

COLVILLE CONFEDERATED TRIBES

COLVILLE BUSINESS COUNCIL

Resolution Index

Condensed by Darla Carden, CBC Recording Secretary

SPECIAL SESSION on September 20, 2001

Council Members Present: Louella Anderson, Shirley Charley, Colleen Cawston, Margie Hutchinson, Jeanne Jerred, Gene Joseph, Joanne Leith, DR Michel, Joe Pakootas, Kevin Rosenbaum, John Stensgar, Richard Swan.

Delegation/Absent: Deb Louie, delegation: Mike Marchand, delegation.

| Resolution No. | Condensed Recommendation Information | Colville Business Council Vote Tally |
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| 10 signature: 2001-515.gov | To approve wake and burial benefits to Earl Crofoot DOD:9-4-01. Earl Crofoot has been a life-time resident of the Colville Reservation and was formerly married to Yvonne Van Brunt Clark, enrolled Colville Tribal member, for four years. They have two Children Eric and Ernie Crofoot. | 10 (JL, JS, GJ, SC, JP, LA, DL, CC, KR, MH) FOR 3 AGAINST(JJ, DRM, RS) 0 ABSTAINED. |
| 10 signature: 2001-516.gov | To approve the Burial Benefits and Wake Grant for non-Indian spouse Mary Jean Francis, DOD 9-24-01(wife of deceased member) Alex V. Francis (aka: Alex F. Francois), CCT Enrollment #814; she is the mother of enrolled members: John C. Francis (John Flowers of Coulee Dam/Grand Coulee), William M. Francis, Carolyn M. Francis, Gerald A. Francis and Steven L. Francis (F&W Employee). Her burial will be on Monday 9/10/01. | 10 FOR (JL, MH, JS, DL, JP, GJ, JJ, SC, LA, CC) 1 AGAINST (DRM) 0 ABSTAINED. |
| 10 signature: 2001-517.com .m&b | It is the recommendation of the combined committee's to increase the 821 Solid Waste 69850 account \$27,000.00. To cover landfill tipping fee charges/Fiscal expenditures. To come from additional revenues that were generated. | 10 FOR (JS, DRM, JP, KR, GJ, LA, SC, MM, JJ, CC) 0 AGAINST 0 ABSTAINED. |
| 2001-524.hum | Chapter 3-7 has completed the CBC procedural rules two committee meeting process required to amend the Code. It is the recommendation of the Human Service Committee to approve and enact attached amendments as proposed. Chapter 3-7 amendments shall be forward to the Code Revisor for certification and shall be effective upon date certified. | 10 FOR (LA, SC, MH, JJ, GJ, JL, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-525.nat | that the CBC approve the attached FY2002 contract for the Washington, DC law firm Sonosky Chambers Sachse Endreson & Perry in the amount of \$312,000.00, to be funded from tribal funds allocated | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |

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| | to cost center 587.63210 (the Litigation Fund), with a scope of work to include legal representation on the Wells Dam claim and MCR and Wenatshapam reserved rights issues, and also general legislative and administration legal services, and that the CBC Chair or designee be authorized and directed to execute this contract on behalf of the Colville Tribes. | |
| 2001-526.cul .m&b | To approve the contract with Hartwest and Associates to continue with historical work for the Wenatchi, Moses Columbia and expand to include Wells Dam as attached. Fund account #587 for the amount of \$131,410.00. The Chairperson or designee is authorized to sign as required. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-527.cul .m&b | Resolution #1999-752 established the Wenatchi Advisory Group for the purpose to provide input for the Wenatshapam Fishery Litigation, and due to unforeseen circumstances the Cashmere Pow Wow 2001 was unable to occur, and the documentary "False Promises" is completed and ready for distribution, carry over of the \$20,000 (from Tribal Gatherings account) appropriation for the Cashmere Pow Wow for the "Wenatchi Advisory Group Budget, for Public Relations and Outreach" for FY2002 as attached. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-528.m&b | That the CBC enact a resolution approving the attached contract with Taylor Economic Research, in the amount of \$30,000.00, to be funded from funds appropriated to cost center 587 under resolution #2001-458, for preliminary economic evaluation of Wells Dam claims, and that the CBC Chair or designee be authorized or designee, and directed to execute the contract on behalf of the Colville Tribes. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-529.m&b | To approve the contract change order with the Colville Tribal Services Corporation for renovation of a damaged classroom for PSIS. This change order brings the total contract amount to \$37,008.00. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-530.l&j .m&b | To carry-over unspent FY2001 Juvenile Justice (resolution 1998-573) funding in the amount of \$28,383.81 to be used for Correctional Facility expenses. Any unspent monies will be distributed back to the CCT General Fund. | 10 FOR (LA, SC, MH, JJ, GJ, JL, DRM, KR, JS, RS) 0 AGAINST 1 ABSTAINED (JP). MOTION CARRIED. |
| 2001-531.e&e .m&b | To carry-over unspent FY2001 Headstart Facilities (resolution 2001-278) funding in the amount up to \$138,835.00. | 10 FOR (LA, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. (SC out of room) MOTION CARRIED. |
| 2001-532.com .m&b | To carry-over unspent FY2001 Inchelium Infrastructure, resolution 2000-277 in the amount of \$138,835.23 to be used for project expenses. | 10 FOR (LA, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. (SC out of room) MOTION CARRIED. |
| 2001-533.hum .m&b | To carry-over unspent FY2001 Health Facility (resolution 1998-665) funding in the amount up to \$466,934.23. | 10 FOR (LA, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. (SC out of room) MOTION CARRIED. |
| 2001-535.m&b | To approve carry-over of all funds from CCT and CTEC Donation Fund and to move the administration | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION |

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| | of this account to CTEC for next year 2002. | CARRIED. |
| 2001-536.m&b | To approve the attached Trautman, Maher and Associates Inc. To provide administrative services to the Retirement Plan, and to authorize the Chairperson or their designee to sign the agreement. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-537.m&b | To approve the attached contract with Mr. Charles Aubertin, a Registered Investment Advisor, associated with United Planner's Financial Services of America, who will advise the Retirement Committee on issues pertaining to the 401k Retirement Plan's investments, as required to comply with ERISA and relating to plan fiduciaries. Advisor will review, analyze, recommend, develop plans concerning the purchase and sale of financial assets. Furthermore, will optimize the financial assets within the limitations of the investment objectives, strategies and risk tolerances. Fees are not to exceed 65,000 per year without advanced approval. This authorizes the Chair of the CBC or her designate to sign this contract. | 9 FOR (LA, SC, JJ, JL, DRM, JP, KR, JS, RS) 2 AGAINST (GJ, MH) 0 ABSTAINED. MOTION CARRIED. |
| 2001-538.nat | To enter into a lease agreement with IHS for the replacement of the Nespelem IHS clinical facility, provided that annual maintenance and improvements of the facility are negotiated with IHS. This lease agreement is based upon option #3 of the Nespelem Clinic Expansion Project, Contract No. 102-01-0018, where, "The United State will at no time during the construction or after completion of the project have any interest in or title to any real or \$1.00 consideration fee acquired by the Tribes as a part of this contract." | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-539.nat | CBC directs the BIA Superintendent to request the Northwest Regional Solicitor investigate and do an analysis of the transactions affecting the ownership of Allotment No. 861. Specific concerns include legality of sales, easements trespasses and rights-of-way to or by several entities including Cascade and Columbia Railroad, City of Okanogan, Okanogan County PUD, Okanogan County and Washington State DOT. Investigation should include analysis of restoration and comprehensive to landowners. | 10 FOR (SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 1 ABSTAINED (LA). MOTION CARRIED. |
| 2001-540.nat | CBC directs the BIA Superintendent to request the Northwest Regional Solicitor investigate the legality of right-of-way transactions involving the Cascade and Columbia Railroad and other entities on trust lands. Specific concerns include the sale and abandonment and forfeiture of right-of-way lands by the railroad and other entities that should have reverted back to the trust land owners. Investigation should include analysis of restoration and compensation to the landowners. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-541.nat | Terms of financing from KeyBank for the purchase of the QVL site in Omak include using CIPP as collateral; and the certain documents relating to the lease between the Colville Tribes, CTEC and CIPP | 9 FOR (LA, SC, MH, JJ, JL, DRM, JP, KR, JS) 2 AGAINST (RS, GJ) 0 ABSTAINED. MOTION CARRIED. |

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| | need to be amended to extend the term of the lease, and to authorize the new mortgage and note for the financing and KeyBank will not make the financing available to CTEC unless these documents are amended. That this lease and its related documents between the CCT, CTEC and CIPP be amended to extend the term of the lease from 25 years to 31 years, beginning on July 10, 1985; to authorize the new mortgage and note in the documents to add an option to renew the lease for a period of up to 25 years, and to authorize the Chairperson or the CBC and the Superintendent of the Colville Agency or their designees to sign the documents on behalf of the Colville Tribes. | |
| 2001-542.nat | Approve the request of Micheal M. Moore, Sr., tribal member to cancel his Pasture Lease No. 98-181 for a portion of Tribal Tract No. 101-T788. Mr. Moore no longer has a need for this property and therefore requests cancellation of Resolution No. 1998-872 dated December 3, 1998 and make subject property available for lease. Description: 101-T788: E2NW4NE4SE4, NE4NE4SE4, Section 17, Township 34 North, Range 27 East, Willamette Meridian, Okanogan County, Washington, containing 15.00 acres more or less. East Omak County Road a portion of the former Christianson Property. | 10 FOR (SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 1 ABSTAINED (LA). MOTION CARRIED. |
| 2001-543.nat | Approve the request of Chelan County Public Works Department for their proposed easement. This will widen the existing road. A left lane will be added at the location of the Mill Bay Casino and the driveway approach widened, to accomodate large vehicles. The sight distance on Wapato Lake Road will improve by adjusting the verticle profile. Legal Description: 151-0008MA (See attached legal). JUST COMPENSATION: \$13,700.00 is the appraised value with the Tribes Share being \$2,607.78. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-544.nat | Approve the request of George Marchand, tribal member to lease a portion of Tribal Tract No. 101-T5418 for pasture purposes, to be known as No. 01-059. Subject property is located adjacent to the Micheal Watts homesite, southerly of SR155, Haley Creek Area (Omak District). Description: 101-T5418: S2S2SW4SE4, Section 8, W2NE4, Section 17, Township 33 North, Range 28 East, Willamette Meridian, Okanogan County, Washington, containing 90.00 acres more or less. History: All disciplinary departments were contacted for comment with no objectives received from CCT Planning, EPA, Public Works, CIHA, BIA Realty A&D and the CTEC Land Acquisition Board. Rental Rate: \$6.50 per AUM once support has been determined by Land Operations' Exhibit "B" Term of Lease: 5-years beginning upon the date of approval. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-545.nat | To approve the attached sub-contract with Entrix in the amount of \$1,019,484.00 to conduct the Salmon Creek Restoration work and authorize the | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |

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| | Chairperson or her designee to sign contract and any or all documents. Funded by BPA, no tribal dollars. | |
| 2001-546.nat | Approve EQIP Proposal for McGinnis/Buffalo Lake watershed through the NRCS. Details of the project will be developed through the 3P process and approved through the Tribes' Administrative Review Process. NRCS will provide 75% of the funding, Tribes' 25% match will be through an EPA grant. Note: Resolution needs to be approved in order to obligate FY2001 funding. 2001 funds is the first year of 10 year funding cycle. Chairperson or designee is authorized to sign an agreement and modifications. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-547.nat | To approve the attached addendum to subcontract #2000-180, with Washington Water Trust and authorize Chairperson or her designee to sign contract and all or any related documents. This will increase total by \$50,000.00, not to exceed \$125,000.00. Funded by Bonneville Power Administration, no tribal dollars. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-548.nat | To approve the exchange of lands of equal value between Frederick (Guy) Nanamkin and the Colville Tribe described as follows: Frederick (Guy) Nanamkin property , FEE: S1/2S1/2SE1/4SW1/4SE1/4 in Section 19, Township 31 North, Range 33 East, Willamette Meridian, Ferry County, Washington, containing 2.50 acres, more or less. FOR Tribal Land 101-T4315(por): W1/2W1/2NW1/4NW1/4SE1/4 and that portion lying easterly of State Highway No. 21 in the E1/2E1/2NE1/4NE1/4SW1/4 Section 19, Township 31 North, Range 33 East, Willamette Meridan, Ferry County, Washington, containing 5.00 acres, more or less. Mr. Nanamkin to provide a Preliminary Commitment for Title Insurance at his cost free from any liens or encumbrances. Request the Branch of Real Property Management to request survey and appraisals to determine the fair market value of the above said properties. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-549.nat | Approve the request of Myra Aubertin, tribal members for pasture lease no. 01-065 for tribal tract no. 101-T1388. Description: 101-T1388: NE4SW4, NW4SE4, Section 10, Township 32 North, Range 36 East, Willamette Meridian, Ferry County, WA, containing 75.00 acres. Property is situated immediately southerly of the Bridge Creek Highway, easterly of the Meteor Road turn-off, and adjacent to per present homesite. Rental: \$125.00/anum, which highly exceeds the minimal AUM rate. AUM Rate: Approximately 5 AUM's. Term: 5 years beginning upon approval. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-550.nat | Approve the request of Robin Fry & Raymond West, tribal members to modify their existing Homesite Lease No. 01-012 on a portion of tribal tract no. 101-T4289. This request is to allow the "OPTION TO PURCHASE" retroactive back to the date of application to purchase. Description: 101-T4289: | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |

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| | E2NE4NW4NE4, Section 9, Township 32 North, Range 36 East, Willamette Meridian, Ferry County, Wa, containing 5.00 acres. Property is the residence situated upon a portion of the former Waters Property within the Inchelium District. The option to purchase subject property will be pending receipt of a certified survey, with all costs borne by the lessees. Rental: \$100.00/month \$1,200.00/annum). All rentals are paid current. Stipulations: all previous terms, conditions and provisions of original contract will remain the same and in effect through the tenure of lease contract while purchase is being pursued. | |
| 2001-551.nat | To approve the purchase of the Phillip Joy Estate's 21,021.20 fee acres at the negotiated price of \$5,734,908.00. The property is described on Attachment "A". This purchase will be paid out of the General Fund. The branch of Fish and Wildlife will reimburse the General Fund in the amount \$3,086,348.00 as Wildlife Habitat Monies become available, over the next three fiscal years. 11,445.48 acres will be designated as a Wildlife Conservation Easement and be purchased directly into trust status. The remaining 9,575.72 acres will be converted into trust after the purchase. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| 2001-552.nat | To approve the re-assignment of Conditional Sales Contract from Kerry Zaugg to Vera Kay Fry, described as follows: a parcel of land situated in the E1/2SW1/4 4NE1/4 4NE1/4 4SW1/4 4, SE1/4 4NE1/4 4NE1/4 4SW1/4 Section 35, Township 33 North, Range 36 East, Willamette Meridian, Ferry County, Washington, more particularly described as: Commencing at the 1/4 Section corner common to sections 26 and 35 (a found stone), said township and range; thence S. 00 degree 01'00" E., for a distance of 3332.51 feet; thence S. 89 degrees 59' W., 28.00 feet to the true point of beginning; thence N. 89 degrees 59'00" W., 495.00 feet; thence N. 00 degree 01'00" W., 330.00 feet; thence N. 89 degrees 59' 00" E., 495.00 feet; thence S. 00 degree 01'00" E., 330.00 feet; to the true point of beginning, consisting of 3.75 acres, more or less. | 9 FOR (LA, SC, MH, JJ, GJ, JL, JP, KR, RS) 0 AGAINST 0 ABSTAINED. (JS out of room) MOTION CARRIED. |
| 2001-553.hum .e&e | To rescind resolution 2001-433 delegating Shirley K. Charley as the Official Voting Delegate to serve on this board with Louella Anderson as alternate. That due to her extensive knowledge and background, that Colleen F. Cawston be reappointed as the official voting delegate, to serve on the Northwest Portland Area Indian Health Board with Shirley K. Charley as the alternate. | 8 FOR (MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 3 ABSTAINED (CC, SC, LA). MOTION CARRIED. |
| 2001-554.l&j | The approval and adoption of the Colville Tribal Law & Order Code 2001 edition. The Law and Order Code revision process to each of the 69 Chapter and the Table of Contents meet requirements established in the CBC procedural rules for the Law and Order Code amendment and codification process. Implementation of these CBC procedural rules began October 2000 | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |

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| | and are complete. A report summarizing changes made and a copy of the Law & Order Code 2001 edition (with the exception of the Table of Contents and the Constitution and By-laws) are attached. The Table of Contents and Constitution and By-laws will be forwarded upon completion for insertion into the 2001 edition. | |
| 2001-555.nat | Norman McClure is planning a timber harvest on his lands in the North Star/Stepstone area. He is requesting permission to use parts of existing tribal roads in Tribal Tract 101-404, approximately 500 feet long and 30 feet wide containing approx. 0.34 acres in the SW1/4 of Section 14 in Township 32 North, Range 30 East, and Okanogan County, Washington. In the past Norm and Dorothey McClure have granted permission to the BIA to use existing roads on their property to haul logs from tribal lands as part of the Stepstone and Northstart Timber sales. It is recommended that Norm McClure be granted a revocalbe road use permit to use existing tribal roads as part of a timber harvest on their fee lands. Omak/Nespelem forestry staff will work with Mr. McClure. The consideration for the use of the above described lands by the permittee, shall be waived in consideration for reciprocal use of roads on the fee property belonging to Norman and Dorothy McClure granted to the BIA and the CCT Forestry Personnel. The permit shall commence and be operative for a period of 12 months from the date of approval. The forestry staff has been on fires since the end of August. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |
| FAILED: 2001-556.com .m&b | To approve budget modification #2 in the amount of \$18,468.00 to use additional revenue (fee) collected year to date. The funds will be used to purchase three computers and printers, build additional rooms for office space and add money for the Okanogan and Stevens counties landfill charges - their tipping fees have increased. | 2 FOR (KR, JS) 9 AGAINST (JP, SC, JJ, JL, RS, GJ, LA, DRM, MH) 0 ABSTAINED. MOTION CARRIED. |
| 2001-557.com | CIHA has advertised for the vacant Omak Board position on the CIHA Board of Commissioners in both the Omak Chronicle and the Tribal Tribune, and the applications were due February 21, 2001, and only one (1) application was submitted, that being Ms. Kathleen Orozco, and the previous recommendation was tabled by the Community Development Community and the committee requested that the recommendation be resubmitted, the committee hereby appoints Ms. Orozco to a term of four (4) years, October 1, 2001 through October 31, 2005. | 11 FOR (LA, SC, MH, JJ, GJ, JL, DRM, JP, KR, JS, RS) 0 AGAINST 0 ABSTAINED. MOTION CARRIED. |