contract \$80,000.00. Chairman or designee is authorized to sign all related documents.	9 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM, JW) 0 AGAINST 0 ABSTAINED
2010-316.l&j	To direct the Office of the Reservation Attorney to file an amicus letter in support of the Colorado River Indian Tribes' Tribal Court before the 9 th Circuit Court of Appeals in Water Wheel v. LaRance.	9 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM, JW) 0 AGAINST 0 ABSTAINED
2010-317.l&j/m&b	To approve the attached revised Tobacco Code Administration Policy, effective immediately, and to direct the Tobacco Code Administrator to immediately notify all tribally-licensed tobacco outlet owners of this revised policy and send each of them two copies of the revised policy.	7 FOR (SC, GJ, BN, CA, SA, HM, JW) 0 AGAINST 0 ABSTAINED *OUT OF ROOM (EW, JJ)
2010-318.nat	To approve the MOU for partnership with International Biological Control of Eurasian Water milfoil in the Upper Columbia River Coordinated Weed Management Area. Authorizing Chairperson to sign all relevant documents after reviewed by the ORA office.	7 FOR (EW, JJ, GJ, BN, CA, SA, HM) 0 AGAINST 0 ABSTAINED *OUT OF ROOM (SC)
2010-319.nat	To approve to declare a Key Tract for appraisal purpose for the purchase of Caulette Williams Allotment, 151-H-88 from Raymond Quintasket and Phillip Quintasket. The property is described as follows: The Northeast quarter of the Northeast	7 FOR (EW, JJ, GJ, BN, CA, SA, HM) 0 AGAINST 0 ABSTAINED

	<p>quarter of Section 16, Township 38 North, Range 37 East, Willamette Meridian, Stevens County, Washington, containing 40.00, more or less.</p> <p>Funds to be disbursed out of Wells Dam Land Purchasing Account.</p> <p>Chairman or designee has authority to sign all pertinent documents.</p>	<p>*OUT OF ROOM (SC)</p>
2010-320.nat	<p>To approve the Fish & Wildlife Organizational Chart (attached), to the Colville Business Council. This approval will rescind any prior resolutions of organizational chart authorizations. This chart was developed between the Fish & Wildlife Staff and the TPM contractor who specializes in human resource development. Therefore it is the recommendation of the Natural Resource Committee to approve the new Organizational Chart as presented. Chair or designee authorized to sign all pertinent documents.</p>	<p>5 FOR (EW, JJ, BN, SA, HM)</p> <p>2 AGAINST (SC, CA)</p> <p>1 ABSTAINED (GJ)</p>
2010-321.nat/m&b	<p>To approve Fish & Wildlife Department's request to use TPM's Preliminary Wage Survey as a tool to adjust Fish & Wildlife Department wages to market rate. The Committees recommend authorizing Fish & Wildlife Department to develop a supplemental salary schedule specific to the Department in consultation with TPM and CCT's Personnel Department based on a final Wage Survey to be developed by TPM. Finally, the Committees authorize Fish & Wildlife to adjust Department staff compensation levels according to the supplemental salary schedule. No Tribal dollars attached.</p>	<p>5 FOR (EW, JJ, BN, SA, HM)</p> <p>3 AGAINST (SC, GJ, CA)</p> <p>0 ABSTAINED</p>
2010-322.nat	<p>To approve Fish & Wildlife Department's request to authorize F&W staff to draft letters to be signed by the Chair inviting up to five individuals each from the UCUT Tribes and ONA to participate in CCT F&W's selective harvest program throughout the 2010 salmon fishing season and to be gifted fish for distribution to their Tribe's membership. Further, the Natural Resources Committee authorizes or his designee to sign and deliver such letters. Finally, the Natural Resources Committee recommends authorizing Fish & Wildlife Director to extend such invitations throughout the 2010 salmon fishing season based on run size and timing, ensuring that sufficient numbers of salmon are reserved for the CCT Tribal membership and ensuring a fair and equitable apportionment of fish among the UCUT Tribes and ONA. No Tribal dollars attached.</p>	<p>7 FOR (EW, SC, JJ, GJ, BN, SA, HM)</p> <p>0 AGAINST</p> <p>1 ABSTAINED (CA)</p>
2010-323.hhs/gov	<p>To authorize the submission the grant application for \$3.5 million in 2009 Recovery Act funds that the Indian Health Services (IHS) is awarding to develop interfaces that will enable Tribes and Tribal Organizations currently not running the Agency's Resource and</p>	<p>9 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM, JW)</p> <p>0 AGAINST</p> <p>0 ABSTAINED</p>

	Patient Management System (RPMS). The Chairman or designee is authorized to sign all pertinent documents.	
2010-324.nat	To approve the attached sub-contract with Battelle Memorial Institute in the amount of \$272,036 and authorize the chairman and/or his designee to sign contract and all or any related documents. Funded by BPA, no Tribal dollars.	6 FOR (EW, JJ, GJ, BN, SA, HM) 1 AGAINST (CA) 1 ABSTAINED (SC)
2010-325.nat	To purchase the LeBret fee property, parcel no. 22916340001000 legally described as: the Southeast quarter of the Southwest quarter, Section 16, Township 29 North, Range 32 E.W.M., situated in Ferry County, Washington containing 36.26 acres, more or less. The Colville Tribe is authorizing the purchase of the property in the amount of \$43,500.00 with a closing date of on or before June 11, 2010. Upon purchase, property to be immediately transferred from fee to trust status. Funds for purchase and associated closing costs to be disbursed form the Land Purchase/Wells Dam 1/3 account. Contingent upon the availability of funds in the Wells Dam Land Purchase account. Chairperson or designee to sign all pertinent documents and legal instruments.	6 FOR (EW, SC, JJ, GJ, BN, SA, HM) 1 AGAINST (SC) 1 ABSTAINED (CA)
2010-326.nat	To approve the attached proposed 2010-2011 Tribal Members Hunting Regulation Changes and approve attached Hunting regulations.	6 FOR (EW, SC, GJ, BN, SA, HM) 2 AGAINST (JJ, CA) 0 ABSTAINED
2010-327.nat	To pursue a timber stand improvement project in the Sitdown Creek Watershed with the intent to utilize non-traditional small wood forest products on the open market. The project encompasses approximately 14,409 acres of which 989 acres are scheduled for treatment this entry (all tribal trust). The recommended proposal emphasizes treatment of potential forest health problems and vegetation manipulation through several beetle proofing silvicultural prescriptions. This proposal calls for 100% tractor and/or mechanized logging systems. We estimate a cut of 52,839 tons to be harvested which 68% is Lodge pole Pine, 26% is Douglas fir/Western Larch and 6% Other species. Of the total tonnage harvest, 74% will be Hew saw timber, 16% will be chip and 10% will be small saw timber.	8 FOR (EW, SC, JJ, GJ, BN, CA, SA, HM) 0 AGAINST 0 ABSTAINED
2010-328.nat	To approve the attached organizational chart for Environmental Trust.	5 FOR (EW, JJ, BN, SA, HM) 2 AGAINST (SC, CA) 1 ABSTAINED (GJ)
2010-329.m&b/nat	To approve the funding of \$188,353.00 for FY 2010-2011 for the law enforcement activities on Lake Rufus Woods for fisheries management, per agreement between WDFW and Colville Tribes executed December 2007. No Tribal dollars are required.	5 FOR (EW, JJ, GJ, BN, SA) 3 AGAINST (HM, SC, CA) 0 ABSTAINED

	Indirect \$32,850.00. The Chairman or designee is authorized to sign all documents pertaining to this subject.	
2010-330.nat	<p>To approve a 5.00 acre Home Site Lease No. 09-27 to Aaron Carden, Tribal Member, for Tribal Tract No. 101-T5508 & 101-T5509 (por) described as:</p> <p>A 2.50 acre portion of 101-T5508 within the south half of the southeast quarter of section 5, township 33 north, range 27 east, Willamette Meridian, Okanogan County, Washington, containing 80.00 acres, more or less.</p> <p>A 2.50 acre portion of 101-T5509 within the north half of the northeast quarter of Section 8, Township 33 North, Range 27 East, Willamette Meridian, Okanogan County, Washington, containing 120.00 acres, more or less.</p>	<p>7 FOR (EW, SC, JJ, GJ, BN, SA, HM)</p> <p>1 AGAINST (CA)</p> <p>0 ABSTAINED</p>