



Courtesy KWSO

Mt. Hood Meadows on Monday hosted Tribal Ski Day, a day of skiing and snowboarding on Mt. Hood.

**Tribal Council summary**

**February 9**

1. Present: Chief Joseph Moses, Chief Alfred Smith Jr., Brigette McConville, Minnie Yahtin, Recorder.
  - 2. Visit from U.S. Rep. Greg Walden, and Central Oregon office director senior policy advisor Nick Strader.
  - 3. Managed Care issues presented by Mike Collins, director of tribal Managed Care:
    - Separation of Indian

- Health Improvement Act from Affordable Care Act.
- Affordable Care Act employer mandate.
  - Payer of last resort issue.
  - 4. Public Safety presented by Stan Suenaga, general manager of Public Safety:
    - Corrections facility.
    - Cannabis project – law enforcement.
    - Leases.

5. Economic Development presented by Louie Pitt, director of Governmental Affairs, and Kahseuss Jackson, economic development director:
  - Campus infrastructure.
  - USDA funding.
6. Natural Resources presented by Bobby Brunoe, general manager of Branch of Natural Resources; and Don Sampson, Ventures chief executive officer.

- Land exchange.
- Bear Springs/U.S. Forest Service.
- Outdoor tourism: partnerships with Mt. Hood Meadows and Ski Bowl
- Deschutes basin and water.
- 7. Public Broadcasting issue presented by Sue Matter, director KWSO.
  - Possible funding loss for KWSO and other public radio stations.
- 8. With no further discussion the meeting adjourned at 10:55 a.m.

**Tribal Council summaries**

*(The following are summaries of two January Tribal Council meetings.)*

**January 30, 2017**

1. Roll call: Chief Delvis Heath, Chief Joseph Moses, Chief Alfred Smith Jr., Chairman Eugene Greene Jr., Vice Chairman Charles Calica, Carina Miller, Brigette McConville, Lee Tom, Valerie Switzler and Raymond Tsumpti. Minnie Yahtin and Emily Yazzie, Recorders.
2. Indian Head Casino update.
3. Warm Springs Power & Water Enterprise update.
4. Warm Springs Composite Products update.
5. Warm Springs Telecom update.
6. Kah-Nee-Ta update.
7. Warm Springs Ventures update.
  - Carbon Sequestration update.
  - Unmanned Aerial System update.
  - Construction Enterprise update.
  - Geo Visions update.
  - TERO update.
  - Energy and Mineral Grant update
8. Tribal Council Travel Coordinator Position Update.
9. Enterprises to be prepared to do a public update to tribal members in future on

- quarterly basis.
10. Set General Council meeting on supplemental budget for Kah-Nee-Ta.
  11. Adjourned 4:25 p.m.
- January 31**
1. Roll call: Chief Delvis Heath, Chief Joseph Moses, Chief Alfred Smith Jr., Chairman Eugene Greene Jr., Vice Chairman Charles Calica, Carina Miller, Lee Tom, Valerie Switzler, and Raymond Tsumpti. Minnie Yahtin and Emily Yazzie, Recorders.
  2. Credit Enterprise update.
  3. The Museum At Warm Springs update.
  4. Warm Springs Housing Authority update.
  5. Warm Springs Timber LLC update
  6. Cannabis project update
    - Intergovernmental agreement
    - Cannabis Commission update – Did last interview for cannabis director, and should be selecting in next two weeks.
  7. Amend agenda to add Warm Springs Ventures Native Fax update.
  8. Enterprises to be prepared to do a public update to tribal members in future on quarterly basis.
  9. Adjourned 4:31 p.m.

**Resolutions of Tribal Council**

**Cannabis IGA**

**Whereas** the Confederated Tribes of Warm Springs is a federally recognized Indian tribe organized under a constitution and bylaws ratified by the members of the tribe on December 18, 1937, and approved by the Assistant Secretary of the Interior of the United States on February 14, 1938, pursuant to Section 12 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and,

**Whereas** the tribe exercises governmental powers over lands and resources within the boundaries of the Warm Springs Indian Reservation as such reservation is described in that certain treaty between the United States of America and the tribes and bands of Middle Oregon executed on June 25, 1855 (12 Stat. 963); and,

**Whereas** on November 3, 1998, Oregon voters approved state Ballot Measure 67, allowing medical use of marijuana within limits and establishing a permit system, ORS 475B.400 through ORS 475B.525; and on November 4, 2014, Oregon voters approved Ballot Measure 91, allowing recreational use of marijuana for adults within limits and establishing a license systems, ORS chapter 475B (as further amended); and,

**Whereas** pursuant to a Warm Springs tribal referendum on December 17, 2015, confirmed by Tribal

Council resolution 12,086, the tribal membership approved a tribally formed but independently managed and operated on-reservation marijuana cultivation and processing facility with retail sales allowed only off the reservation; and,

**Whereas** pursuant to the 2015 referendum, the Tribal Council adopted Warm Springs Tribal Code Chapter 743, Marijuana Cultivation, Processing and Sale to regulate the marijuana activities authorized by the 2015 referendum, and to assure compliance with federal policy as articulated in the Cole Memorandum and Wilkinson Memorandum; and,

**Whereas** pursuant to the 2015 referendum, the tribe formed, under its constitutional authority, a community benefit business enterprise that will operate the on-reservation facility and which will also engage in off-reservation retail sales as a state licensee for the express purpose of improving job opportunities and increasing tribal tax revenues and community benefit revenues to benefit the tribal community; and,

**Whereas** the tribe has regulatory jurisdiction over tribal marijuana activities on-reservation; and,

**Whereas** the tribal Cannabis Commission is responsible for adopting and enforcing and regulations relating to the production, processing, testing and wholesale of marijuana on the reservation; and,

**Whereas** the state has regulatory jurisdiction over

marijuana activities off-reservation; and,

**Whereas** the Oregon Liquor Control Commission, the Oregon Health Authority, the Oregon Department of Agriculture, and the Oregon Department of Revenue are responsible for adopting and enforcing regulations relating to the production, processing, testing, sale and taxation of marijuana in the state of Oregon, including regulations relating to the use of pesticides on marijuana plants used for production of marijuana items, and regulations relating to food safety for cannabinoid edibles offered for sale in the state of Oregon; and,

**Whereas** the state and tribe recognize the need for cooperation and collaboration with regard to the production and processing of marijuana on the reservation for sale off-reservation and with regard to state licensees and individuals traveling through the reservation, namely:

1. The conditions under which the state will consider tribally produced marijuana items as legal for sale in the state market and thereby allow the tribe to compete in the state market; and,
2. Regulatory treatment of non-tribal members working on the reservation under tribal licenses and non-tribal members otherwise possessing marijuana on the reservation; and,
3. Regulatory treatment of tribally licensed businesses and representatives off-reservation and

state licenses and licensee representatives on the reservation; and,

**Whereas** the Tribal Council believes it is in the best interests of the tribe to approve and enter into the Intergovernmental Agreement for cross jurisdictional coordination and enforcement of marijuana-related businesses between the tribe and the state of Oregon (exhibit A to this resolution); now, therefore,

**Be it resolved** by the Twenty-Seventh Tribal Council of the Confederated Tribes of the Warm Springs Reservation, pursuant to Article V, section 1(f) (l) and (u) and Article VI of tribal constitution and by-laws, the 2015 referendum, and Warm Springs Tribal Code Chapter 30, that the Tribal Council hereby approves the Intergovernmental Agreement for cross jurisdictional coordination and enforcement of marijuana-related businesses between the tribe and the state of Oregon (exhibit A), including the limited waiver of sovereign immunity contained therein; and,

**Be it further resolved** that the Tribal Council hereby authorizes the Chairman, Vice Chairman or Secretary-Treasurer/CEO to execute the Intergovernmental Agreement in substantially similar form as exhibit A, and authorizes these authorized representatives or their designated representatives to take any such further actions and to execute any such further documents or instruments necessary or desirable

to carry out the above resolutions and to perform the Intergovernmental Agreement.

*(Resolution no. 12,276)*

**Carbon project**

**Whereas** the Confederated Tribes of Warm Springs Reservation of Oregon is a federally recognized Indian tribe; and,

**Whereas** Warm Springs Geo Visions, a tribal business enterprise, is advancing the commercial opportunities for carbon offset credit project(s) on the reservation, in particular under the state of California cap and trade program; and,

**Whereas** pursuant to the Tribal Council resolution 11,979 the Tribal Council approved the carbon project, authorized the carbon project listing, and delegated project management to Geo Visions among other actions; and,

**Whereas** Geo Visions has identified a willing buyer for the carbon project carbon offset credits that are issued form the first reporting period in accordance with the terms and conditions set forth in the California offset transaction terms agreement (exhibit A to this resolution); and,

**Whereas** under the agreement that the tribe agrees to sell the contract credits in three different tranches to the buyer; and,

**Whereas** the tribe believes that the agreement terms are

in the best interest of the tribe; now, therefore,

**Be it resolved** by the Twenty-Seventh Tribal Council of the Confederated Tribes of Warm Springs Reservation, pursuant to Article V, section 1 (f) and (l) of the Tribal Constitution and by-laws and Warm Springs code chapter 30, that the Tribal Council hereby:

1. Approves the agreement (exhibit A to this resolution) including the grant of limited waiver of sovereign immunity contained therein; and,
2. Authorizes the Tribal Council Chair, Vice Chair or Secretary-Treasurer/CEO to execute and perform the agreement in substantially similar form as in exhibit A; and,
3. Delegates to the Tribal Council Chair and Secretary-Treasurer/CEO the authority to adjust the tranches in the agreement transaction confirmation as deemed in the best interest of the tribe and in accordance with the terms noted therein; and,
4. Authorizes the authorized representative and Geo Visions general manager to undertake any such further actions or execute any such further documents reasonably necessary to carry out the intentions of the foregoing resolutions and the agreement and as consistent with their obligations and responsibilities under the agreement.

*(Resolution no. 12,258)*