

Tribal Council Resolutions

Violence prevention

Whereas the Tribal Council is the duly elected governing body for the Confederated tribes of the Warm Springs Reservation of Oregon and operate under the authority of an approved Constitution and By-laws to protect and promote the general welfare of its members; and,

Whereas Tribal Council and the Elders have recognized that the most valuable resource of the Confederated Tribes of the Warm Springs Indian Reservation of Oregon is its children, our children's grandchildren, and our families; and,

Whereas 1,535 (33.7 percent) of the 4,559 enrolled tribal members are under 18 years of age as of January 21, 2008; and,

Whereas Tribal Council understands that there are many factors that contribute to family and domestic violence, the neglect, abuse, and endangerment of tribal children, including, but not limited to, the use and abuse of alcohol, methamphetamine and other illegal drugs by the parents and guardians of the children; and,

Whereas Tribal Council considers that quick response to the needs of the victims of family violence cases on the reservation; providing services to victims of family violence; and the prevention of family violence on the reservation to be of high importance; and,

Whereas our tribal families will benefit from improving the efficiency of the tribal Victims of Crimes Services and other tribal departments working with family violence prevention, services, investigation and prosecution; and,

Whereas, as per the Federal Register, Vol. 72, No. 249, potential grant funds over two years are available from the Department of Health and Human Services, Administration for Children and Families through the Family Violence Prevention and Services Act (FVPSA) Grant Program for the maintenance and expansion of the existing tribal Victims of Crimes Services department to assist the needs of family violence victims on the reservation, provide related services, and work toward the prevention of such family violence; now, therefore,

Be it resolved by the Twenty-Fourth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of

Oregon, pursuant to Article V, Section 1 (d), (l) and (p) of the Tribal Constitution and By-Laws, that the Secretary-Treasurer is authorized to apply for the Family Violence Prevention and Services Act (FVPSA) Grant to Native American Tribes from the Department of Health and Human Services, Administration for Children and Families and administer the grant programs and activities funded under the FVPSA grant. (Resolution no. 10,843.)

Tribal energy

Whereas the Tribe has an interest in a variety of renewable and conventional energy projects and in other economic development projects; and,

Whereas in the 2008 session of the 110th Congress, federal legislators are likely to take up several pieces of legislation that could impact tribal energy and other economic development activities and could impact natural resource management of tribal trust resources, including renewal of the Renewable Energy Production Tax Credits, renewable energy legislation that could impact the viability of biomass energy generation, an expansion of activities that may be funded with tax-exempt bonding authorized by the Indian Tax Status Act, and extension of the accelerated depreciation and Indian wage tax credit tax provisions; and,

Whereas issues related to these legislative initiatives are described in a draft Tribal Tax Legislation Position Paper, Exhibit "A", a draft Tribal Energy Position Paper, Exhibit "B", and a Biomass and Tribal Trust and Forest Health Management White Paper, Exhibit "C"; and,

Whereas Tribal Council deems it desirable to participate in advocating for the policies outlined in attached position papers with federal legislators; and,

Whereas Tribal Council deems it desirable to advance these position papers and proposed resolutions, Exhibits "D" and "E", to the National Congress of American Indians, the Intertribal Timber Council, and the Affiliated Tribes of Northwest Indians to gain their support of the positions; now, therefore,

Be it resolved by the Twenty-Fourth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of

Oregon, pursuant to Article V, Section 1(a), (d), (f), (k) and (l) of the Tribal Constitution and By-Laws, Exhibits "A" through "E" are hereby approved, that tribal representatives are hereby authorized to advance the same with appropriate federal legislators, and that tribal representatives are hereby authorized to advance and seek approval of the same from the National Congress of American Indians, the Intertribal Timber Council, and the Affiliated Tribes of Northwest Indians. (Resolution no. 10,842.)

Columbia fisheries

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon, by Treaty, reserved rights to fish at all usual and accustomed fishing stations; and,

Whereas the development and alteration of the Columbia Basin has impeded access to all such fishing sites; and,

Whereas P.L. 100-581, Title IV directs the United States Army Corps of Engineers (USACOE) to construct improvements at the In-Lieu and Treaty Fishing Access Sites and transfer the improvements and sites to the Bureau of Indian Affairs (BIA) for operation and maintenance; and,

Whereas, pursuant to P.L. 100-581, and with the concurrence of the four tribes named in P.L. 100-581 and the BIA, the USACOE has constructed a commercial fish processing facility at the East White Salmon Treaty Fishing Access Site; and,

Whereas the four tribes named in P.L. 100-581 (Warm Springs, Umatilla, Yakama, Nez Perce) have determined that in order to move forward with operations at the East White Salmon Treaty Fishing Access Site, a Tribal Contractible Entity should be created as a Limited Liability Company (LLC) in the State of Washington; and,

Whereas the Twenty-Fourth Tribal Council, by Resolution, authorized the formation of an LLC with the Confederated Tribes of the Warm Springs Reservation of Oregon as an equal member with the three other Tribes named in P.L. 100-581; and,

Whereas to form an LLC it is necessary for each member to make an initial capital contribution of funds, and those capi-

tal contributions must be equal for each member, now, therefore,

Be it resolved by the Twenty-Fourth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1, subsections(f),(l) and (o), of the Tribal Constitution and By-Laws, that the Tribal Council believes that it is in the best interests of the Tribe and its members to authorize that the Secretary-Treasurer dedicate and expend seven-thousand and five-hundred dollars (\$7,500) for the creation of the LLC to facilitate operation at the East White Salmon Treaty Fishing Access Site and Fish Processing Center. (Resolution 10,840.)

Crayfish regulation

Whereas the treaty with the Tribes and Bands of Middle Oregon on June 25, 1855 reserved to the Confederated Tribes of the Warm Springs Reservation of Oregon the exclusive right to fish all waters on or bordering the reservation; and,

Whereas the On Reservation Fish and Wildlife Committee has reviewed and considered the "Proposed Commercial Crayfish Harvest Regulations," Exhibit "A"; and,

Whereas the Tribal Council has determined that approval and adoption of these Regulations are in the best interests of the tribal members and promotes protective measures for the shellfish resource; and,

Whereas the Tribal Council believes that this enterprise furthers the Tribal Policy of promoting self-esteem, self reliance, and employment for tribal members; and,

Whereas, Modifications to the Regulations are in order as more scientific data and "state of the art" information is compiled by the Natural Resources Department and reviewed by the Tribal Fish and Wildlife Committee; now, therefore,

Be it resolved by the Twenty-Fourth Tribal Council, pursuant to Article V, Section 1 (u) of the Tribal Constitution and By-Laws and Warm Springs Tribal Code Chapter 340, that it hereby adopts and approves the attached "Proposed Commercial Crayfish Harvest Regulations." (Resolution no. 10,844.)

Tribal court

Whereas the Tribal Council has been asked to review several decisions recently rendered by the Warm Springs Court of Appeals, which include Court of Appeals cases CR789-06 and CR780-06; and,

Whereas Article V, Section 1(i) of the Tribe's Constitution and By-Laws confers upon the Tribal Council the power to set up courts to enforce the ordinances established by the Tribal Council; and,

Whereas an effective court system is essential for the operation of the Tribal government and the maintenance of law and order on the Reservation; and,

Whereas, pursuant to its power to set up courts, the Tribal Council established the Warm Springs Reservation Tribal Court, which include the Trial Court and the Court of Appeals, the judges of which are appointed by and may be removed by the Tribal Council; and,

Whereas Article V, Section 1(s) empowers the Tribal Council to appoint tribal officials; and,

Whereas Article IV, Section 7 of the Tribe's By-Laws provides that appointed boards and officers "shall report from time to time, as required, and their activities and decisions shall be subject to review by the Council upon petition of any person aggrieved"; and,

Whereas Warm Springs Tribal Code 203.105(7) provides that "[s]ubject only to the extraordinary authority of the Tribal Council to review action taken, by virtue of the delegated powers, set forth in Article V, Section 1(s) of the Tribal Constitution, the decision of the Court of Appeals will be final"; and,

Whereas the Tribal Council finds that because it is a policy-making legislative body, the Tribal Council should, as a general rule and as a matter of sound policy, refrain from exercising adjudicatory powers in these cases; and,

Whereas Warm Springs Tribal Code Chapter 105, Section IV(6)(c) delegates to the Secretary-Treasurer the authority to "determine the applicability of Tribal laws and policies to such subordinate organizations and the Tribal Court"; and,

Whereas Warm Springs Tribal Code Chapter 105, Section IV (6) (e) also delegates to the Secretary-Treasurer the authority to "charter subordinate work units and positions to carry out all assigned functions"; and,

Whereas questions involving the decisions of the Tribal Court may be complex and time-consuming to examine and determine and may require specialized knowledge to resolve; now, therefore,

Be it resolved by the Twenty-Fourth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1 (r), (s) and (u), of the Tribal Constitution and By-Laws, that the Tribal Council directs the Secretary-Treasurer to take the following actions:

1. Examine the proceedings and records in Court of Appeals cases CR789-06 and CR780-06 and determine what action, if any, the Trial Court and Court of Appeals should take to com-

ply with the relevant provisions of the Law and Order Code and the Rules of Court. The Secretary-Treasurer is authorized to use a third party with appropriate expertise to carry out the examination and make recommendations to the Secretary-Treasurer.

2. Inform the Tribal Council of his proposed actions with regard to the above-referenced cases and then carry out those actions unless otherwise directed by the Tribal Council within 10 business days of notice to the Tribal Council of the proposed actions. The Tribal Courts are directed to comply with the directives of the Secretary-Treasurer.

3. Recommend procedures and law and order code revisions for consideration by the Tribal Council that establish review standards and procedures for cases before the Trial Court and Court of Appeals for which Tribal Council review has been requested. (Resolution no. 10,848.)

Youth conference

Whereas the objective of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, as stated in the Constitution and By-Laws, is to promote the advancement and welfare of the tribal membership; and,

Whereas one of the priorities of Tribal Council is youth development; and,

Whereas the Northwest Indian Youth Conference (Conference) will be held on the Warm Springs Reservation May 27, 2008 through May 31, 2008; and,

Whereas the theme for the Conference is "The Ancestor will be our Strength for the Future" and is dedicated to "walking in balance" by focusing on health: Mental, Physical, Spiritual, and Emotional; and,

Whereas the Conference will in part pay for itself with contributions, registration fees, vendors, raffles, fund raising, and with the services and/or in-kind support from Oregon State University, Youth Council, Rural Development, Native Wellness, Workforce Development, Eagle Tech, Kah-Nee-Ta Resort and Casino, Composite Products, Warm Springs Power and Water Enterprises, Education Department, Education Committee, Johnson O'Malley Committee, and others; and,

Whereas the amount of \$15,000 is recommended by the Planning Team for expenditure for the purpose of supporting the Conference, showing support for our youth and other Native communities visiting our reservation and is consistent with the objectives of Tribal Council; now, therefore,

Be it resolved by the Twenty-Fourth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1 (f), (l), and (o), of the Tribal Constitution and By-Laws, that the sum of \$15,000 is hereby appropriated to support the Conference in Warm Springs, Oregon, on May 27, 2008 through May 31, 2008.

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Next deadline to submit items to the Spilyay Tymoo is April 18.