

TRIBAL COUNCIL SUMMARY
JANUARY 16, 2023

1. The meeting was called to order at 9:12 by Chairman Jonathan W. Smith, Sr. (9:05) ROLL CALL: 9:00 - James 'Jim' Manion, Vice Chairman Raymond 'Captain' Moody, Lincoln Jay Suppah, Alvis Smith III, Wilson Wewa, Jr., Chief Joseph Moses (9:18), Carlos Calica (10:35), Rosa Graybael (11:10/phone). Minnie Yahtin, Recorder.
2. Secretary-Treasurer Update - Robert Brunoe.
3. February Agenda/Travel Delegations - Robert Brunoe:
 - Motion by Captain approving the agenda as presented; Second by Jay; Question; Jim/yes, Joe/yes, Captain/yes, Jay/yes, Alvis/yes, Wilson/yes, 6/0/0, Chairman not voting; Motion carried.
 - Motion by Captain approving the February 2023 travel agenda; Second by Wilson; Question; Jim/yes, Joe/yes, Captain/yes, Jay/yes, Alvis/yes, Wilson/yes, 6/0/0, Chairman not voting; Motion carried.
4. Draft Resolutions and Letters - Robert Brunoe:
 - DEIS Comments, Coquille Indian Tribe Fee-To-Trust and Gaming Facility Project - Ellen Grover:
 - Motion by Captain approving the letter; Second by Carlos; Question; Jim/yes, Joe/yes, Captain/yes, Jay/yes, Alvis/yes, Wilson/yes, Carlos/yes, 7/0/0, Chairman not voting; Motion carried
 - Resolution to Grant consent to SKIKOS CRAWFORD SKIKOS & JOSEPH, LLP to represent the Tribes in this settlement and approve participation:
 - Motion by Jim adopting Resolution No. 13,022, as amended, that the Tribe, in order to obtain and in consideration for the benefits provided to the Tribe pursuant to the Settlement Agreements, and acting through the authorized law firm, SKIKOS CRAWFORD SKIKOS & JOSEPH, LLP, hereby elects to participate in the Five Settlements and become a Participating Tribe as defined therein, and release all Released Claims against all Released Entities as defined therein; that SKIKOS CRAWFORD SKIKOS & JOSEPH, LLP is authorized to submit the Tribal Participating Forms attached to this Resolution as Exhibit A through Exhibit D on behalf of the Tribe; The Tribal Council Chairman and Secretary-Treasurer/CEO, or designees, are hereby directed and authorized to take any reasonable and necessary actions to carry out the purpose and intent of this Resolution; Second by Alvis; Question; Jim/yes, Joe/abstain, Captain/yes, Jay/yes, Alvis/yes, Carlos/yes, Rosa/yes, 6/0/1, Chairman not voting; Motion carried.
 - Letter regarding Administrative Compliance Order on Consent, SDW A-102019-0078; Emergency Administrative Order, SDW A-102019-0077:
 - Motion by Captain approving to Chairman to sign the letter to Mr. Edward J. Kowalski; Second by Jim; Question; Jim/yes, Joe/yes, Captain/yes, Jay/yes, Wilson/yes, Carlos/yes, Rosa/yes, 7/0/0, Chairman not voting; Motion carried.

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- Waive Competitive Bidding requirement (Kah-Nee-Ta Lagoon Contracts) - Jim Souers:
 - Motion by Carlos adopting Resolution No. 13,023, with amendment; that the Tribal Council formally waives the competitive bidding requirement in the Regulations in order to expedite the execution of contracts for engineering and construction to configure the KNT wastewater lagoons to comply with the waste intake specifications of applicable permitting and to complete the necessary repair and rehabilitation work of the same in order to facilitate compliance with the AOC and a smooth June 2023 reopening of KNT; that the Tribal Council further, authorizes, empowers, and directs the Secretary-Treasurer/CEO or his designee to execute the KNT Lagoon contracts consistent with previous Tribal budget authority and to take or direct to be taken such further and additional action, subject to appropriate budget authority, as the Secretary-Treasurer/CEO reasonably determines to be necessary or appropriate and in the interest of the tribe to effectuate the KNT Lagoon to facilitate compliance with the AOC and a smooth June 2023 reopening of KNT; Second by Captain; Question; Jim/yes, Joe/yes, Captain/yes, Jay/yes, Alvis/yes, Wilson/yes, Carlos/yes, Rosa/yes, 8/0/0, Chairman not voting; Motion carried
- Limited Waiver of Tribal Sovereign Immunity - Alliant Contract:
 - Motion by Alvis adopting Resolution No. 13,024, That Tribal Council hereby approves the Alliant Contract Agreement, attached hereto as Exhibit "A" in nearly final form, including the limited waiver of Tribal Sovereign Immunity set out in the Alliant Contract Agreement, such limited waiver of sovereign immunity to be effective upon execution of the Alliant contract Agreement; That the Tribal Council hereby authorizes the Tribal Chair, Vice Chair, or Secretary-Treasurer/CEO or a designee of an Authorized Officer to final, sign and execute the Alliant Contract Agreement on behalf of the Tribe and authorizes the Authorized Officer or a designee of an Authorized Officer to take or cause to be taken all acts on behalf of the Tribe to finalize, perform and carry out the Alliant Contract Agreement; Second by Carlos; Question; Jim/yes, Joe/yes, Captain/yes, Jay/yes, Alvis/yes, Wilson/yes, Carlos/yes, Rosa/yes, 8/0/0, Chairman not voting; Motion carried.
- Public Utilities request to apply for Grants:
 - Motion by Jim approving the resolution; Second call; Third call; Motion failed due to lack of a Second.
- Statewide Transportation Improvement Fund (STIF)-Derek Hofbaum:
 - Motion by Alvis adopting Resolution No. 13,025, that the Tribal Council hereby approves and authorizes the Prioritized 23-25 Biennium Projects including the funding approval requests (Biennium Project Plan), attached as Exhibit "A", authorizes the CTWS STIF Advisory Committee Bylaws attached as Exhibit "B", and hereby makes the following appointments to the CTWS STIF Advisory Committee: Andrea Breault, Term ending on December 31, 2025; Rosemary Alacron, Lorien Stacona, James Halliday, Janell Smith,

Caroline Cruz, Colleta Macy, Lena Chee, Lyle Katchia, Terms ending December 31, 2025; Frances Martinez, Alternate, Term ending on December 31, 2025; That the terms of office for the STIF Advisory Committee members shall otherwise be in accordance with CTWS STIF Advisory Committee Bylaws; That the Tribal Council Chairman, Vice-Chairman, or Secretary-Treasurer/CEO or the designee of such Authorized Officer is hereby authorized to execute the necessary documents for and on behalf of the Tribe or take any other action deemed reasonably necessary by an Authorized Officer, including but not limited to amending the scope of the COIC Services Contract to reflect the Biennium Project Plan, to carry out the foregoing resolutions for the purpose implementing the STIF Program; Second by Jay; Question; Jim/yes, Joe/yes, Captain/yes, Jay/yes, Alvis/yes, Carlos/yes, Rosa/yes, 7/0/0, Chairman not voting; Motion carried.

- Wayne Miller Home site lease - James Halliday:
 - James will check if there is a current lease or not.
- Conditional Use Permit request for a Pavilion (Health & Human Services) - James Halliday:
 - Consensus to table this Resolution.
- COVID-19-Hyllis Dauphinais:
 - Motion by Captain adopting Resolution No. 13,026, that the Tribal Council hereby suspends Resolution No. 12,696, and 12,710 with the understanding if COVID-19 becomes a significant health risk it can be reinstated; Second by Jay; Question; Joe/yes, Captain/yes, Jay/yes, Alvis/no, Carlos/yes, Rosa/yes, 5/1/0, Chairman not voting; Motion carried.
- Mutton Mountain Grazing Group - Joel Florendo:
 - Motion by Alvis adopting Resolution No. 13,027, that the Mutton Mountain Grazing Group be authorized for issuance of a Grazing Authorization pursuant to chapter 460.106 of the Tribal Code for a period of five years subject to conditions set forth in the attached grazing group rules and grazing plan: Second by Jay, with amendment; Second by Jay; Question; Joe/yes, Captain/yes, Jay/yes, Alvis/yes, Carlos/yes, Rosa/yes, 6/0/0, Chairman not voting; Motion carried.

5. Enrollments - Lucille Suppach-Sampson:

- Motion by Alvis adopting Resolution No. 13,028, enrolling six individuals; Second by Captain; Question; Joe/yes, Captain/yes, Jay/abstain, Alvis/yes, Carlos/yes, Rosa/yes, 5/0/1, Chairman not voting; Motion carried.
- Tabled the Resolution for Tribal Council review (child did not receive per cap or other funds).
- Captain - out at 2:20.

6. Pro Tempore Judge Appointments - Gayleen Adams:

- Motion by Alvis adopting Resolution No. 13,029, that Daniel Ahern is appointed to serve as tribal Court Judge pro Tempore to hear

and preside over cases in which a judge pro tempore is eligible to serve, and to which he may be assigned from time to time by the Chief Judge of the Tribal Court, and to perform all services required in such cases, with full authority in such matters as a Judge of the Warm Springs Tribal Court; The Secretary-Treasurer/CEO or designees are hereby directed and authorized to take any reasonable and necessary actions to carry out the purpose and intent of this Resolution; Second by Jay; Question; Joe/yes, Jay/yes, Alvis/yes, Carlos/yes, Rosa/yes, 5/0/0, Chairman not voting; Motion carried.

- Motion by Alvis adopting Resolution No. 13,030, that Roberta Armstrong is appointed to serve as tribal Court Judge pro Tempore to hear and preside over cases in which a judge pro tempore is eligible to serve, and to which he may be assigned from time to time by the Chief Judge of the Tribal Court, and to perform all services required in such cases, with full authority in such matters as a Judge of the Warm Springs Tribal Court; The Secretary-Treasurer/CEO or designees are hereby directed and authorized to take any reasonable and necessary actions to carry out the purpose and intent of this Resolution; Second by Jay; Question; Joe/yes, Jay/yes, Alvis/yes, Carlos/yes, Rosa/yes, 5/0/0, Chairman not voting; Motion carried.
- Motion by Alvis adopting Resolution No. 13,031, with amendments; that Anita Jackson is appointed to serve as tribal Court Judge pro Tempore to hear and preside over cases in which a judge pro tempore is eligible to serve, and to which he may be assigned from time to time by the Chief Judge of the Tribal Court, and to perform all services required in such cases, with full authority in such matters as a Judge of the Warm Springs Tribal Court; The Secretary-Treasurer/CEO or designees are hereby directed and authorized to take any reasonable and necessary actions to carry out the purpose and intent of this Resolution; Second by Jay; Question; Joe/yes, Jay/yes, Alvis/yes, Carlos/yes, Rosa/yes, 5/0/0, Chairman not voting; Motion carried.

7. Motion by Alvis to adjourn at 2:30PM.

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CC: Tribal Council
Secretary-Treasurer
BIA Superintendent
Tribal Attorneys
Spilyay Tymoo