

Tribal Council Actions

Wednesday, July 11, 2001

5:00 p.m. — Meeting was called to order by Chair Kathryn Harrison. Except for Ed Pearsall (excused/travel status), a quorum was present.

Jan D. Reibach moved, Bob Haller seconded to approve the Tribal Council meeting minutes of June 27, 2001. Motion carried.

Reyn Leno moved, Ed Larsen seconded to approve the Tribal Council meeting minutes of July 05, 2001. Motion carried.

TRIBAL GOVERNMENT, MANAGEMENT & BUDGET COMMITTEE

■ **SMDC Use of Long Term Equity Fund.** Reyn Leno moved, June Sell-Sherer seconded to adopt **Resolution No. 111-01** making up to \$500,000 of the Long Term Equity Fund available to Spirit Mountain Development Corporation for its use as an additional capital contribution into Grand Ronde Industries LLC. Discussion followed. Motion carried 7-0-0.

■ **Appointment of Interim Executive Officer.** Jan D. Reibach moved, Ed Larsen seconded to approve the appointment of Chris Leno as Acting Executive Officer. Motion carried 7-0-0.

■ **Dan Kauffman Excavating, Inc. Contract — Irrigation Pump Station Replacement Project.** Bob Haller moved, Reyn Leno seconded to adopt **Resolution No. 112-01** which

(1) approves an agreement with Dan Kauffman Excavating, Inc. for construction of permanent in-stream intake and pump station facilities in the amount of \$40,957.73,

(2) approves a 10% contingency budget for the project of \$4,042.27,

(3) directs that said funding of \$45,000 be allocated from the Capital Projects Budget, and

(4) is subject to full review by the Tribal Attorney's office of the agreement, authorizing the Executive Officer to finalize and execute the agreement. Motion carried 7-0-0.

■ **Amendment 1 to Amended and Restated Tribal-State Compact.** Reyn Leno moved, Ed Larsen seconded to adopt **Resolution No. 113-01** authorizing the Chair, on behalf of the Tribe, to execute Amendment 1 to the Amended and Restated Tribal-State Compact with the State of Oregon; and, to request the Assistant Secretary-Indian Affairs review and approve Amendment 1. Amendment 1 will, among other things, eliminate sports bookmaking, prohibit Internet gaming, increase the number of VLT's, increase the maximum wagers on table games, modify the method for licensing Class III Gaming Contractors, and modify the method of computing OSP fees assessed to the Tribe. Discussion followed. Motion carried 7-0-0.

OTHER BUSINESS

■ A Tribal member asked, if criteria existed for selection of Enrollment Committee members. Discussion followed. Selection is guided by Tribal Ordinance, however, per Kim D'Aquila, Assistant Tribal Attorney, there is not specific requirement that Tribal Elders be given preference.

A Tribal Elder mentioned that an individual may serve on only one committee at a time, provided, however, an individual may serve on the Elder or Pow-wow Committee and one other committee at the same time per the General Committee Ordinance.

Wednesday, July 25, 2001

5:00 p.m. — Meeting was called to order by Chair Kathryn Harrison. Except for Cheryl Kennedy (excused/illness), a quorum was present.

Reyn Leno moved, Bob Haller seconded to approve the Tribal Council meeting minutes of July 11, 2001. Motion carried.

RESOURCES AND EDUCATION COMMITTEE

■ **Tribal Youth Program Grant Juvenile Justice & Delinquency Prevention.** June Sell-Sherer moved, Ed Larsen seconded to adopt **Resolution No. 114-01** to authorize the submission of an application for a Tribal Youth Program grant through the Office of Juvenile Justice for Delinquency Prevention. Motion carried 7-0-0.

■ **Sheets Construction Inc. Contract Education Facility Building Package.** Ed Pearsall moved, Reyn Leno seconded to adopt **Resolution No. 115-01:**

(1) approving an agreement with Sheets Construction Inc. for construction of the Education Facility Building Package in the amount of \$4,414,810;

(2) providing a limited waiver of sovereign immunity to Sheets Construction Inc. which waives the Tribe's immunity only with respect to matters arising out of the Tribe's construction contract with Sheets, and to the arbitration of such matters and enforcement thereof in Tribal Court;

(3) approving a 10% contingency budget for the project of \$441,000;

(4) directing that said funding of \$4,855,810 be allocated from the Capital Projects Budget, and

(5) authorizing the Executive Officer, with full review of the Tribal Attorney, to finalize and execute the agreement. Motion carried 7-0-0.

BUREAU OF LAND MANAGEMENT AGREEMENT

■ Reyn Leno moved, Jan D. Reibach seconded to adopt **Resolution No. 116-01:**

(1) approving an agreement between the Tribe and the Bureau of Land Management, to allow the Tribe to perform forest management services on BLM land in the South Yamhill Basin in coordination with the Tribe's management of the Grand Ronde Reservation, and

(2) authorizing the Council Chair, with the assistance of the Tribal Attorney, to finalize and execute such agreement. Motion carried 7-0-0.

WATER SYSTEM IMPROVEMENTS SPIRIT MOUNTAIN CASINO

■ Bob Haller moved, June Sell-Sherer seconded to adopt **Resolution No. 117-01:**

(1) authorizing the Public Works Department to initiate planning for water system improvements at Spirit Mountain Casino, as presented by the Director of Public Works, including initiating discussions with appropriate public and private entities;

(2) authorizing the commitment of not more than \$75,000 from the 2001 Capital Improvements Budget for planning such water system improvements;

(3) designating an additional \$1,000,000 from the 2001 Capital Improvements Budget as set aside for such water system improvements; and

(4) authorizing the Tribal Chair, on behalf of the Tribe, to execute agreements with design professions as she deems necessary and appropriate to carry out the planning of such improvements. Motion carried 7-0-0.

TRIBAL GOVERNMENT, MANAGEMENT & BUDGET COMMITTEE

■ **Appointment Health Authority Board Members.** June Sell-Sherer moved, Ed Larsen seconded to adopt **Resolution No. 118-01** which

(1) approves the reappointment of Merle Leno to a 3 year term expiring 7/31/04,

(2) approves the appointment of Mary Brickell to a 3 year term expiring 7/31/04, and

(3) approves the appointments of Patti Tom Martin and Nancy Renfrow to a 3 year term to start on the effective date of amendment of Health Authority Ordinance. Motion carried 7-0-0.

■ **Cigarette Tax Refund Agreement.** Ed Pearsall moved, Ed Larsen seconded to adopt **Resolution No. 119-01:**

(1) approving a Cigarette Tax Refund Agreement between the Tribe and the Oregon Department of Revenue to provide for a refund of state cigarette taxes to the Tribe on the formula set forth in the Agreement, and

(2) authorizing the Council Chair, with the assistance of the Tribal Attorney, to finalize and execute the Agreement. Motion carried 7-0-0.

■ **Tobacco Ordinance.** First reading of the Tobacco Ordinance. The Ordinance sets forth procedures for regulating tobacco sales on the Reservation to ensure compliance with the Oregon Cigarette Tax Act and is a component of the Cigarette Tax Refund Agreement between the Tribe and the Oregon Department of Revenue.

LEGISLATIVE COMMITTEE

■ **Enrollment Infant Determination.** Jan D. Reibach moved, Reyn Leno seconded to adopt **Resolution No. 120-01** which approves five (5) Tribal applicants to be added to the official membership roll # 5153 to # 5157. Motion carried 7-0-0.

ECONOMIC DEVELOPMENT COMMITTEE

■ **SMGI Board of Directors Appointments.** Bob Haller moved, June Sell-Sherer seconded to adopt **Resolution No. 121-01** to approve the appointment of Monty Parazoo to fill an open position on the Spirit Mountain Gaming, Inc. Board of Directors for an initial term of three (3) years ending June 30, 2004. Motion carried 7-0-0.

■ **SMGI Board of Directors Appointments.** Ed Pearsall moved, Reyn Leno seconded to adopt **Resolution No. 122-01** to approve the appointment of Ronald Lampard to fill an open positions on the Spirit Mountain Gaming, Inc. Board of Directors for an initial term of one (1) year ending June 30, 2002. Motion carried 7-0-0.

■ **Native American Caregivers Support Program Grant.** Jan D. Reibach moved, June Sell-Sherer seconded to adopt **Resolution No. 123-01** to authorize the submission of an application for a Native American Caregivers Support Program grant through the Department of Health and Human Services. Motion carried 7-0-0.

■ **Approval of UBS Paine Weber, Inc. Contract Provision.** Reyn Leno moved, Bob Haller seconded to adopt **Resolution No. 124-01** approving the waiver of sovereign immunity incorporated in the UBS Paine Weber, Inc. agreement and limited to a waiver of sovereign immunity only with respect to matters arising directly out of the Agreement to the extent necessary to permit the enforcement of UBS Paine Weber's rights under the Agreement. Motion carried 7-0-0.

■ **Hearings Officer Contract.** Reyn Leno moved, June Sell-Sherer seconded to adopt **Resolution No. 125-01** approving the waiver of sovereign immunity incorporated in the agreement with Judge Rory Flint Knife and limited to only claims brought in the Tribal Court for The Confederated Tribes of the Grand Ronde Community of Oregon for the recovery of amounts payable for services rendered and expenses incurred before termination of the Agreement. Motion carried 6-0-1.