

Warm Springs Tribal Council Resolutions Fall 2001

In passing **Resolution No. 10085**, the Tribal Council appointed Robert A. Bruno as the acting Tribal Preservation Official, noting that Scott E. Stuemke, the former Tribal Preservation Official, is no longer with the Tribes.

Resolution No. 10086 authorized the following as enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon, as of the date set out below in accordance with Resolution No. 4301:

	NOTED:
Marquise Zaine Phillip Boise	08/10/01
Shania Diaz	08/06/01
Holly Diaz	08/06/01
Catalina Diaz	08/06/01
Kassidy Lei Alexis Doney	08/24/01
Jade Elizabeth Hintsala	09/05/01
Kenneth Keahinalani Kapu	09/05/01
Hawaiian Star Kaloi-Danzuka	09/05/01
Delsi Dance Logan	08/31/01
Holly Pearl Logan	09/06/01
Alex Ali Martinez	09/07/01
Karisa Darshan Strong	09/06/01
Jeannine Doris Thompson	08/08/01
Lillian Joanne Tias	08/06/01
Dana Carey Thomas	08/14/01

The Tribes purchased an undivided 19/4200 interest in Warm Springs Allotment No. 701, Tul-ui-lite, deceased, at the negotiated consideration of \$2,804.76. The consideration to be paid from programmed land purchase funds. The action was authorized by **Resolution No. 10087**.

Tasheena Arthur's request for a home site lease on Tribal land in the Sunnyside Subdivision, Phase II, Salmon Drive, Tribal Tract No. T3821 was approved with the passage of **Resolution No. 10088**.

The Tribal Council approved the Wasco Electric Cooperative service line agreement over and across Tribal Tract T153 for purposes of the electric distribution line to serve the residence of Frankie Suppah. Wasco Electric Cooperative estimated the cost at \$1,773.00. **Resolution No. 10089** authorized the action taken.

The Tribal Council passed **Resolution No. 10090**, appointing Jason Smith, as voting delegate for a term ending May 1, 2002 and Jacob Frank Sr., alternate for a term ending May 1, 2002 for the Confederated Tribes to the Intertribal Agricultural Council (IAC).

Income related to treaty fishing rights is not subject to federal income tax, pursuant to Internal Revenue Code Section 7873. An employee whose entire income is not subject to federal income tax cannot accumulate "quarters" through FICA employer or employee contributions to the social security system and would likely not ever be eligible for any benefits of the Social Security system. Beginning with the calendar year 2002, the Secretary-Treasurer shall design the portion, not exceeding seventy-five percent (75%) of total wages that is related to treaty-fishing rights. This is intended to replicate most of the terms of the Tribes' Retirement Plan and, to the extent possible, any future amendments to the plan shall apply to the "Treaty Fishing Activities Deferred Compensation Plan." With the passage of **Resolution No. 10091**, the Tribal Council will provide comparable benefits for participating employees of the Tribes.

Resolution No. 10092 approved a Pacific Power & Light Company service line over and across Tribal Tract Nos. T17-A, T4217 & T3081 for purposes of an electric distribution line to serve the Warm Springs Wastewater Plant/Lagoon, at a construction cost estimate of \$25,403.00.

Resolution No. 10093 reaffirmed a need for the Federal Government to undertake more timely and deliberate action for implementing the Columbia River Treaty Fishing Access sites Legislation. The resolution supports the re-development of Celilo Village in accordance with concepts presented by the USA Corp of Engineers.

The first amendment to the Ownership and Operation Agreement for the Pelton and Round Butte Dams and Generating Facilities is approved through the passage of **Resolution No. 10094**. The Chairman is directed to execute the agreement.

Resolution No. 10095 rescinds resolution no. 10094. This includes waivers of sovereign immunity substantially in the form included in the O & O agreement and exempts it from the notice requirements of WSTC 30.005. With the passage of the resolution, the Chairman is authorized to execute the agreement.

Resolution No. 10096 approves an amendment to the Warm Springs Code Chapter 331 to prohibit abuse by any person and provides for effective enforcement. The previous code lacked a provision for an abuse victim directly seeking a temporary restraining order or an injunction against any person without a criminal proceeding or divorce petition first being filed.

Resolution No. 10097 pertained to enrollments. Ten were enrolled and 4 denied due to blood quantum.

Lois Lesarley was approved for a 50-year home site lease on tribal land at Seekseequa with the passage of **Resolution No. 10098**.

Anthony and Teresa Van Pelt were approved for a 50-year home site lease on Tribal land in the Agency area. The lease was authorized with **Resolution No. 10099**.

Bridgette Scott Whipple received a five-year grazing lease on Tribal land in the Seekseequa area with **Resolution No. 10100**.

Resolution No. 10101 authorized the Natural Resource Department

to apply for a \$57,000 grant from EPA to study pesticide impacts on Hood River fisheries.

With the passage of **Resolution No. 10102**, the following were appointed to the Warm Springs Gaming Commission: Orthelia Patt from 03/07/01 to 03/06/04 and Andrew Hofstetter from 03/06/01 to 03/03/03 (completing William Fuentes term). Hofstetter is placed on a six-month probationary period during with time Tribal Council may remove such commissioner from office without cause.

Resolution No. 10103 authorized the purchase of parcels of property on the east side of the Deschutes River from Roxanne McInturff. The proposed sale of the property has an appraised value of \$376,000.

The Simnasho/Log Springs Grazing Group was given Grazing Authorization for five years with the passage of **Resolution No. 10104**. The Simnasho/Log Springs Grazing Group selected Lincoln Suppah, Elmer Scott, Jr. and Joyce Suppah as horse ride bosses, and Emerson Squiemphen and Raymond Tsumpti as cattle ride bosses to represent them under Warm Springs Tribal Code Section 460.104(2).

The Tribal Council reviewed the proposed terms between the Tribe and Forrest Ranch LLC and between the Tribe and BPA, setting out details of the proposed acquisition. After reviewing the information, the Tribal Council supported the acquisition of the Forrest Ranch with funding provided by the Bonneville Power Administration. **Resolution No. 10105** authorized the Tribal Council Chairman to execute a Memorandum of Agreement with the BPA and an Earnest Money Agreement together with such ancillary documents as to consummate the transaction, so long as the Tribe's legal counsel has approved such instruments.

Resolution No. 10106 addresses the Defined Contribution Retirement Plan ("the Plan") for the employees of the Confederated Tribes. The Tribes have always directed the investment of funds in the Plan, and is currently a "moderate" mix of 35% fixed income investments (bonds and money market accounts) and 65% equity investments. The Investment Advisory Committee of the Tribes has recommended that employees be provided with one of the five options of a mix of investments, for purposes of employee self-directed retirement investments. The resolution directs that eligible employee participants in the Plan shall have the option of self-directing the investment of a portion of their retirement benefits provided that employees elect to participate in, or to change their participation in these investments options only once each calendar quarter. Eligible employees are also permitted to make limited lump sum withdrawals of funds from their retirement benefits.

Resolution No. 10107 approved the appointment of John M. Copenhagen to serve as Tribal Court Pro Tempore to hear and preside over cases in which the Tribal Court Judges have conflicts of interest. The Chief Judge of the Tribal Court may assign him cases from time to time. He will perform all services required in such cases, with full authority in such matter as a Judge of the Warm Springs Tribal Court.

Resolution No. 10108 approves the "Natural Resource Trustee Memorandum of Agreement for the Portland Harbor Site" between the Confederated Tribes and the Portland Harbor Superfund site.

Resolution No. 10109 authorizes the following as enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon, as of the date set out below in accordance with Resolution No. 4301:

	NOTED:
Jarryn Anthony Black	10/16/01
Savannah Rose Courtney-Pickett	10/25/01
Jared Joseph Culp	11/05/01
Delano Lee Hamilton	10/23/01
Levi Moxey Joe	10/17/01
Dyanna Marie Smith	11/02/01
Stuart Allen Smith, Jr.	11/02/01
Jiana Lei Smith-Francis	10/24/01
Denver Curtis Tufti-McEwen	11/05/01
Annette Marie Lawler Tyson	10/10/01

Resolution No. 10110 authorizes the Tribes to purchase an undivided 1/10 interest in Warm Springs Allotment No. 282, Oliver Kalama, deceased, at the negotiated consideration of \$5,466.67.

The consideration to be paid from programmed land purchase funds.

Resolution No. 10111 allows the Tribes to purchase an undivided 4/5 interest in Warm Springs Allotment No. 755-A, Benjamin Holliday, deceased, at the negotiated consideration of \$30,800.00. The consideration to be paid from programmed land purchase funds.

Resolution No. 10112 authorizes the Tribes to purchase ten acres in Warm Springs Allotment No. 370-A, Pe-ai-yet, or Mrs. Greeley, deceased, at the negotiated consideration of \$5,500.00. The consideration to be paid from programmed land purchase funds.

Resolution No. 10113 authorizes the Tribes to purchase an undivided 4,578/241,920 interest in Warm Springs Allotment No. 579, Jessie Holliquilla, deceased, at the negotiated consideration of \$1,286.67. The consideration to be paid from programmed land purchase funds.

Resolution No. 10114 authorizes the Tribes to purchase an undivided 14,924/860,160 interest in Warm Springs Allotment No. 582, Eva Holliquilla, deceased, at the negotiated consideration of \$1,388.00. The consideration to be paid from programmed land purchase funds.

Joseph Moses was nominated to a position on the Chemawa School Board with the passage of **Resolution No. 10116**.

Resolution No. 10117 authorized a number of actions related to the Portland General Electric and Confederated Tribes partnership: (A) The attached "Second Amendment to Ownership and Operation Agreement for the Pelton and Round Butte Dams and Generating Facilities" dated January 1, 2002, is approved. (B) The Wholesale Power Purchase and Sale Agreement No. 02-06-A is approved. (C) In accordance with the terms of Warm Springs Tribal Code Chapter 30 "Waiver of Sovereign Immunity" that the waiver of sovereign immunity contained in Article IX of the Wholesale Power Purchase and Sale Agreement No. 02-06-A, is approved. (D) The letter of agreement between the Tribes and PGE relating to the O&O Agreement amendments and the Wholesale Power Purchase and Sale Agreement between the Tribe and PGE is approved. The Tribal Council Chairman is authorized and directed to execute all agreement listed above.

The 2002 Tribal Budget was approved by **Resolution No. 10119**, with an effective date of January 1, 2002. The sum of \$25,399,275 is appropriated for use during the budget year. The Tribal Council directed the Tribal organization to improve efficiency through gradual and permanent downsizing of Tribal operations to better match anticipated revenues with expenditures during the fiscal year 2002. The Secretary-Treasurer is directed to coordinate with the COO to achieve an overall permanent reduction of 4% in an amount no less than \$720,642, including a reduction in Government programs and services. The Tribal Council, Tribal Committees, Tribal Court and the Appeals Court are exempt from base reductions; however, all Tribal Council and Tribal Committee travel and travel expenditures will be incurred at federal discount rates and the federal per diem rates for 2002 and future years. Appropriated funds for non-capitalized programs shall be eligible for expenditure for a period not to exceed 2 calendar years and that the appropriated funds for capitalized items and projects shall be eligible for expenditure until the projects are completed.

Resolution No. 10120 states that an amount not to exceed \$800,000 is authorized for expenditure from the Scholarship Trust Fund For calendar year 2002.

The Tribal Council announced that an amount not to exceed \$1,015,250 is authorized for expenditure from the Senior Citizen Pension Trust Fund for Senior Citizens Pension for calendar year 2002. The action was authorized by **Resolution No. 10121**.

Resolution No. 122 authorizes \$5,144,000 to be appropriated for the purpose of per capita payments in the year 2002.

Resolution No. 123 calls for a special per capita distribution in the amount of \$500.00 dollars for each eligible member who appears on the roll as of December 10, 2001 and that the current year's budget is hereby amended in the amount of \$1,053,000 to cover such payments; with the balance of \$1,000,000 previously designated from general fund. This special per capita will be distributed on December 14th, 2001.

WHEN IT'S TIME TO CHANGE YOUR OUTLOOK,

Work IS WHAT WE DO ON TIRED MUSCLES

A good, strong pair of hands is all you need to work out the kinks and melt away the stress. So relax. Get a massage in our world-class spa. Immerse yourself in our soothing, natural mineral baths. Or spend the day exploring all the attractions of this high desert oasis. Whatever you do, work will be the furthest thing from your mind.

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