

C E R T I F I C A T E

The undersigned, N. Kathryn Brigham and Sally Kosey hereby certify that they are the Chair and Secretary, respectively, of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation, and at a regular meeting of said Board of Trustees at the Board Chambers of the Nixyáawii Governance Center, Mission, Oregon, on the 27th day of January, 2020, a quorum of said Board was present and the following Resolution was regularly moved, seconded, and adopted by a vote of 5 for, 0 against, and 0 abstaining.

R E S O L U T I O N


- WHEREAS,** the Board of Trustees is the governing body of the Confederated Tribes of the Umatilla Indian Reservation (Confederated Tribes) by the authority of Article VI, Section 1 of the Constitution and Bylaws of the Confederated Tribes, adopted on November 4, 1949 and approved on December 7, 1949, as amended; **AND**
- WHEREAS,** pursuant to Article VI, Section 1(b) of the Constitution and Bylaws, the powers of the Board of Trustees include the authority “to manage all affairs of the Confederated Tribes, including the administration of tribal lands, funds, timber and other resources, under appropriate contracts, leases, permits and loan or sale agreements”; **AND**
- WHEREAS,** Resolution No. 12-055 (adopted August 13, 2012) adopted a Capital Improvements Program including a process for project evaluation and development as well as a preliminary schedule of projects to be pursued; **AND**
- WHEREAS,** Some of the projects in the 2012 Capital Improvements Program have been completed while the need for others has changed; **AND**
- WHEREAS,** Project lists and related financing are subject to change and should be in a format that facilitates periodic review and update, while the process for review of projects does not change frequently; **AND**
- WHEREAS,** The Capital Improvements Committee established under Resolution No. 12-055 meets regularly to discuss progress on Capital projects and has reviewed and recommended an update to the 2012 Capital Improvements Program that organizes the Program into a plan containing a process and three Addendums: Addendum A Project List; Addendum B, Capital Financial Planning and Addendum C: Water Resources Availability Planning; **AND**
- WHEREAS,** A Board of Trustees work session was held on January 15, 2020, and changes were incorporated into the 2020 Capital Improvements Plan Update as noted in strike-out and underline mode on Exhibit 1; **NOW, THEREFORE, BE IT**

RESOLUTION NO. 20-007
TOPIC: 2020 Capital Improvements Plan Update
Department: Tribal Planning Office
Exhibits: 1
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RESOLVED, that the Board of Trustees adopts the 2020 Capital Improvements Plan update attached as Exhibit 1 and authorizes the Capital Improvements Committee to work with Departments in developing Addendums A, B, and C per the schedule outlined in the Capital Improvements Plan;

AND, that said Resolution has not been modified amended or repealed and is still in full force and effect.

DATED this 27th day of January, 2020.


N. Kathryn Brigham, Chair
Board of Trustees

A T T E S T:



Sally Kosey, Secretary
Board of Trustees

Exhibit 1: 2020 Capital Improvements Plan Update

| NAME | YES | NO | ABSTAIN | LEAVE |
|--|-----|----|---------|--------|
| N. Kathryn Brigham, BOT Chair | | | | |
| Jeremy Wolf, BOT Vice Chair | | | | Travel |
| Sandra Sampson, BOT Treasurer | X | | | |
| Sally Kosey, BOT Secretary | X | | | |
| Jill-Marie Gavin, BOT Member | | | | Travel |
| Armand Minthorn, BOT Member | | | | Admin |
| Boots Pond, BOT Member | X | | | |
| Corinne Sams, BOT Member | X | | | |
| Lindsey X. Watchman, General Council Chair | X | | | |

2020 Capital Improvements Plan Update

Introduction

The Capital Improvement Plan (CIP) is a financial tool for scheduling those projects needed to accomplish the goals of the Tribes' Comprehensive Plan over time. It identifies projects, establishes and schedules priorities and commits needed funds.

Capital improvements are those public works, government and enterprise acquisitions, construction projects and land purchases that will become fixed assets of the CTUIR with a life expectancy of at least 20 years. This could include buildings, infrastructure, utilities, or major earthworks, etc.

The plan covers the time period from 2013 until 2030, with a revisit of the process and priorities in 2020. The 2020 update revisits the projects that have been completed, the prioritization of future projects but most importantly, it updates the Capital Improvement Program's process for reviewing and making recommendations of major projects based on lessons learned. This type of review and update was called for in the original Capital Improvement Plan because it recognized that this plan is a frame work for developing major projects over time with the financial information, development needs, and development activity that will have impacts on future development.

The primary structural update for the 2020 Capital Improvement Plan Update is to streamline the plan to only the procedures needed for the Capital Improvements Committee to operate and prioritize projects and make recommendations to the Board of Trustees. In addition to the refining the calendar and prioritization process, the update sets a calendar for three standardized addendum updates. These Addendum will be:

- Addendum A: Project list and Prioritization (Updated every 3 years)
- Addendum B: Capital Financial Planning (Updated Annually)
- Addendum C: Water Resource Availability Planning (Updated Annually)

Capital Improvement Committee Composition

The Capital Improvements Committee is a select group of CTUIR staff who have unique experience in development related activity. The committee is composed of the following (or their designee):

- Executive Director
- Director of Economic & Community Development
- Director of Finance
- Director of Public Works
- Director of Tribal Planning Office
- Director of Office of Information Technology.

Generally, the Tribal Planning Office coordinates the Capital Improvements Committee and allocates staff time to manage the Committee's schedule, agenda, and notes.

Depending on the nature of the project, stage of development or needed expertise, staff from other Departments, Programs and Entities may be asked to attend or serve on subcommittees on specific developments.

Capital Improvement Committee Authority

The Capital Improvements Committee is a long range planning staff committee established to coordinate development with the CTUIR financial and resource allocation outlook for many years. All CTUIR capital improvement projects that require Board approval such as obligating financial support, contracts, tribal land, etc. should be reviewed by the Capital Improvements Committee. The CIC is not a regulatory entity, but rather a technical staff committee charged with making recommendations to the Board of Trustees and to be used as a resource to assist programs to complete projects.

The Committee's primary role is to provide coordination and recommendations to the Board of Trustees. All projects that are coordinated through the Capital Improvements Committee are still subject to all CTUIR statutes and any permitting requirements of the Confederated Tribes or other jurisdictions including, but not limited to, Development Permits, Water Permits, Cultural Resources Review, TERO Compliance, ODOT, Umatilla County, etc.

Capital Improvement Committee collectively oversees and manages the Capital Reserve Fund and makes recommendations to the Board of Trustees on allocation of those funds within the bounds of the governing documents of the Capital Reserve Fund.

Capital Improvement Committee Schedule

The following is the annual schedule of events for the Capital Improvements Committee based on prior years. This schedule is general in nature and is meant to be flexible to accommodate projects of varying complexity or emergencies.

| Month | Administrative Schedule | Development Schedule |
|-----------|---|--|
| January | ***Start Addendum A Schedule*** Addendum A. update process on years it is required. (2020, 2023, 2026...) | Complete Design Development and other A&E services |
| February | Addendum A Call for Projects Due. | Submission of applications for development permits |
| March | Addendum A: Community Out Reach | Ideal Month for issuance of development permits for the development season |
| April | Addendum A completion by the CIC in years it is required. | Project mobilization: Begin Construction Season |
| May | Addendum B process starts upon completion of current Addendum A completion and in coordination with the Annual Budget Cycle | Construction Season |
| June | Addendum B: Financial Update due. Addendum C: Water Report due. | Construction Season |
| July | Annual CIC update to the BOT to adopt update Addendums as part of the Financial update. | Construction Season |
| August | Determination on projects that will put forth for construction in subsequent year. | Construction Season |
| September | CTUIR Budgets are due. Once any budgetary or other BOT approvals are finalized on following-year projects then they move to development schedule to Begin Design Development phase. | Project wrap up, or for multi-year projects: at least project framed in for internal work for winter |
| October | | ***Begin Development Schedule*** Begin Design Development for projects in following year |
| November | CTUIR Budgets are adopted | Design development |
| December | | Feasibility and Cost Analysis of Design Development |

General Criteria for Prioritizing & Scheduling Projects

The following criteria are not meant to be rigid nor require the CTUIR to pass on opportunities when or if they arise. Often the driving criteria of a project is unique available funding due to a grant, settlement or some other dedicated funding source.

Criteria is accounted for in two parts: Type of Development and Supplemental Criteria. All tribal Capital Projects are classified into one of five Types. Infrastructure, Community Services, Natural Resources, Economic Development and Recreation, which are listed in order of **fundamental governance obligations**. These weightings are not intended to denote one more important than another, but merely as a way of highlighting the highest and best use of CTUIR funds in the development of projects.

Supplemental Criteria are questions about the project that are unique to that project such as its timeliness, impacts on health & safety, potential for income, as well as addressing any negative or unintended consequences of development such as impacts on cultural or natural resources.

| Type Criteria | Purpose | Weighted Range |
|----------------------|--|----------------|
| Infrastructure | Infrastructure in State-of-Good Repair or improved service is a basic Government obligation and is fundamental to all other systems. | 50 points |
| Community Services | Projects that are providing a service to the community. NGC, YHTC, and NEC are examples of Community Service developments | 40 Points |
| Natural Resources | Projects that are predominantly enhancing or positively impacting natural resources. | 30 Points |
| Economic Development | A project that provide enhanced CTUIR revenue. | 20 Points |
| Recreation | e.g. Improved recreational and fitness activities for the Tribal community. | 10 points |

| Supplemental Criteria | Purpose | Weighted Range |
|--|--|----------------|
| Human Health & Safety Emergencies Determination | Projects needed to protect human health & safety. 0-25: poses little to no direct threat to human health and safety. 25-50: poses potential threats to human health and safety, or that threat is at some point in the future. 50-75: poses a high potential for threats to human health and safety in the near term. | 0-75 points |

| | | |
|-----------------------------------|---|--------------|
| Non-human emergencies | Generally, projects that are needed to protect First Foods, natural or cultural resources, but do not necessarily pose a direct threat to human health & safety | 25-40 Points |
| Quality of Life improvement | Projects that generally improve quality of life, such as parks, community art, cultural centers, museums, etc. | 25-50 Points |
| Timing Critical | A project that is timely because of availability of funds, or is needed to help alleviate a foreseen conflict. (e.g. installation of fiber conduit before future development is determined, etc.) | 25-40 Points |
| Essential Government Services | e.g. Police, fire, roads, water, sewer, etc. | 10-25 points |
| Income Potential | Higher awarding of points for a higher income potential or shorter ROI. | 0-50 points |
| Cost abating | For projects such as energy reduction or production. Higher points awarded for faster ROI. | 0-50 |
| Reduction of Resource Utilization | e.g. Water use reduction, water reuse, power reduction, waste discharge reduction, etc. | 0-50 |
| Water Consumption | The project is projected to increase the utilization of the Municipal Water System by more than 2% of then-current levels without mitigation. | -50 points |
| Aquifer Protection | The proposed project may negatively impact ground or surface water quality/quantity. | -50 Points |
| Flood Hazard | The project is located in the Flood Hazard Overlay Zone and is not an emergency or infrastructure project. | -50 Points |
| Restricted Development areas. | The project is proposed to be in the G-1 or Restricted Forest zones and are not an enhancement or improvement of access to cultural or recreation areas. | -25 Points |
| Resource Consumption | The project does not have explicit aspects of reduction of resource utilization (water, energy, etc) | -25 Points |

Project Selection & Advancement

Once funds and available resources are identified in the annual budgetary process, the prioritized projects are then addressed in order identified in the Addendum A: Project List & Prioritization. The ordering is based on highest and best use of tribal funds and resources, and is not expected to preclude projects that have unique funds and resources that can be used to advance that specific project.

The Board action (resolution, motion, Board Priority, etc.) that authorizes the advancement of the project will include a recommendation from the Capital Improvements Committee for a subcommittee that will be charged with advancing that specific project. That subcommittee will be required to make monthly reports back to the Capital Improvements Committee and to the Board of Trustees at least quarterly throughout the duration of the project. Meetings at the beginning and end of the project would expected to be more numerous for coordinating project kick off, design development, ground breaking and ribbon cutting ceremonies, etc.

Addendum A: Project List and Prioritization

The current project list of the Confederated Tribes of the Umatilla Indian Reservation are built upon the 1988 Capital Improvements List (Resolution No. 89-02) and the updated Capital Improvements Project List in 2012 (Resolution No. 12-055). This unified list will be on a 3 year cycle for additional input and reprioritization.

From the Capital Improvements Schedule above, on years that Addendum A is required to be updated (2020, 2023, 2026, 2029....) a call for projects will be sent to all CTUIR Departments, Programs, Committees & Commissions and Entities. The current list will be included in that call for projects as opportunity for previous projects to be championed or obsolete projects to be removed.

Departments, Programs, Committees & Commissions, and Entities have one month (February) to add or strike projects. The minimum required for a project submittal is a brief narrative that addresses the Type Criteria and the Supplemental Criteria, as well as estimated cost, available funding and estimated timeline of construction and need. Capital Improvements Committee will review projects and request additional information as needed. In the Month of March a public forum will be held to gain input from the community as well as to solicit additional suggestions.

Throughout the Month of April of years it is required the Capital Improvements Committee will score all projects based on the Criteria, including projects that had been scored in previous years to account for a change in situation. The goal is that Addendum A. be completed in April/May of the years it is required so it can be taken into account for carryover and annual budgetary process and taken to the Board of Trustees for consideration in July along with Addendums B and C. In years Addendum A is not required to be updated, the Addendum will be assumed to be accurate for carry over and annual budgetary process.

Addendum B. Capital Financial Planning

The reasons for developing and maintaining a Capital Improvement Plan for the CTUIR are as follows:

- Through the Capital Improvements procedure the Tribes have a full picture of what their future needs and costs will be.
- By evaluating overall future needs, these expenditures can be scheduled to the Tribes pocket book in the proper priority.
- It is far wiser to schedule projects well in advance of their need than to ignore them until emergencies occur.

The Tribes performance in accomplishing capital improvements since 1988 has been very credible and should be a source of deep pride to the tribal members.

Addendum B when it is completed in June will include a description of the budgetary cycle, rationale on debt load and annual financial outlook for the Capital Improvement plan. This will be brought to the Board of Trustees for consideration in July.

Addendum C. Water Resource Availability Planning

As the CTUIR grows, it is increasingly necessary to address utilization of natural resources, especially water in our development horizon planning. In order to be good stewards of the first foods that we are sworn to protect, it will be fundamental to our future to manage water resources responsibly through consumptive reduction, consumptive mitigation, and source protection and development.

Public Works will work with Water Resources on permitted water use for each well. The permitted use is the maximum water available for the Public Works water system. Public Works shall provide an annual report of water usage and available water for future development. New developments shall be required to provide engineered estimates of water consumption for new development.