

# Tribal Council Actions

Tues., Sept. 14, 1999

**PLEASE NOTE:** All Tribal Council actions and votes are recorded and printed in *Smoke Signals*, beginning with the "yes" votes, followed by any "no" votes, and lastly, any abstentions. For example, if a motion carries by a vote of 8-0-0, all Council members voted in favor of it. If there is a motion where any members of Council vote "no" or abstain, you will find the names of each Council member and how each one voted. Remember, the Chair does not vote unless there is a tie.

Wednesday, Sept. 1, 1999

5:30 p.m. — Meeting called to order by Kathryn Harrison, Tribal Council Chair. All Council was present. Leon C. Tom moved, Val Grout seconded to approve the August 18, 1999 Tribal Council meeting minutes as submitted. Motion carried.

#### OLD BUSINESS

■ **Announcements about Ethics Hearings.** Ed Pearsall read the following announcement: *The Tribal Council has the following announcement regarding the ethics claims against Tribal Council Vice-Chairman Reyn Leno and Tribal Council Chairperson Kathryn Harrison: The Tribal Council wishes to ensure that it is sufficiently informed of the facts necessary to decide these claims. The Council has therefore requested a written transcript of the August 18, 1999, Tribal Council meeting. The Council is waiting for a copy of the corrected transcript. In the meantime, it is diligently reviewing the papers submitted by the parties as well as other information relating to the claims. The Council has not reached a decision in either matter, but the parties and tribal members should be assured that these claims are taken seriously by the Council and that the Council expects to render its written decisions on these matters in the coming weeks.*

#### TRIBAL GOVERNMENT, MANAGEMENT & BUDGET SUBCOMMITTEE

■ **IHS Annual Funding Agreement FY 2000.** Mark Mercier moved, Bob Haller seconded to adopt **Resolution No. 105-99** approving the FY 2000 Annual Funding Agreement between the Confederated Tribes of Grand Ronde and the Indian Health Services (IHS) and authorizing the Executive Officer to make changes to the agreement he deems necessary before execution of the agreement by the Council Chair. Motion carried 8-0-0.

■ **Ethics Claim against Reynold L. Leno.** After discussion, Ed Pearsall moved and it was seconded to table the request that Council recuse Mark Mercier from voting in Reynold L. Leno's ethics hearing. Motion carried 6-0-2. Reyn Leno and Mark Mercier abstained.

■ **Employment Contract for Executive Officer.** Val Grout moved, Bob Mercier seconded to adopt **Resolution No. 106-99** approving the terms of the Employment Agreement between Mr. Robert Martin and the Tribe covering the period September 25, 1999, to September 24, 2001, and to authorize the Tribal Council Chairperson to sign

the Agreement on behalf of the Tribe. Motion carried 8-0-0.

■ **Gaming Commission Executive Director Appointment.** Ed Pearsall moved, Leon C. Tom seconded to adopt **Resolution No. 107-99** approving the appointment of William Wayne York as the Executive Director of the Grand Ronde Gaming Commission and authorizing the Chair of the Gaming Commission, with the assistance of the Tribal Attorney's office, to finalize an employment contract with Mr. York. Motion carried 8-0-0.

■ **Native American Graves Protection and Repatriation Act (NAGPRA) Budget.** After discussion, Mark Mercier moved, Ed Larsen seconded to adopt **Resolution No. 108-99** to authorize a budget, not to exceed \$9,760, for repatriation and memorial of identified human remains, and with the stipulation that "no media" other than the tribal newspaper, *Smoke Signals* be present. Motion carried 8-0-0.

#### ECONOMIC DEVELOPMENT SUBCOMMITTEE

■ **Amendment Spirit Mountain Gaming Inc. Ground Lease.** Ed Pearsall moved, Val Grout seconded to adopt **Resolution No. 109-99** authorizing the subordination of rents due under the Ground Lease between Spirit Mountain Gaming, Inc. ("SMGI") and the Tribe to SMGI's obligations to U.S. Bank under the Phase III refinancing; to provide that the Ground Lease shall not be terminated upon any default by SMGI under the lease as long as any obligation from SMGI to U.S. Bank remains unpaid; and to authorize the Tribal Council Chair to execute an amendment to the Ground Lease consistent with this resolution. Motion carried 8-0-0.

#### RESOURCE SUBCOMMITTEE

■ **Agency Creek Emergency Road Repair.** After discussion, Mark Mercier moved, Ed Pearsall seconded to adopt **Resolution No. 110-99** to approve entering into a contract with the Bureau of Indian Affairs for the purpose of completing the ERFO project GRIR-1 under ERFO Disaster number OR-1999-1 BIA. Motion carried 8-0-0.

■ **Summer Youth Project Indirect Costs.** Ed Pearsall moved, Bob Haller seconded to adopt **Resolution No. 111-99** which approves waiving the indirect costs associated with the Summer Youth Project agreement 0087-984. Motion carried 8-0-0.

10:00 a.m. — Meeting was called to order by Kathryn Harrison. Ed Pearsall moved, Val Grout seconded to allow Ed Larsen to participate in the meeting via conference call. Motion carried unanimously. With the motion, a full Council was in attendance. Approval of previous September 1, 1999 Tribal Council minutes was tabled by Council consensus.

#### OLD BUSINESS

■ **ETHICS OPINION RE: Claims against Kathryn Harrison.** Vice-Chair Leno read a summary of the Findings and Opinion of Tribal Council that Chairperson Harrison's actions with regard to the Gaming Commission's recommendation of Andy Jenness to the Commission were not in violation of the Tribal Ethical Standards Ordinance. Ed Pearsall moved, Bob Haller seconded to adopt **Resolution No. 112-99** approving the Findings and Opinion as read. A roll call vote was taken and results were: Ed Pearsall - yes; Val Grout - yes; Bob Haller - yes; Ed Larsen - yes; Bob Mercier - yes; Mark Mercier - yes; Leon Tom - yes. Motion carried 7-0-0.

■ **ETHICS OPINION RE: Claims against Reynold Leno.** Chairperson Harrison read a summary of the Findings and Opinion of Tribal Council that Vice-Chair Leno's actions did constitute actual or apparent improprieties in violation of the Tribal Ethical Standards Ordinance. Ed Pearsall moved, Val Grout seconded to approve the Findings and Opinion as submitted by adopting **Resolution No. 113-99**. A roll call vote was taken. Results were: Ed Pearsall - yes; Val Grout - yes; Bob Haller - yes; Ed Larsen - yes; Bob Mercier - yes; Mark Mercier - yes; Leon Tom - abstain. Motion carried 6-0-1.

Ed Pearsall read a statement in which Council stated that because Vice-Chair Leno was found to have violated the Tribal Ethical Standards Ordinance, sanctions were appropriate. Val Grout moved, Mark Mercier seconded to adopt **Resolution No. 114-99** imposing the sanction of a 60-day suspension of Vice-Chair Leno's Tribal Council duties, without pay, beginning at the adjournment of the September 14, 1999 Council meeting and ending on November 13, 1999. A roll call vote was called. Results follow: Ed Pearsall - yes; Val Grout - yes; Bob Haller - yes; Ed Larsen - yes; Bob Mercier - yes; Mark Mercier - yes; Leon Tom - abstain. Motion carried 6-0-1.

#### NEW BUSINESS

■ **NCAI Membership Dues & Appointment of Delegate/Alternate.** Val Grout moved, Bob Mercier seconded to appoint Ed Pearsall as Delegate and Kathryn Harrison as Alternate for this meeting only and to pay the yearly membership dues in the amount of \$1,000, by adopting **Resolution No. 115-99**. Motion carried by a vote of 8-0-0.

#### RESOURCES & EDUCATION SUBCOMMITTEE

■ **Cultural Site.** Bob Haller moved, Ed Pearsall seconded to adopt **Resolution No. 116-99** designating a 1/4 acre tract of land that is located in the southwest corner of the Governance Center property for a permanent cultural site. Also, the Tribal Council approved \$6,500 for the project and additional funding not to exceed \$1,500 for fencing. Motion carried 8-0-0.

#### TRIBAL GOVERNMENT, MANAGEMENT & BUDGET SUBCOMMITTEE

■ **Grand Ronde Gaming Commission Appointment.** Val Grout moved, Ed Pearsall seconded to appoint Patricia Mercier to serve a three-year term on the Grand Ronde Gaming Commission by adopting **Resolution No. 117-99**. Motion carried 5-3-0 with Reyn Leno, Leon Tom and Bob Mercier voting no.