

**TRIBAL COUNCIL MEETING MINUTES
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD INDIAN NATION, MONTANA**

Volume 17 Number 81
Council Chambers, Pablo, MT

Held: September 28, 2017
Approved: October 10, 2017

MEMBERS PRESENT: Vernon Finley, Chairman; Leonard TwoTeeth, Vice-Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Ronald Trahan; Leonard Gray; Carole Lankford; Shelly Fyant; and Patty Stevens.

MEMBERS ABSENT: Dennis Clairmont (Indian Lands Natural Resources – Westminster – CO).

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; Bill Kehoe, Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:07 a.m. Quorum established.

The meeting was opened with a **prayer** by Julie Cajune.

The **Tribal Council Meeting Minutes** for September 19, 2017 were presented for approval.

MOTION by Ron Trahan to approve the Tribal Council Meeting Minutes for September 19, 2017, with corrections. Seconded by Anita Matt. Carried, unanimous (9 present).

The **agenda** was presented for approval. No conflicts of interest were identified.

MOTION by Patty Stevens to approve the agenda, with changes. Seconded by Leonard Gray. Carried, unanimous (9 present).

Delphine Bourdon requested that Lovinia Bravo be hired to do home health for her mother waiving any medical. Delphine's mother needs IV antibiotics three times per day and Delphine will administer all medications. **Charlene Friedlander**, Department of Human Resources Development, explained that home caregivers cannot administer medications. DHRD has not received the assessment yet.

MOTION by Anita Matt to approve Lovinia Bravo to be a home care giver for Delphine Bourdon's mother. Seconded by Patty Stevens. Carried,

unanimous (9 present).

Chairman Finley asked Charlene if she has met with the Legal Department about any liability issues regarding home caregivers through the DHRD program. **Charlene Friedlander** advised that she has not received legal review on it but the program does have 5 CNAs now.

Richard Alexander and **Nikko Alexander** informed council that Nikko and Paden are enrolled at the university as full-time students. Their applications for higher education funding were denied. They did not have their final grades so they missed the application deadline. **Miranda Burland**, Education Department, explained that the Higher Education Policy has stipulations for missing the deadline. They have the option of appealing the denial. They are scheduled on the October agenda to make their appeal with the Tribal Education Committee. Miranda is following the Higher Education Policy. It would be a waiver of policy to grant funding at this point.

MOTION by Patty Stevens to waive the Higher Education Scholarship Policy for this case and grant funding to Nikko Alexander and Paden Alexander. Seconded by Troy Felsman. Carried, unanimous (9 present).

Arnold Schliep met with council about a water issue. The pipe close to his home has a slit in it and water is leaking out. Salish Kootenai Housing Authority no longer has that program and it is his responsibility since he owns the home. **Carole Lankford** reported that it would cost \$500-\$1200 to have Fred Ashley dig it up. Arnold is a veteran and an elder, and this is a health issue. Mr. Schliep requested assistance with this matter. His running water is weak.

MOTION by Patty Stevens to have Fred Ashley repair the leak. Seconded by Anita Matt. Carried, unanimous (9 present).

Arnold Schliep discussed changes he wants made to the housing policy. He wants the fee of \$31.50 per month changed. Housing is only responsible for the main line to the house and he wants it delivered to the toilet, shower and kitchen sink. **Council** commented that they would assist elders when necessary but would not change policy.

***** **Break** *****

Jeanne Christopher and **Melanie Piedalue**, Early Childhood Services, requested a modification to the contractor agreement with Quality Communications Network to extend the term through December 30, 2017 to complete work that is needed. All other terms of the contract remain the same. QCN is an in Indian Preference business. The contract has no penalty clause

when the deadline is not met.

MOTION by Carole Lankford to approve a modification to the contractor agreement with Quality Communications Network to extend the term through December 30, 2017. Seconded by Troy Felsman. Carried, unanimous (9 present).

John Neiss, Facilities Maintenance, informed council that Tribal Health is requesting to use the front part of the stage at the Arlee Community Center to move the weight machines and cardio machines due to lack of space for the Fitness Center. Tribal Health also wants to build a wall. **Carole Lankford** suggested entering into memorandums of understanding with departments for use of community center space. **John Neiss** will work on developing MOUs. **Patty Stevens** wants this done through public comment. It was a big issue at her district meeting. There is no policy about the centers. John will check the weight limit of the floor to see if it can sustain the weight of the machines. **Council** would prefer to have a partition instead of a wall. **Jennifer Trahan** asked about Administration having the keys to the Senior Citizen Centers or if Facilities Maintenance would be responsible for those buildings too. **Shelly Fyant** discussed the use of volunteers to keep the center open on weekends; maybe this could be addressed in the MOU so there is a consistent policy. **Carole Lankford** wants the council to have a meeting with John to discuss what should be included in the MOU. **No action taken.**

John Neiss, Facilities Maintenance; and **Jeanne Christopher**, Early Childhood Services; discussed the plans for a new Pablo ECS building. The bids came in over \$2 million (\$320 square foot). Jeanne would like to go back to the old plans of basic construction with a few changes and rebid it out. **Council** had no objection.

Brian Upton, Legal Department, requested approval of modification 1 to the attorney contract with Jack Tuholske, Tuholske Law Office, to extend the term for two years.

MOTION by Troy Felsman to approve by resolution modification 1 to the attorney contract with Jack Tuholske, Tuholske Law Office, to extend the term for two years. Seconded by Shelly Fyant. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 17-266

A RESOLUTION TO EXTEND AN ATTORNEY CONTRACT WITH JACK R. TUHOLSKE, TUHOLSKE LAW OFFICE PC

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED

SALISH AND KOOTENAI TRIBES:

WHEREAS, the Tribal Council, as primary governing body of the Flathead Nation, is entrusted with the responsibility to protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes; and

WHEREAS, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes is among the highest priorities of the Tribes; and

WHEREAS, the Confederated Salish and Kootenai Tribes had secured the services, and wish to continue to retain services, of Jack R. Tuholske to assist the Confederated Salish and Kootenai Tribes as well as Tribal experts in legal matters affecting the National Bison Range Complex;

THEREFORE BE IT RESOLVED, the Tribal Council approves said Contract Modification 1 and authorizes its execution by the Chairman and the Tribal Secretary.

Renee Joachim, Personnel Department; and **Seth Makepeace**, Natural Resources Department; followed up on the request for \$1,500 incentive awards for George McLeod, Steve Ashley, Martin Barnaby, Matthew Nicolai, and Amanda Courville. There are sufficient funds in the fiscal year 2017 budget and that funding cannot be carried over to fiscal year 2018. The Water Management Program has employees who worked above and beyond. George has been in charge of the water measurement program since 1982. Matthew and Amanda get paid half the salary of what State and Federal employees would get paid. They are blossoming well in the program and Seth wants them to know this is a career. It takes 3 years to train the staff. The water rights compact is based on the water measurements. Seth is the mouth of the tables of numbers that is built from the staff since 1982. Their numbers were foundational in the water compact process. They have not received any recognition for that. With implementation of the technical team it has been a long journey. The staff maintained their existing workload and installed an additional 33 stream measures. The data goes to the public access website. All of this is done in-house with this limited number of staff. 80 locations are operating and the staff is all self-taught. The staff is well-respected in the state and has served the Tribes very well. They saved the program from having to hire at least two FTEs. The program does not have the budget to hire additional staff so their workloads were added to and they took on more responsibility. The staff works organically.

MOTION by Patty Stevens to approve the \$1,500 incentive awards presented by the water management team due to the complexity of work

involved and going above and beyond the scope of work and their contributions made to the water compact. Seconded by Leonard Gray. Carried, unanimous (9 present).

Carole Lankford would like the tribal council to consider an incentive for Terry Tanner and his crew for putting in a bridge in four days.

Carolee Wenderoth, Tribal Lands Department; and **Ben Finley**; discussed a homesite issue. Nathan Mahseelah purchased a trailer and was in the process of getting his homesite developed. Nathan will be relocated for a temporary time and is requesting that his uncle Benny Finley be a caretaker over the homesite until he is able to return in approximately 8 months to one year. Lands recommended issuing Ben Finley a one-year revocable permit to be a caretaker for Nathan Mahseelah's homesite lease. The homesite will remain in Nathan's name since he will need to have a residence when he returns.

MOTION by Troy Felsman to grant Ben Finley a one-year revocable permit to be a caretaker for Nathan Mahseelah's homesite lease. Seconded by Len TwoTeeth. Carried, 8 for; 1 abstention (Leonard Gray).

***** **Break** *****

Jennifer Cole and **Eric Sommer**, USDA, gave a report on the 2017 Census of Agriculture. The data was provided at the Rocky Mountain IAC. The report provides highlights of the data that is available. Eric reviewed a questionnaire that landowners and lessees need to fill out to record the data. Eric can provide a report specifically for CSKT. **Shelly Fyant** thought that having a report like that for CSKT would be beneficial due to the Farm Bill. A map was provided highlighting production areas of range land and crops. **Anita Matt** suggested providing individual surveys to the Land Department for people to fill out. Eric is willing to do a meet and greet census day. Data will be collected through the end of June. **Carole Lankford** suggested that council publish an article in the Char-Koosta educating the membership on the importance of reporting the data.

Jean Matt, Mission Valley Power; **Todd Pressly**, **Randy Sisto**, **Dan Goldberg**, and **Randy Fuerst**, Oceus Networks; requested to meet with council in **executive session** to give a presentation. **Dan Decker, Sr.** and **Andy Westerman**, Energy Keepers, Inc.; **Janet Camel**, Economic Development; **Vern Clairmont**, Financial Management; **Chuck Reese**, Information Technologies; and **Carolee Wenderoth**, Tribal Lands Department; were present for discussion.

Council reconvened into **regular session**.

***** **Lunch** *****

Patty Stevens left the meeting for the remainder of the day.

Dan Lozar, Natural Resources Department, requested approval to modify contractor agreement 16-128 with Morrison-Maierle to increase the not-to-exceed amount by \$52,000 to provide NEPA consulting services on the Tabor Dam Tree Removal and Grading, East Valley Creek Bridge Replacement V-1200, and Valley Creek Bridge Replacement V-1000 projects.

MOTION by Anita Matt to modify contractor agreement 16-128 with Morrison-Maierle to increase the not-to-exceed amount by \$52,000 to provide NEPA consulting services on Tabor Dam, East Valley Creek Bridge Replacement V-1200, and Valley Creek Bridge Replacement V-1000 projects. Seconded by Ron Trahan. Carried, unanimous (8 present).

Dan Lozar, Natural Resources Department, requested permission to award the contract for the 2017 Storm Drainage Cleaning Services Project to A-1 Sanitation, Inc. for an amount not to exceed \$35,000. An RFP was advertised and A-1 Sanitation, Inc. was the low bid. There was no Indian Preference contractor capable of doing this work. This is an extension of a project that started last year.

MOTION by Shelly Fyant to award the contract for the 2017 Storm Drainage Cleaning Services Project to A-1 Sanitation, Inc. for an amount not to exceed \$35,000. Seconded by Ron Trahan. Carried, unanimous (8 present).

Lynn Ducharme, Natural Resources Department, requested approval of the submittal of the two Hungry Horse Fisheries Mitigation budgets for fiscal year 2018.

MOTION by Ron Trahan to approve by resolution submittal of the two Hungry Horse Fisheries Mitigation budgets for fiscal year 2018. Seconded by Troy Felsman. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 17-267

RESOLUTION REQUESTING ASSISTANCE FROM THE BONNEVILLE POWER ADMINISTRATION FOR HUNGRY HORSE MITIGATION ACTIVITIES

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT:

WHEREAS, the Tribes, pursuant to Article III of the Treaty of Hellgate reserved the right to protect, preserve and utilize their aboriginal fishery in common

with the citizens of Montana;

WHEREAS, and the U.S. Department of Energy, Bonneville Power Administration (BPA) impacted the Tribes' aboriginal fishery as a result of the construction, inundation, and operation of Hungry Horse Dam;

WHEREAS, in addition to the terms of the Treaty of Hellgate, federal law at 16 U.S.C. §§839-839h directs BPA to protect, mitigate and enhance fish and wildlife affected by the development and inundation of federal hydroelectric projects on the Columbia River and its tributaries;

WHEREAS, BPA, pursuant to direction of the Pacific Northwest Electric Power Planning and Conservation Council, has established a fish and wildlife program with responsibility, in part, to protect, mitigate and enhance resident fish;

WHEREAS, The Tribes have developed a resident fish mitigation program to assist BPA in fulfilling its obligation to protect, mitigate and enhance resident fish;

WHEREAS, the Tribes, in consultation with MFWP and BPA, assessed and quantified the impacts to resident fish attributable to the construction and inundation of Hungry Horse Dam and Reservoir;

WHEREAS, the CSKT Natural Resources Department is soliciting funding for the period of FY18 for the Hungry Horse Mitigation and Secure and Restore Critical Habitat BPA mitigation activities; **NOW, THEREFORE**,

BE IT RESOLVED, the CS&KT Natural Resources Department is authorized to submit the Confederated Salish & Kootenai Tribes Hungry Horse Mitigation (\$545,564) and Secure and Restore Critical Habitat (\$108,659) Statements of Work and budgets for FY18 to further carry out the purposes of the funds request, and to integrate and implement their work plans.

BE IT FURTHER RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes supports the submission of the Confederated Salish & Kootenai Tribes BPA project proposal documents for FY18 and authorizes the Tribal Chair and his designated representative to negotiate and sign all documents and execute these contracts on behalf of the Tribes.

Leonard Gray discussed a request for a letter of support from Chief Grier.

Denise Pugmire and **Sandra Andrew**, Department of Human Resources Development, informed council that Denise's head gaskets went out and she needs her car to get to work. There is money in the program's OCS account and if it is not used by today it will be sent back to the funding agency. Denise

requested that the program pay for her car repairs. The cost is approximately \$1,500. **Ron Trahan** would like the program to report their excess funding to council in advance of the fiscal year ending. It was the **consensus** of council to direct DHRD to pay for Denise's car repairs with the OCS funding.

Carole Lankford informed council that it would cost \$1,200 to have Fred Ashley fix the leaks for Arnold Schliep. **Council** directed that DHRD use OCS funding to pay for Arnold Schliep's leak.

Sandra Andrew discussed a personal matter.

Chuck Reese, Information Technologies, discussed the presentation from this morning. **Andrew Westerman**, Energy Keepers, Inc., joined the discussion.

Vern Clairmont, Financial Management, discussed the presentation from this morning.

Erica Shelby, Standing Arrow Pow Wow Committee, met with council to give a report on the pow wow. **Vern Clairmont** was present for discussion. Erica will present the report next week.

Council discussed the upcoming quarterly council agenda.

Shelly Fyant presented for approval a resolution to endorse and support the position of the Gwich'in Nation and to oppose any oil and gas exploration and development in the calving and post-calving grounds of the Porcupine Caribou Herd of the Arctic National Wildlife.

MOTION by Carole Lankford to approve the resolution to endorse and support the position of the Gwich'in Nation and to oppose any oil and gas exploration and development in the calving and post-calving grounds of the Porcupine Caribou Herd of the Arctic National Wildlife. Seconded by Anita Matt. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 17-268

RESOLUTION TO PROTECT THE BIRTHPLACE AND NURSERY GROUNDS OF THE PORCUPINE CARIBOU HERD

BE IT RESOLVED BY THE COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT:

WHEREAS, for thousands of years, the Gwich'in People of northeast Alaska and northwest Canada, have relied on caribou for food, clothing, shelter, tools and life itself, and today the Porcupine (River) Caribou Herd remains essential

to meet the nutritional, cultural and spiritual needs of the People, and

WHEREAS, the Gwich'in have the inherent right to continue their own lifeways; and that this right is recognized and affirmed by civilized nations in the international covenants on human rights. Article 1 of the International Covenant on Civil and Political Rights, ratified by the U.S. Senate, reads in part:

"...In no case may a people be deprived of their own means of subsistence", and

WHEREAS, the health and productivity of the Porcupine Caribou Herd, and their availability to Gwich'in communities, and the very future of the People are endangered by proposed oil and gas exploration and development in the calving and post-calving grounds in the Arctic National Wildlife Refuge; and

WHEREAS, The entire Gwich'in Nation was called together by their Chiefs in Arctic Village June 5-10, 1988 to carefully address this issue and to seek the advice of their elders; and the Gwich'in people of every community from Arctic Village, Venetie, Fort Yukon, Beaver, Chalkyitsik, Birch Creek, Stevens Village, Circle, and Eagle Village in Alaska; from Old Crow, Fort McPherson, Tsiigehtchic, Aklavik, and Inuvik in Canada have reached consensus in their traditional way, and now speak with a single voice; and

WHEREAS, The Gwich'in people and Chiefs of our communities have met biennially since 1988 to re-affirm this position guided by the wisdom of their elders, and in 2016 in Arctic Village, Alaska again re-affirmed their position;

WHEREAS, The Gwich'in Nation has resolved that the United States President and Congress recognize the rights of the Gwich'in People to continue to live their way of life by prohibiting development in the calving and post-calving grounds of the Porcupine Caribou Herd; and

WHEREAS, The Gwich'in Nation has resolved that the 1002 area of the Arctic National Wildlife Refuge be made Wilderness to protect the sacred birthplace of the caribou.

NOW, THEREFORE, BE IT RESOLVED that the chairman of the Tribal Council and his designated representative are authorized to endorse and support the position of the Gwich'in Nation and to oppose any oil and gas exploration and development in the calving and post-calving grounds of the Porcupine Caribou Herd of the Arctic National Wildlife.

MOTION by Carole Lankford to adjourn the meeting. Seconded by Ron Trahan. Carried, unanimous (8 present).

Tribal Council Meeting Minutes
September 28, 2017

Council **adjourned** at 3:25 p.m., and is scheduled to meet again on Tuesday, October 3, 2017, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary