



COLVILLE CONFEDERATED TRIBES

COLVILLE BUSINESS COUNCIL

April 15, 2010
Resolution Index

Condensed by, Trisha Jack, CBC Recording Secretary

Council Members Present: Ernie Williams, Shirley Charley, Jeanne Jerred, Gene Joseph, Brian Nissen, Carleen Anderson, Susie Allen, Michael Marchand, Harvey Moses Jr., Virgil Seymour, John Stensgar

Delegation/Absent: Michael Finley, Andy Joseph Jr., Juanita Warren

Resolution No.	Condensed Recommendation Information	Colville Business Council Vote Tally
10-Signature 2010-254.l&j/m&b	To direct the ORA to draft a letter to the Tulalip Tribes regarding the Uniform Terminal Allocation Transfer Agreement, (exercising option to request the return of 100 machine allocation rights) and authorize the Chairman or designee to sign all necessary documents.	7 FOR (EW, GJ, BN, CA, SA, MM, HM) 0 AGAINST 0 ABSTAINED *OUT OF ROOM (SC, JJ, VS)
2010-255.election	To appoint Luana Gendron, as Alternate to the Election Committee in the Nespelem District for the 2010 CBC Election season. As current alternate, Dorthey Zacherle, has had to step down in accordance to the 8-3 Election Code, section 8-3-30 Election Committee, sub-section (b).	10 FOR (EW, SC, JJ, GJ, BN, CA, SA, MM, HM, VS) 0 AGAINST 0 ABSTAINED
2010-256.nat/m&b	To approve a Tribal In-Kind contribution in the amount of \$50,000 for the Tribe's share of the proposed Fisheries Harvest Storage Project. This project was approved within BPA Live Capture contract #42689, CCT fund 312709 in the amount of \$110,000 to provide designs for fish processing facilities and design for constructing ice machine facility, at the Omak and Nespelem Fish and Wildlife Office sites. This will allow for the storage of excess harvest for Tribal cultural activities as requested. This approves the Tribal Chairman or designee to sign all required documents necessary to complete this activity. Authorize the Tribal Chairman or designee to sign all contractual documents to carry out this contracted function.	10 FOR (EW, SC, JJ, GJ, BN, CA, SA, MM, HM, VS) 0 AGAINST 0 ABSTAINED
2010-257	To purchase the Johnsen/Magera fee property located off Silver Creek and Canteen Creek Road, Inchelium to include tax parcel no. 529051400010000, legally described as the SE1/4 of the NE1/4 of Section 5, Township 29 North, Range 35 East, W.M., Ferry County, Washington containing 40.00 acres, more or less. The Colville Tribe is authorizing the purchase of the property in the amount of \$34,999.00 with a closing date of on or before May 14, 2010. Upon purchase, property to be immediately transferred from fee to trust status. Funds 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	7 FOR (EW, SC, JJ, GJ, BN, SA, VS) 3 AGAINST: (CA, MM, HM) 0 ABSTAINED

	legal instruments.	
2010-258.nat	To approve a range lease agreement to Circle V Ranches of the properties to include tax parcel numbers: 3326020001 short legal description as Tax 1 part 2 ½ S ½ SE county road; 3326111001, short legal description N ½ NE; 3326124001, short legal description as N ½ NW; 3326010017, Tax 17 S ½, NW, SW NE NW SE NE W/Rd, N ¾ NW SE E ½ E ½ SW; 3326021005, short legal description S ½ SE NE; 3326121003, W ½ NE and 3326114000 legally described as the Northwest quarter of Section 11, Township 33 North, Range 26 E.W.M., Okanogan County, Washington containing 160 acres, more or less. This lease agreement excludes homesite and outbuildings upon property. Lease terms to commence April 10, 2010 to May 30, 2010 (1 ½ months) at the annual rental rate of \$1,300.00 in “as in condition”. Chairman or designee to sign all pertinent documents.	8 FOR (EW, SC, GJ, BN, SA, MM, HM, VS) 2 AGAINST (JJ, CA) 0 ABSTAINED
2010-259.nat	To approve a range lease agreement to Gary “Chick” Jackson/Jackson Ranch of the property located at 115 Park City Loop Road, Nespelem to include tax parcel no. 3130124005; short legal described as W ½ E ½ 2 ½ NE SW, S ½ W ½ NE SW, E ½ E ½ W ½ E ½ NW SW, E ½ E ½ NW SW, E ½ NW, tax parcel no. 3130013008; short legal described as E ½ W ½ SW, ALLOTMENT S-507; and tax parcel no. 3130013006; short legal described as E ½ SW L/RD ALLOTMENT S-13, W.M., Okanogan County, Washington containing 229.07 acres, more or less. This lease agreement excludes homesite and outbuildings upon property. Lease terms to commence April 6, 2010 to April 30, 2012 (24 months) at the annual rate of \$200.00 in “as in condition”. Chairman or designee to sign all pertinent documents.	6 FOR (EW, JJ, GJ, SA, HM, VS) 4 AGAINST (SC, BN, CA, MM) 0 ABSTAINED
2010-260.nat	To approve a Home Site Lease No. 09-51 to Geraldine V Gorr, Tribal Member, for Tribal Tract No. 101-T247-B as: The North Half of the North Half of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 4, Township 31 North, Range 31 East, Willamette Meridian, Okanogan County, Washington, Containing 2.50 acres, more or less. TERM: 25 years, from date of approval, with the option to renew for additional 25 years. Compensation: \$250.00 per annum, subject to Fair Market Rental	7 FOR (EW, JJ, GJ, BN, SA, MM, VS) 3 AGAINST (SC, CA, HM) 0 ABSTAINED
2010-261.nat	To approve a Home Site Lease No. 10-40 to Frank Fry, Tribal Member, for Tribal Tract No. 101-T663 (por) described as: A portion south of Highway 155, the S ½ NE ¼ NE ¼ NW ¼ of section 14, Township 33 North, Range 28 East, Willamette Meridian, Okanogan County, Washington, containing 5.00 acres, more or less. TERM: 25 years, from date of approval, with the option to renew for additional 25 years. Compensation: \$250.00 per annum, subject to Fair Market Rental	8 FOR (EW, JJ, GJ, BN, SA, MM, HM, VS) 1 AGAINST (CA) 0 ABSTAINED *OUT OF ROOM (SC)

2010-262.nat	To approve Farm Lease No. 10-25 to Tom Poole, Non Tribal Member, for Tribal Tract. No. 101-T5763(por) & 101-T5764(por) described as: SEE ATTACHED LEGALS TERM: 5 years, from January 1, 2010 to December 31, 2014. Compensation: 1/3 crop share/CRP less cost of fertilizer. Entire term of lease will be subject to Fair Market Rental value.	7 FOR (EW, JJ, GJ, BN, SA, MM, VS) 3 AGAINST (HM, CA, SC) 0 ABSTAINED
2010-263.nat	To approve Farm Lease No.10-24 to Tom Poole, Non Tribal Member, for Tribal Tract No. 101-T5764(por) described as: The W ½ SW ¼, W ½ E ½ SW ¼, W1/2 E ½ SW ¼ of Section 11, Township 30 North, Range 26 East, Willamette Meridian, Okanogan County, Washington, containing 160.00 acres, more or less. The NW ¼ NW ¼, SW ¼ NW ¼, W1/2 E ½ NW ¼ of Section 14, Township 30 North, Range 26 East, Willamette Meridian, Okanogan County, Washington, containing 120.00 acres more or less. TERM: 5 years from January 1, 2010 to December 31, 2014. Compensation: 1/3 crop share/CRP less cost of fertilizer. Entire term of lease will be subject to Fair Market Rental value.	7 FOR (EW, JJ, GJ, BN, SA, MM, VS) 3 AGAINST (HM, CA, SC) 0 ABSTAINED
2010-264.nat	To approve a Farm Lease No. 10-26 to Tom Poole, Non Tribal Member, for Tribal Tract No. 101-T5764(por) & 101-T5766 described as: SEE ATTACHED LEGALS TERM: 5 years from January 1, 2010 to December 31, 2014. Compensation: 1/3 crop share/CRP less cost of fertilizer. Entire term will be subject to Fair Market Rental value.	7 FOR (EW, JJ, GJ, BN, SA, MM, VS) 3 AGAINST (HM, SC, CA) 0 ABSTAINED
2010-265.m&b/l&j	To approve Budget Modification No. 1 for FY 2010 to Law Enforcement Detention Program Contract No. CTP03T10164 to add One-Time Non-Recurring Funding TPA Program Funding in the amount of \$72,500 (Seventy-Two Thousand Five Hundred Dollars). This modification includes the approval to purchase a Prisoner Transport Van in the amount of \$33,911 (Thirty-Three Thousand Nine Hundred Eleven Dollars) that is specified in the Award Letter. This authorizes the Chair person or designee to sign all related documents.	7 FOR (EW, SC, GJ, CA, SA, MM, HM) 0 AGAINST 0 ABSTAINED *OUT OF ROOM (JJ, BN, VS)
2010-266.nat	To approve "4 Chair Cattle Company" Justin Marchand, Pete Waggoner, Steve Waggoner, members, for grazing privileges on Range Unit (RU) 19, for the (2008 to 2012 grazing seasons) 5 year grazing permit. The fair market rate is per the 2009-147 resolution. The permittee shall remain in compliance with the Best Management Practices (BMPs) set forth by the Range Program for the duration of this 5 year grazing permit; failure to adhere to the BMPs may subject permit cancellation. F&W is taking over on RU 21 and this permittee will need to relocate to RU 19.	8 FOR (EW, JJ, GJ, BN, SA, MM, HM, VS) 2 AGAINST (SC, CA) 0 ABSTAINED
2010-267.nat	To approve Daniel & Dianna Creveling, non member, for grazing privileges on Range Unit (RU) 9, for the (2008 to 2012 grazing seasons) 5 year grazing permit. The fair market rate is per the 2009-147 resolution. The permittee shall remain in compliance with the Best Management Practices (BMPs) set forth by the Range Program for the duration of	7 FOR (EW, JJ, GJ, BN, SA, MM, VS) 3 AGAINST (SC, CA, HM) 0 ABSTAINED

	this 5 year grazing permit; failure to adhere to BMPs may subject permit cancellation.	
2010-268.nat	To approve Albert Roberts, non-member, for grazing privileges on Range Unit 81, for the (2010 to 2012 grazing seasons) 5 year grazing permit. The fair market rate is per the 2009-147 resolution. The permittee shall remain in compliance with the Best Management Practices (BMPs) set forth by the Range Program for the duration of this 5 year grazing permit; failure to adhere to the BMPs may subject permit cancellation.	8 FOR (EW, SC, JJ, JS, SA, MM, HM, VS) 2 AGAINST (GJ, CA) 0 ABSTAINED *OUT OF ROOM (BN)
2010-269.nat	To approve Carl & Leona Seastrom, members, for grazing privileges on Range Unit (RU) 83, for the (2010 to 2012 grazing seasons) 3 year grazing permit. The fair market rate is per the 2009-147 resolution. The permittee shall remain in compliance with the Best Management Practices (BMPs) set forth by the Range Program for the duration of this 3 year grazing permit; failure to adhere to the BMPs may subject permit cancellation.	8 FOR (EW, SC, JJ, BN, SA, MM, HM, VS, JS) 2 AGAINST (GJ, CA) 0 ABSTAINED
2010-270.nat	To approve Steve & Dorothy Palmer, members, for grazing privileges on Range Unit 45, for the (2010 to 2012 grazing seasons) 3 year grazing permit. The fair market rate is per the 2009-147 resolution. The permittee shall remain in compliance with the Best Management Practices (BMPs) set forth by the Range Program for the duration of this 3 year grazing permit; failure to adhere to the BMPs may subject permit cancellation.	10 FOR (EW, SC, JJ, GJ, BN, CA, SA, MM, HM, VS) 0 AGAINST 0 ABSTAINED
2010-271.cul	To approve Research Permit Application 2010-01, Cree Whelshula will adhere to the Research Ordinance and recommendations. The Colville Tribes will retain copy right to all materials during this project. This information collected will not be used for any other purpose unless written approval has been obtained. Ms. Whelshula is required to provide a final copy of her research to the Archives & Records Center and Language Preservation Program. Ms. Whelshula has until April 30, 2010 to complete her study. Failure to comply with the Research Ordinance, deadline, and recommendations will result in possible legal action in Colville Tribal Court.	8 FOR (EW, SC, JJ, GJ, CA, SA, MM, HM) 0 AGAINST 0 ABSTAINED *OUT OF ROOM (BN, VS)
2010-272.cul	To approve Research Permit Application 2010-03, Glenn Merit of Washington Department of Ecology, project entitled, "Status & Trends Monitoring for Watershed Health." Mr. Merrit will adhere to the research ordinance and recommendations. The Colville Tribes will retain copy right to all materials during this project. The information collected will not be used for any other purpose unless written approval has been obtained. Mr. Merrit is required to provide a final copy of his project to the Archives & Records Center and the Fish & Wildlife Program. Mr. Merrit has until October 31, 2010 to complete his study. Failure to comply with the Research Ordinance, deadline, and recommendations will result in possible legal action in Colville Tribal Court.	8 FOR (EW, SC, JJ, GJ, CA, SA, MM, HM) 0 AGAINST 0 ABSTAINED *OUT OF ROOM (BN, VS)
2010-273.cul	To amend Resolution 2006-080 for Research Permit 2006-06 to Phillip Cash Cash. This amendment will extend the	8 FOR (EW, SC, JJ, GJ, CA, SA, MM, HM) 0 AGAINST

	research period until March 2011. All previous stipulations, conditions, and recommendations still apply. Failure to comply with the Research Ordinance, deadline, and recommendations will result in possible legal action in Colville Tribal Court.	0 ABSTAINED *OUT OF ROOM (BN, VS)
2010-274.cul	To approve the Confederated Tribes of the Colville Reservation (CCT) submit a Native American Graves Protection and Repatriation Act (NAGPRA) claim to the Museum of Anthropology, Washington State University, for any and all human remains, associated and unassociated funerary objects from 45AS2, 45BN23, and Unknown Mid-Columbia River Cast, and a copper pendant known as the "Zimmerman Pendant" in possession and control of this institution. The CCT will work with the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe, Confederated Tribes and Bands of the Warm Springs Reservation, Confederated Tribes and Bands of the Yakama Nation, and the Wanapum Bands to complete the joint repatriation and reburial. This authorizes the Chairman of the Colville Business Council or his designee to sign all documents related to this project.	9 FOR (EW, SC, JJ, GJ, CA, SA, MM, HM, BN) 0 AGAINST 0 ABSTAINED *OUT OF ROOM (VS)
2010-275.cul	To approve the Memorandum of Agreement (MOU) between the US Bureau of Reclamation and the Confederated Tribes of the Colville Reservation for the overhaul of the Third Power Plant at the Grand Coulee Dam. The project falls within the traditional territory of the San Poil and Nespelem tribes. The Confederated Tribes of the Colville Reservation will be signing as a concurring party. The Colville Business Council (CBC) Chairman and Tribal Historic Preservation Officer (THPO) will sign in acknowledgement that the CBC and THPO agree that the undertaking shall be implemented in accordance with stipulations listed in the MOA in order to take in account the effects of the undertaking on historic properties, and adherence to the terms of this agreement satisfy the Section 106 responsibilities for addressing the effects of the on historic properties. This authorizes the Chairman of the Colville Business Council and his designee to sign all documents related to this project.	9 FOR (EW, SC, JJ, GJ, CA, SA, MM, HM, BN) 0 AGAINST 0 ABSTAINED *OUT OF ROOM (VS)
2010-276.m&b/com	To approve the attached FY10 Projects Budget Allocations of \$596,464.00. After completion of all inspections of 33 structures 28 will require abatement of asbestos lead based paint or both, 8 houses & 2 garages recommended for remodel, 23 recommended for demolition. The dollars are to come from the 1/3 Wells Dam Economic Fund. The Chair or designee shall sign all pertinent documents.	7 FOR (EW, SC, GJ, SA, MM, HM, JS) 3 AGAINST (JJ, CA, BN) 0 ABSTAINED *OUT OF ROOM (VS)
2010-278.m&b	To facilitate the development of a new convenience store in Omak, Washington on the property known as Dobson, the Colville Business Council approves the financing not to exceed \$3,626,000 with an interest rate of 6% for ten years to come from the Wells Dam Economic Development funds. ORA to develop loan documents. Chairman or designee to sign all related documents. Amendment: Modify CTFC to finance up to 20% BIA	8 FOR (EW, SC, GJ, BN, MM, HM, VS, JS) 2 AGAINST (JJ, CA) 0 ABSTAINED *OUT OF ROOM (SA)

	guaranteed loan, not to exceed \$1,600,000.00 from Wells Dam Economic Development Fund. Loan repaid at 6%, negotiable time, for C-Stores: Highway 97, Barney's Junction, and Highway Tire.	
2010-279.m&b	To approve the following resolution language: At such time as an increase in the Washington State cigarette tax becomes effective, the Colville Tribes shall increase its per-carton fee for the administering the tax in an amount equal to one hundred percent (100%) of the per-carton state cigarette tax increase, and rescind its Resolution 2008-446.	9 FOR (EW, SC, JJ, GJ, BN, CA, SA, MM, HM) 0 AGAINST 0 ABSTAINED *OUT OF ROOM (VS)
2010-280.nat	It is recommended that \$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 designee to sign all related documents.	10 FOR (EW, SC, JJ, GJ, BN, CA, SA, MM, HM, VS) 0 AGAINST 0 ABSTAINED
2010-281.com/m&b/l&j	WHEREAS, the Department of Justice has a funding opportunity available through the Coordinated Tribal Assistance Program to provide between \$300,000 for each of ten designated Purpose Areas over a 2-4 year period. Therefore, it is the recommendation of the Community Development Committee, Management & Budget Committee, and Law & Justice Committee to direct the Executive Director to modify the contract with Sparrowhawk Consulting Company for \$24,306 and related travel fees, with funds coming from the 1/3 Wells Dam Economic Development Funds. The Chair or his designee is authorized to sign all pertinent documents.	6 FOR (EW, GJ, SA, MM, HM, JS) 2 AGAINST (SC, CA) 0 ABSTAINED *OUT OF ROOM (JJ, BN, VS)
2010-282.m&b	Whereas it is the recommendation of the Management & Budget Committee to approve the transfer of the FY2009 Balance for \$1,665,400.00 in the Cigarette Revenue account to the General Account to support the FY2010 Budget. Chair or designee to sign.	7 FOR (EW, SC, GJ, BN, SA, MM, HM) 1 AGAINST (CA) 0 ABSTAINED *OUT OF ROOM (JJ, VS)
2010-283.com	Whereas, it is the recommendation of the Community Development Committee to initiate a resolution to approve the Memorandum of Agreement for IHS Project PO-10-B15, Inchelium Buttercup Lane Water Storage Tank Project. No tribal funds involved. Chairman or designee is authorized to sign all pertinent documents.	8 FOR (EW, SC, GJ, BN, CA, SA, MM, HM) 0 AGAINST 0 ABSTAINED *OUT OF ROOM (JJ, VS)
2010-284.hhs/m&b	To approve the FY2010 Contract with Northwest Portland Area Indian Health Board (NPAIHB) for the Tribal Health Program Child Seat Safety Study for February 1, 2010 to January 31, 2011 in the amount of \$73,447.59, and authorize the Chairman and/or his designee to sign all pertinent documents. No Tribal Dollars required.	8 FOR (EW, SC, GJ, BN, CA, SA, MM, HM) 0 AGAINST 0 ABSTAINED *OUT OF ROOM (JJ, VS)
2010-285.com/l&j	WHEREAS, the US Department of Homeland Security has grant funds available for 2010 to assist the Tribes with reservation security; and whereas, the total estimated grant is \$1,647,387 for equipment and WHTI Enhanced Tribal Cards; and whereas, there are no matching funds required. Therefore, it is the recommendation of the Community Development Committee/Law & Justice Committee to approve the submission of an application to the US Department of Homeland Security for 2010 grant funds. The	8 FOR (EW, SC, GJ, BN, CA, SA, MM, HM) 0 AGAINST 0 ABSTAINED *OUT OF ROOM (JJ, VS)

	Chair or designee is authorized to sign all pertinent documents.	
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