

# Tribal Council Resolutions

*(The following are resolutions recently approved by the Tribal Council of the Confederated Tribes of Warm Springs.)*

## Museum to host Corps II exhibit

Whereas the Treaty with the tribes of Middle Oregon of 1855 turned 150 years old last month and is still in effect today, and this sesquicentennial coincides with the bicentennial of the Lewis and Clark expedition, who journeyed up the Deschutes River as well as down the Columbia River; and,

Whereas timing of these milestones provides an opportunity for Warm Springs to tell its side of the story through continuing tribal public education about our Treaty, values and traditions; and,

Whereas the Corps II Traveling Exhibit created by the National Park Service relates the story of the Lewis and Clark expedition and features a "Tent of Many Voices" for presentation of local history and heritage programs; and,

Whereas the proposed site for the April 2006 Corps II event is at the Museum At Warm Springs, which would provide an excellent location for sharing information and hospitality; and,

Whereas, Warm Springs is the only Central Oregon location proposed for Corps II, which will generate a large number of students and other visitors from the region; now therefore,

Be it resolved by the 23<sup>rd</sup> Tribal Council of the Confederated Tribes of Warm Springs, pursuant to Article V, Section 1(1) of the Constitution and By-Laws, that the Tribal Council is in full support of hosting the Corps II event; and

Be it further resolved that the Tribal Council encourages tribal and federal programs, enterprises, the private sector and other community entities to provide their support in helping make the opportunity a success. (Resolution No. 10, 535.)

## Tribes contract for IHS services

Whereas the Tribal Council is the governing body of the Confederated Tribes of Warm Springs; and,

Whereas the Congress has declared its commitment to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from federal domination of programs for and services to Indians to effect and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services; and,

Whereas the incidence of illness, injury, and accidents for the Warm Springs Reservation appears to be considerably greater in proportion to the other Indian populations in the United States; and,

Whereas the Tribal Council is committed to a long-term effort which includes appropriate use of all available resources to effect the needed change in community attitudes, lifestyle choices, and health conditions to improve the health of the community, and,

Whereas in the recent past, the Tribal Council has authorized the tribal government under the Indian Self Determination Act (25U.S.C 450 et seq) to contract functions from Indian Health Services including contract health services, health education, community health rep-

resentatives, mental health, alcohol treatment, and sanitation; and,

Whereas Tribal Council is committed to the development of an integrated and coordinated system of community based health care; and,

Whereas Tribal Council has determined that it is in the best interest of the tribe that all community support health services should be administered uniformly; and,

Whereas the Tribal Council, pursuant to Article V, Section 1(1) of the Constitution and By-Laws is responsible to protect the health, security and general welfare of the members of the Confederated Tribes; now therefore,

Be it resolved by the Twenty-Third Tribal Council of the Confederated Tribes of Warm Springs, pursuant to Article V, Section 1(d) of the Constitution and By-Laws that the Confederated Tribes, enter into a Indian Self Determination Act contract with the Indian Health Service and contract the public health nursing, social work and nutritionist functions operated by the Indian Health Service; and,

Be it further resolved that the Secretary-Treasurer is directed to submit application, negotiate, and execute such contract with the Indian Health Services; and,

Be it further resolved that all indirect and direct contract support cost funding, including interest shall be made available to the program annually to support the administrative operations of the health programs operated by the Tribe. (Resolution No.10,534.)

## Jackson named chief judge

Whereas the Chief Judge of the Warm Springs Tribal Court has resigned, effective July 31, 2005; and,

Whereas, pursuant to Warm Springs Tribal Code section 200.250(1), the Tribal Council appointed a Selection Committee to review candidates for the position of Chief Judge of the Warm Springs Tribal Court; and,

Whereas such Selection Committee has been unable to meet and the Tribal Council hereby exercises its authority pursuant to Article V, Section 1(s) of the Constitution and By-laws to review the actions of the Selection Committee and to make appointments to the Tribal Court; and,

Whereas Anita Jackson has been appointed by the Tribal Council as Chief Judge of the Tribal Court; and,

Be it resolved by the Twenty-Third Tribal Council of the Confederated Tribes of Warm Springs, pursuant to Article V section 1(i),(l) and (s) of the Constitution and By-laws, that Anita Jackson has been appointed as Chief Judge of the Warm Springs Tribal Court, effective August 1, 2005; and,

Be it further resolved that such appointment is for a one year probation, pursuant to Warm Springs Tribal Code section 200.250(2) after successfully completing probation be

## Council appoints associate judges

Whereas the terms of office of the associate judges of the Warm Springs Tribal Court have expired; and,

Whereas pursuant to Warm Springs Tribal Code section

200.250(1), the Tribal Council appointed a Selection Committee to review candidates for the positions of Associate Judge(s) of the Warm Springs Tribal Court; and,

Whereas such Selection Committee has been unable to meet and the Tribal Council hereby exercises its authority pursuant to Article V section 1(s) of the Constitution and By-laws, to review the actions of the Selection Committee and to make appointments to the Tribal Court; and,

Whereas Barbara Jim and Marie Calica have been appointed by the Tribal Council as Associate Judges of the Tribal Court; now, therefore,

Be it resolved by the Twenty-Third Tribal Council of the Confederated Tribes of Warm Springs, pursuant to Article V section 1(i),(l) and (s) of the Constitution and By-laws, that Barbara Jim and Marie Calica be appointed as Associate Judges of the Warm Springs Tribal Court, effective August 1, 2005; and,

Be it further resolved that such appointments are for a one year probation, pursuant to Warm Springs Tribal Code section 200.250(2) after successfully completing probation be appointed for a four (4) year term ending July 26, 2010. (Resolution No. 10,538A.)

## Procedure for recall clarified

Whereas Article IV, Section 10 of the Constitution of the Confederated Tribes of Warm Springs provides for recall of a member of the Tribal Council by the electors of the member's district in an election called by the Tribal Council upon presentation of a petition for the recall of such member signed by at least 30 percent of the eligible voters of the district and election of successors; and,

Whereas it is appropriate for the Tribal Council to establish procedures for such recall, in the same manner as Tribal Council set forth procedures for referendum elections by adopting Resolution No. 4729 on August 30, 1976; now, therefore,

Be it resolved by the 23<sup>rd</sup> Tribal Council of the Confederated Tribes of Warm Springs, pursuant to Article V, Section 1(1) of the Constitution and By-Laws, that procedures are hereby adopted with respect to Article IV, Section 10.

Members of the Tribal Council are elected as individuals and it is only logical and appropriate that they should be considered for recall on an individual basis. Therefore, a petition for an election for recall of a member of the Tribal Council shall be limited to one member of the Tribal Council. In the event petitioners seek a recall election for more than one member of the Tribal Council, there shall be a separate petition for each member of the Tribal Council;

Any such petition shall have the following title:

**Petition for recall of (name of member of Tribal Council), member of the Tribal Council from (Name of District). By signing this petition, the eligible voters of the (name of district) are asking the Tribal Council to call an election for the purpose of recalling the above member of the Tribal Council. If the member is recalled, a special election shall be held to elect a successor.**

To ensure that members are

aware of the contents and impact of any petition, individuals circulating petitions to recall any member of the Tribal Council shall slowly and carefully read the title of the petition, word for word, to each member, before the member signs the petition. No person circulating such petition shall make any statement or express any opinion in explaining the petition which is different or contradictory to the title of such petition.

Upon securing the signature of at least 30 per cent of the eligible voters of the district from which the member of the Tribal Council was elected, the petition and signatures shall be submitted to the Tribal Council. For the purposes of this resolution, eligible voters shall mean those having the right to vote pursuant to Article IV, Section 5, of the Tribal Constitution.

At such time petitions are presented to the Tribal Council, each petition shall contain a certification by the person presenting the petition in the following language:

*I, the undersigned, do hereby certify that I personally presented the attached petition to the members of the Confederated Tribes of the Warm Springs Reservation whose signatures appear on such petition.*

*That I personally read the title to the petition to each of the people who signed, and that I made no statement or expressed no opinion which was different or contradictory to such statement.*

*That each signature on this petition was made by the person whose name was signed and that it was made voluntarily and without any undue influence.*

Within 30 calendar days of presentation of the petition and signatures, the Tribal Council shall examine the petition and signatures to determine whether they comply with the Tribal Constitution and this resolution.

If the petition and the signatures are found to comply with the Tribal Constitution and this resolution and the petition contain sufficient valid signatures, the Tribal Council shall call a special election, to be held within 60 calendar days.

In the event that the petition and signatures are found to comply with the Tribal Constitution and this Resolution, and the Tribal Council shall not call for such election within 60 calendar days after presentation of the petition and signatures, the pe-

tioners shall sign a written request for the BIA superintendent of the Warm Springs Agency to call such an election. Upon such written request, the superintendent may call such election.

The failure of the Tribal Council to take action on the request for election with 60 calendar days after presentation of the matter to the Tribal Council shall be deemed a vote not to submit the question.

Any person making a contradictory or different statement in explaining the title of the petition shall be deemed guilty of an offense and shall be punishable by a fine of not to exceed \$100 and by a jail term of not to exceed thirty (30) days, or both. (Resolution No. 10,540.)

## New roadway at Sunnyside

Whereas the Tribal Council is the governing body of the Confederated Tribes of Warm Springs; and,

Whereas the BIA and the tribes have recognized the need to submit for new construction, project No. WSIR 3003(6), for Sunnyside Subdivision Road. This Project is an integral part of the safety of Warm Springs roads use and school bus routes; and,

Whereas this new road has been designed as part of the BIA roads inventory and the BIA has identified the funding source for construction maintenance and repair to be through the Indian Reservation Roads Program under the Transportation Equity Act for the 21<sup>st</sup> Century, administered by the Federal Highways Administration; and,

Whereas the BIA and the tribes' Construction Enterprise

estimate that the cost to construct this project is approximately \$630,000.00 and that an actual cost proposal will be negotiated for the purpose of entering into a contract between the BIA and the tribes; for which advance payment schedule process for funding shall be requested; and,

Whereas the Warm Springs Construction Enterprise's mission is to ensure that the Confederated Tribes of Warm Springs retains maximum economic benefits from construction projects on and near the reservation; and,

Whereas this project can best be expedited and accomplished by the tribes, by and through its Construction Enterprise, acting under Public Law 93-638 contract with the BIA and by utilizing materials located on the Reservation and in close proximity to the projects; now, therefore

Be it resolved by the 23<sup>rd</sup> Tribal Council of the Confederated Tribes of Warm Springs Reservation, pursuant to Article V, Section 1 (a) and (d) of the Constitution and By Laws, that the Warm Springs tribes request a contract under authority of PL. 93-638, to accomplish construction of the following project at Warm Springs: WSIR 3002(6) - Sunnyside Subdivision; and,

Be it further resolved that the Secretary/Treasurer of the tribes or his authorized designee is hereby authorized to make application for, negotiate and execute said contract and any amendments thereto, on behalf of the tribes; and,

Be it further resolved that this authorization shall remain in full force and effect until otherwise amended or rescinded by Tribal Council action. (Resolution No.10,533.)

*Warm Springs Market*  
*Indian Arts and Crafts*  
2132 Warm Springs St.  
Warm Springs, OR 97761  
(541) 553-1597

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