

Resolutions of Tribal Council

(The following are resolutions of the Twenty-Fifth Tribal Council of the Confederated Tribes of Warm Springs.)

Fiber optic cable

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon (the "Tribe") and Wasco Electric Cooperative Inc. ("Wasco Electric"), have negotiated a "Pole Attachment License Agreement" ("Agreement"), attached as Exhibit "A", which allows the Tribe to attach to Wasco Electric's utility poles located on the Warm Springs Reservation ("Reservation") fiber optic cable and other telecommunications equipment as specifically provided for in the attached Agreement; and,

Whereas the use of Wasco Electric's utility poles on the Reservation for purposes of carrying tribal fiber optic cable and other equipment would greatly assist the Tribe in fulfilling its goal of bringing high speed broadband internet access to tribal members throughout the Reservation; and,

Whereas the Tribal Council believes that the Tribes/Wasco Electric Agreement is in the best interest of the Tribe and its members because it will facilitate the availability of high speed broadband internet access for tribal members throughout the Reservation; and,

Whereas the Section 27 of the Agreement contains a limited waiver of tribal sovereign immunity to permit judicial enforcement of the Agreement, which must be approved by the Tribal Council by resolution pursuant to Warm Springs Tribal Code, Section 30.004; now, therefore,

Be it resolved by the Twenty-Fifth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1 (f), (l), and (u), of the Tribal Constitution and By-Laws, and Section 30.004 of the Warm Springs Tribal Code, that the Tribal Council hereby approves the limited waiver of sovereign immunity as set out in Section 27 of the Tribes/Wasco Electric Agreement, attached as Exhibit A to this Resolution; and,

Be it further resolved that the Tribal Council approves the Agreement in its entirety as in the best interest of the Tribe and its members; and,

Be it further resolved that the Tribal Council Chairman, or his designee, is hereby authorized to execute the Agreement, attached hereto as Exhibit A, on behalf of the Tribe. (Resolution no. 11,320.)

Tribal Teleco

Whereas the Tribal Council ("Tribal Council") of the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe") created Warm Springs Telecommunications Company ("Company") by the approval of Articles of Incorporation through the passage of Resolution No. 11,181 on January 29, 2010; and,

Whereas the Company has been approved for a loan/grant combination from the U.S. Department of Agriculture Rural Utilities Service ("RUS") in the grant amount of \$2,722,960 and a loan amount of \$2,722,960, to expand and improve telephone service on the Warm Springs Reservation, which requires execution of extensive documentation, includ-

ing the waiver of the sovereign immunity of Company and creation of security agreements with the assets of the Company as security, creating financial obligations of only Company, and provided that the Tribe and other tribal assets are not obligated; and,

Whereas Company has been approved for a technical assistance grant from the U.S. Department of Agriculture Rural Utilities Service ("RUS") in the grant amount of \$200,000 to provide technical assistance in starting up the Warm Springs Telecommunications Company on the Warm Springs Reservation, which requires execution of extensive documentation, including the waiver of the sovereign immunity of Company; and,

Whereas such waivers of sovereign immunity will be included in the Interconnection Agreement between QWEST Corporation and Company and the Broadband Initiative Program/Loan/Grant Security Agreement and the Broadband Initiative Program Technical Assistance Grant Agreement between the Rural Utilities Service and Company; and,

Whereas pursuant to Warm Springs Tribal Code, Chapter 30, Waiver of Sovereign Immunity, Section 30.005, on August 28, 2010, Company transmitted copies of the proposed waiver to the Tribal Council, the Secretary-Treasurer/CEO of the Tribal Council, and the Agency Superintendent; and,

Whereas Warm Springs Tribal Code, Chapter 20, Section 30.003(3) provides for the delegation of the power to enter into waivers of sovereign immunity to subordinate bodies of the Tribes by Resolution of the Tribal Council and the Tribal Council considers it appropriate to delegate to Company the power to enter into waivers of sovereign immunity for all documents necessary to effectuate the grant/loan transaction described above, provided that the security for such transaction shall only be the assets of company and shall not include any other assets of the Tribes; now, therefore,

Be it resolved by the Twenty-Fifth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(f), (l), (o) and (s) of the Constitution and By-laws and Warm Springs Tribal Code, Chapter 30, Waiver of Sovereign Immunity, Section 30.003(3), that the power and authority to waive sovereign immunity for any and all documents in connection with the loan/grant and Technical Assistance Grant from RUS to Company is delegated to Company, provided that such obligation shall be only those of Company and no other assets of the Tribes shall be obligated or included as security for such loan/grant. (Resolution no. 11,324.)

Timber cut

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

Whereas by Resolution No. 10238 dated December 4, 2002 the Tribal Council adopted the revised Annual Allowable Cut (AAC) for the Reservation's Forested Area raising the AAC to 41.9 MMBF for the ten-year period 2002 - 2011; and

Whereas by Resolution No. 10398 dated May 24, 2004 the Tribal Council approved the Timber Allocation and Sales Agreement between the Confederated Tribes of the Warm Springs Reservation of Oregon and Warm Springs Forest Products Industries, commonly referred to as the "Cutting Contract" which stipulated that "harvest volumes shall not deviate from the designated volume in any one-year by more than ten percent or more than 2.5 percent for any successive five-year period; and

Whereas by Resolution No. 10748 the Tribal Council adopted a newly revised AAC for the Reservation's Forested Area raising the AAC to 43.161 MMBF for the five-year period 2007 -2011; and

Whereas WSFPI is in the fourth year of the five-year period and has requested permission to cut over the ten percent limit on the AAC in 2010 with the stipulation that any increase in the cut in 2010 would be subtracted from volume logged in 2011 and that the overall cut for the five-year period will remain at or below the limits set by the Cutting Contract; and

Whereas Warm Springs Tribal Forestry and Natural Resources departments recommend this proposal for the following reasons:

- It will allow WSFPI/Vanport Inc. to maintain an adequate inventory of wood to continue mill operations and prevent shutdowns next spring due to low log supply;

- It provides WSFPI the flexibility to conduct logging operations during good weather and ground conditions to minimize the impact to the resource and allows WSFPI to maintain an adequate log inventory to insure continuous mill operations during the anticipated spring break-up when poor ground conditions normally prevent logging operations;

- Maintains steadier work for Tribal loggers and reduces the need to hire additional outside loggers;

- Does not have a detrimental effect on the AAC since logging will occur when the trees are dormant and the total volume planned to be logged by March 2011 will be approximately the same;

- Will allow logging to continue, while there exist a favorable pulp market, on blocks producing mostly pulp material with a small volume of merchantable logs;

Whereas representatives from Tribal Forestry and Natural Resources agree that this request should be beneficial from both a resource and economic standpoint to the Confederated Tribes of Warm Springs; now, therefore,

Be it resolved by the Twenty-Fifth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(f) and (l), of the Constitution and By-Laws, and that WSFPI be permitted to increase the volume of timber cut in 2010 with a corresponding subsequent reduction in cut in 2011; and

Be it further resolved the Tribal Council hereby directs and authorizes Tribal Forestry Department to monitor the harvest volume of timber for 2010 and 2011 to insure that the total volume harvest for the period 2007-2011 complies with the limits of the Cutting Contract. (Resolution no. 11,325.)

W.S. Housing Authority

Whereas the Tribal Council established the Warm Springs Housing Authority ("WSHA") via Ordinance No. 60 on November 4, 1980, pursuant to its authority under the Tribal Constitution to charter subordinate organizations for economic purposes; and

Whereas Ordinance No. 60 provides that the affairs of the WSHA shall be managed by a seven person Board of Commissioners appointed by the Tribal Council; and

Whereas on November 24, 2009, the 24th Tribal Council passed Resolution No. 11,144, which placed the WSHA under the temporary supervision of the Office of the Secretary-Treasurer/CEO and temporarily redefined the role and authority of the Board of Commissioners to an advisory role to the Tribal Council; and,

Whereas on September 13, 2010, the Tribal Council passed a motion by which it determined that Resolution No. 11,144 is no longer effective, and sent a letter to Ken Bowling, Administrator of HUD's Northwest Office of Native American Programs, stating the same and clarifying that WSHA will continue to operate pursuant to Ordinance No. 60 until such time as the Tribal Council expresses an official intention to alter or dissolve the WSHA and amends Ordinance No. 60 accordingly; now, therefore,

Be it resolved by the Twenty-Fifth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(a), (d), (f), (l), (o) and (s) of the Tribal Constitution and By-Laws, that the Tribal Council hereby clarifies that the restrictions imposed on the WSHA and the Board of Commissioners via Resolution No. 11,144 are no longer effective as of September 13, 2010, the date upon which the Tribal Council passed a motion determining the same.

Be it further resolved by the Tribal Council that Ordinance 60, (WSTC 400.022 (1)) shall be amended to reduce the membership of the WSHA Board of Commissioners from seven members to five members. (Resolution no. 11,322.)

Enterprise zone, 'WSREZ'

Whereas the Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe") is a federally recognized Indian tribe as noted in the most recent listing of recognized tribes in the Federal Register, dated August 11, 2009, Volume 74, No. 153; and,

Whereas the Warm Springs Tribal Council is the Tribe's elected governmental body under the Tribe's Constitution and By-Laws; and,

Whereas the economic development goals of the Warm Springs Tribal Council are to create jobs, generate tribal revenues, and diversify the Reservation economy; and,

Whereas the 2009 Oregon Revised Statutes, 285C.300 to 285C.320 provide for an eligible tribe to designate a Reservation Enterprise Zone on trust land contained within the tribe's reservation; and,

Whereas the Tribe is an "eligible tribe" under ORS 285C.306 (1) for creation of the Reservation Enterprise Zone on the Warm Springs Reservation;

and,

Whereas the Reservation Enterprise Zone authority includes programs that remove tax disincentives and provide tax incentives so that private businesses may thrive and generate economic opportunities on Tribal lands; and,

Whereas Tribal Council desires to sponsor a portion of the Warm Springs Reservation as a Reservation Enterprise Zone to encourage new business activity, job creation, higher income for local residents and greater diversity of economic activity; and,

Whereas the proposed Reservation Enterprise Zone, depicted and described on Exhibit "A", has a total area of 1.26 square miles, exclusively contains land held in trust for the benefit of the Tribe located within the boundaries of the Warm Springs Reservation as described in the 1855 Treaty with the Tribes and Bands of Middle Oregon; and,

Whereas the Tribe is a sovereign entity having regulatory power and authority over certain lands including, but not limited to, all trust lands and all lands within the Warm Springs Indian Reservation, and is designating this zone as a means of exercising such authority, and it is not the intent nor shall it be construed to cause the sovereignty of the Tribe to be diminished by this designation of the Zone; and,

Whereas this Reservation Enterprise Zone shall be named the Warm Springs Reservation Enterprise Zone or "WSREZ;" and,

Whereas the proposed WSREZ contains land that is designated for qualifying business development and does not include area inside any other enterprise zone; now, therefore,

Be it resolved by the Twenty-Fifth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1 (a), (f), (g), and (l) of the Constitution and By-Laws, that the Tribal Council hereby designates the land depicted on Exhibit "A" an Oregon Reservation Enterprise Zone to be named the Warm Springs Reservation Enterprise Zone or "WSREZ" and requests that the Oregon Economic and Community Development Department review this request and ratify designation of the WSREZ under ORS 285C.306(2); and,

Be it further resolved by the Tribal Council, that the Secretary-Treasurer/CEO is authorized to represent, including signatory authority, the Tribal Council in matters of designating the WSREZ, and to make any substantive or technical changes to the designation materials, as necessary, after adoption of this resolution; and,

Be it further resolved that the Tribal Council appoints the CTWS Planning Department Manager to function as the Local Zone Manager for the WSREZ, and he/she shall make all necessary reports to the Tribal Council on an annual basis or as the Tribal Council requests as well as is authorized to represent the Tribe in the matters of designating the WSREZ, finalizing Exhibits to this resolution, and otherwise seeing to it that the Economic and Community Development Department has information necessary for its de-

terminations and the proper ordering of the Zone; and,

Be it further resolved that the Tribal Council agrees that the Tribe will observe the requirements and provisions of ORS 285C.105 and otherwise fulfill its duties under ORS 285C.050 to 285C.250; and,

Be it further resolved that the WSREZ includes only land located within the exterior boundaries of the Warm Springs Indian Reservation and does not include area inside any other enterprise zone; and,

Be it further resolved the designation of the WSREZ does not grant or imply permission to develop lands within the Zone without complying with all existing zoning, regulatory and permitting processes. (Resolution no. 11,326.)

Celilo

Whereas the flooding of Celilo Falls caused by the construction of The Dalles Dam was an enormous and historic tragedy for Warm Springs and the other Columbia River Treaty Tribes whose members lived and fished at Celilo; and,

Whereas the flooding of Celilo Falls was also a tragedy for the fishery resource and environment of the Columbia River and also for the people of the Pacific Northwest and the United States; and,

Whereas the United States Government built the dam and destroyed Celilo Falls with no consultation with or genuine compensation paid to Warm Springs and the other Columbia River Treaty Tribes whose treaties were violated and whose cultural sites and resources were lost forever as a result of the flooding; and,

Whereas Warm Springs and the other Columbia River Treaty Tribes have been approached by the Confluence Project and world famous sculptor, Maya Lin, to consult on the building of a memorial at Celilo Park to commemorate the destruction of the Falls; and

Whereas Warm Springs has been advised that Ms. Linn recognizes the magnitude of the loss suffered by Warm Springs and the other Columbia River Treaty Tribes due to the construction of The Dalles Dam and hopes to design a memorial that will capture the loss and will make Celilo's history known to people the world over; now, therefore,

Be it resolved by the Twenty-Fifth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1 (l) and (u), of the Tribal Constitution and By-Laws, that the Tribal Council wishes to express its appreciation and support to Ms. Lin and the Confluence Project for undertaking the effort to construct a fitting and appropriate memorial commemorating the loss of Celilo Falls; and,

Be it further resolved Tribal Council also wishes to express its support for the construction of a separate memorial to be built at Celilo Park at a future date commemorating the Tribal fishermen and women who have lost their lives exercising their treaty fishing rights at Celilo and elsewhere on the Columbia River. (Resolution no. 11,327.)

An attorney from Legal Aid Services of Oregon is available from 1 to 4 p.m. on the first Monday of the month at the Family

Resources Center in Warm Springs. Or call 385-6944 Monday through Thursday between 9 a.m. and 4 p.m. (at lunch from noon-1 p.m.)