

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

Volume 18 Number 8  
Council Chambers, Pablo, MT

Held: November 2, 2017  
Approved: November 14, 2017

**MEMBERS PRESENT:** Vernon Finley, Chairman; Leonard TwoTeeth, Vice-Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Dennis Clairmont; Leonard Gray; and Shelly Fyant.

**MEMBERS ABSENT:** Ronald Trahan (Personal Time Off); Patty Stevens (Personal Time Off); and Carole Lankford (Assisting with Funeral).

**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 Anita Matt.

The **Tribal Council Meeting Minutes** for October 24, 2017 were presented for approval.

**MOTION** by Dennis Clairmont to approve the Tribal Council Meeting Minutes for October 24, 2017, with corrections. Seconded by Leonard Gray. Carried, unanimous (7 present).

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

**MOTION** by Anita Matt to approve the agenda, with changes. Seconded by Leonard Gray. Carried, unanimous (7 present).

**Mike Mitchell**, Tribal Employee, discussed a personnel matter and requested a separation package consisting of 18-24 months of salary from the Tribes. **No action taken.** Council will follow up with the department head.

**Cheryl Mathias** requested to meet with council in **executive session** to discuss a personal matter.

Council reconvened into **regular session**.

\*\*\*\*\* **Break** \*\*\*\*\*

**Sandra Boham**, Salish Kootenai College, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

**Sandra Boham**, Salish Kootenai College; and **Curtis Cox**, SKC Foundation Executive Director; gave an update on the SKC Foundation and invited council to lunch with members of the Northrop Grumman team on November 16 to celebrate SKC's grant opportunity to participate in the Mentor Protégé Program. SKC is the only tribal college to be involved in the protégé program. They invited council to participate in the S&K Electronics and Salish Kootenai College tours that day as well. **Council** requested a copy of the agenda for the tours.

**Vern Clairmont**, Financial Management, requested approval of modification 1 to the fiscal year 2018 Tribal General Fund Budget. There is a need to increase the budget for non-capital telephone equipment and for the addition of the Contractor's Representative position.

**MOTION** by Troy Felsman to approve by resolution modification 1 to the fiscal year 2018 Tribal General Fund Budget. Seconded by Anita Matt. Carried, 7 for; 0 opposed; 0 not voting.

#### **RESOLUTION 18-019**

#### **RESOLUTION APPROVING MODIFICATION 1 TO THE FISCAL YEAR 2018 TRIBAL GENERAL FUND BUDGET**

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

**WHEREAS**, there is a need to increase the budget for non-capital telephone equipment and for the addition of the Contractor's Representative position; and

**WHEREAS**, the budget will be allocated as follows:

<b>Account</b>	<b>Program Description</b>	<b>Current Budget Authority</b>	<b>Increase/ (Decrease)</b>	<b>Revised Budget Authority</b>
02-506-6110	Administration Non-IDC	544,000	164,000	708,000
<b>Total Increase/(Decrease)</b>			<b>164,000</b>	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2018 General Fund Budget as reflected above; and

**BE IT FURTHER RESOLVED** that the total FY 2018 General Fund Budget is increased from \$20,484,868 to \$20,648,868; and

**BE IT FURTHER RESOLVED** that the ending surplus/(deficit) of the FY 2018 General Fund is decreased from \$399,987 to \$235,987.

**Vern Clairmont**, Financial Management, requested approval of modification 1 to the fiscal year 2018 Dedicated Trust Fund Budget. There is a need to increase the budget for Powwows & Celebrations and for the amount contributed to Nekusm.

**MOTION** by Anita Matt to approve by resolution modification 1 to the fiscal year 2018 Dedicated Trust Fund Budget. Seconded by Leonard Gray. Carried, 7 for; 0 opposed; 0 not voting.

**RESOLUTION 18-020**

**RESOLUTION APPROVING MODIFICATION 1 TO THE FISCAL YEAR 2018 DEDICATED TRUST FUND BUDGET**

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

**WHEREAS**, there is a need to increase the budget for Powwows & Celebrations and for the amount contributed to Nekusm; and

**WHEREAS**, the budget will be allocated as follows:

<b>Account</b>	<b>Description</b>	<b>Current Budget Authority</b>	<b>Increase/ (Decrease)</b>	<b>Revised Budget Authority</b>
20-501-6251	Nekusm	616,000	126,000	742,000
20-504-6151	Powwows and Celebrations	89,000	1,500	90,500
<b>TOTAL INCREASE/(DECREASE)</b>			<b>127,500</b>	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2018 Dedicated Trust Fund Budget as reflected above; and

**BE IT FURTHER RESOLVED** that the total FY 2018 Dedicated Trust Fund

Budget is increased from \$2,043,873 to \$2,171,373.

**Joe Durglo** and **Brenda Bodnar**, Tribal Health Department, requested approval to purchase a second piece of equipment from NuStep for the Fitness Center.

**MOTION** by Troy Felsman to approve the purchase of a second piece of equipment from NuStep for the Fitness Center. Seconded by Dennis Clairmont. Carried, unanimous (6 present – Len TwoTeeth out of the room).

**Joe Durglo** and **Brenda Bodnar**, Tribal Health Department, requested approval of a contract with the Institute for Sports Health and Fitness/ Native American Fitness Council in the amount of \$18,240 to provide fitness certification training for staff and community members.

**MOTION** by Troy Felsman to approve the contract with the Institute for Sports Health and Fitness/ Native American Fitness Council in the amount of \$18,240 to provide fitness certification training for staff and community members. Seconded by Len TwoTeeth. Carried, unanimous (7 present).

**Joe Durglo**, Tribal Health Department, met with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

**Kelly Parker** and **Natalie Kenmille**, Department of Human Resources, requested approval of a three-year contract with Families First in the amount of \$27,000 to provide parenting classes for parents that receive the Childcare Block Grant and the childcare providers. It was advertised and this was the only bid received.

**MOTION** by Shelly Fyant to approve a three-year contract with Families First in the amount of \$27,000 to provide parenting classes for parents that receive the Childcare Block Grant and the childcare providers. Seconded by Anita Matt. Carried, unanimous (7 present).

**Kelly Parker** and **Natalie Kenmille**, Department of Human Resources, requested approval of a one-year contract with Brooke Filesteel to fill the TANF Family Intervention Advocate position. The vacancy was advertised twice. The tribal members that were offered the position declined due to accepting employment elsewhere.

**MOTION** by Leonard Gray to approve a one-year contract with Brooke Filesteel to fill the TANF Family Intervention Advocate position, due to

none of the qualified tribal member applicants accepting the position. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

**Kelly Parker** and **Natalie Kenmille**, Department of Human Resources, requested approval to use the Mission Mart building for the Santa event and the department's annual staff meeting and dinner. It was the **consensus** of council to authorize the use of the Mission Mart building for both events.

**Kelly Parker** and **Natalie Kenmille**, Department of Human Resources, requested approval of a contract with Donetta Klein in the amount of \$60,000 to provide grant writing and evaluating services. It was advertised and she was the only bidder. **Chairman Finley** asked if Donetta could provide grant writing services to other tribal programs. Kelly explained that the program does not share her services because DHRD can only pay for services within the scope of work of the DHRD program. Any program wanting to use Donetta's services would have to pay for it.

**MOTION** by Anita Matt to approve a contract with Donetta Klein in the amount of \$60,000 to provide grant writing and evaluating services. Seconded by Len TwoTeeth. Carried, unanimous (7 present).

**Daniel Tromp** and **Greg DuMontier**, Kicking Horse Job Corps Center; and **Martin Charlo**, Contracts & Grants; requested approval of a one-year contract with Sonya Paul to fill the Medical Receptionist position. The vacancy was advertised for two months. The tribal member applicant that was selected declined the position due to accepting employment elsewhere. **Chairman Finley** raised concern about the unpaid invoices. He is reluctant to bring on additional staff. Daniel has a meeting with Victoria Collins on Monday to review the vouchers. Greg gave an overview of the cash flow situation. No reimbursements have been received yet on any of the vouchers submitted since July. The process did not change, but Victoria has not paid any reimbursements due to the lack of information and the format of the information being submitted by KHJCC. The center has submitted the requested information and then formatted the information as requested, but no reimbursements have been received. There is a conference call with Victoria each Monday morning. The center cannot accept any new students until the Department of Labor lifts the freeze. **Shelly Grenier**, Personnel Department, informed council that the vacancy was advertised for two weeks and Personnel recommended that the vacancy be readvertised to allow tribal member applicants an opportunity to apply. **Shelly Fyant** was concerned about why the key management positions have not been filled yet. The CTT Director and Group Live Supervisor are critical positions. Shelly requested a copy of the OSHA report.

**MOTION** by Anita Matt to approve the hire of Sonya Paul on a one-

year contract to fill the Medical Receptionist position, due to the qualified tribal member applicant declining the position. Seconded by Leonard Gray.  
**MOTION AND SECOND WITHDRAWN.** No action taken.

**Mike Durglo, Kevin Askan and Kyle Felsman**, Preservation Department, requested approval of a revised organizational chart. Mike discussed contracting issues and additional information requested by federal agencies. **Chairman Finley** asked about the write-offs that occur in the department. Mike believes the organizational chart changes will help address that issue. **Vern Clairmont**, Financial Management, was unsure whether it addresses the issues that have created write-offs. The new chart adds additional administrative staff and pay increases, and staff being moved into supervisory roles. Supervisory duties result in a pay increase. Mike explained that the staff on board are already in the positions so no new positions will be created and the revision does not result in any pay increases. Some of the tech positions will be on furloughable status. The duties have been streamlined. **No action taken.** Council requested additional information to be presented after the chairman's meeting.

**Mike Durglo, Kevin Askan and Kyle Felsman**, Preservation Department, requested approval of a resolution to accept a contract for fiscal year 2018 on the Hungry Horse Project undertaken by the Bonneville Power Administration. **No action taken.** Council requested a copy of the contract.

\*\*\*\*\* **Break** \*\*\*\*\*

**Steve McDonald, Ron Swaney and James Lozeau**, Tribal Forestry, requested approval to advertise two permit sales in Saddle Mountain, consisting of 33 acres and 14 acres.

**MOTION** by Troy Felsman to advertise two permit sales in Saddle Mountain, consisting of 33 acres and 14 acres. Seconded by Shelly Fyant. Carried, unanimous (7 present).

**Steve McDonald, Ron Swaney and James Lozeau**, Tribal Forestry, requested acceptance of the bids for the Jette 11 permit sale. 3 bids were received and Kendall Dupuis was the high bidder.

**MOTION** by Anita Matt to accept the high bid from Kendall Dupuis for the Jette 11 permit sale. Seconded by Leonard Gray. Carried, 4 for (Dennis Clairmont, Shelly Fyant, Anita Matt, and Leonard Gray); 2 opposed (Vernon Finley and Len TwoTeeth); 1 abstention (Troy Felsman).

**Steve McDonald and Ron Swaney**, Tribal Forestry, requested approval of a revised organizational chart for the Division of Fire. Devin Clairmont is the

Tribal Council Meeting Minutes  
November 2, 2017

administrative assistant and she would report directly to the FMO, which results in an increase for that position. Patti Clairmont would deal with the financials and Devin would deal with the personnel issues. Forestry has 70 full-time employees and 150 employees during peak season. The other changes include adding an assistant aviation position that would be placed under the supervision of Bob McCrea. That position is not currently funded but Ron is trying to get funding for it. The department hires TEAs based on funding that is variable. The title box would have squares with the title and number of positions due to the high turnover rate in Fire Management. **Chairman Finley** raised concern about the changes being premature since there is no permanent department head. **Steve McDonald** discussed proposed changes to the organizational chart for Tribal Forestry. There are several Heavy Equipment Operators. Tony had proposed that there be an Operator I/Operation II created to recognize their years of service and capabilities; and move Lynden Plant from the Forester position to the Allotment Forester position. Lynden was moved into that position when the previous employee retired. There has not been a Heavy Equipment Foreman for a long time. **Troy Felsman** thought it should be up to the new department head to determine the vision and organizational structure of the department.

**MOTION** by Shelly Fyant to approve the revised organizational chart, as presented. Seconded by Leonard Gray. Carried, 4 for (Dennis Clairmont, Anita Matt, Shelly Fyant, and Leonard Gray); 3 opposed (Troy Felsman, Len TwoTeeth and Vernon Finley).

***Troy Felsman**, for the record, "The reason I am opposed is because I think the organizational chart changes would be more appropriately delayed until the new department head is selected; they may have their own vision in mind."*

**Laurence Kenmille**, **Marilyn Adams** and **Alberta Bertsch**, Enrollment Office, requested approval of a resolution authorizing the correction of an administrative error in the blood quantum of June M. Acevedo (203-UO-4250), Henedine M. Nadine Adams (203-UO-4276), Jack Isadore Mitchell, and their descendants. **Troy Felsman** commented that the roll is a federal document from 1935 and does not affect any new enrollments. The request was reviewed by the Enrollment Committee.

**MOTION** by Anita Matt to approve by resolution the correction of an administrative error in the blood quantum of June M. Acevedo (203-UO-4250), Henedine M. Nadine Adams (203-UO-4276), Jack Isadore Mitchell, and their descendants. Seconded by Shelly Fyant. Carried, 7 for; 0 opposed; 0 not voting.

**RESOLUTION 18-021**

**AUTHORIZING THE CORRECTION OF AN ADMINISTRATIVE ERROR IN THE BLOOD QUANTUM OF JUNE M. ACEVEDO (203-UO-4250), HENEDINE M. NADINE ADAMS (203-UO-4276), JACK ISADORE MITCHELL, AND THEIR DESCENDANTS**

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

**WHEREAS**, an administrative error was made in the determination of June M. Acevedo (203-UO-4250), Henedine M. Nadine Adams (203-UO-4276), Jack Isadore Mitchell;

**WHEREAS**, the Confederated Salish and Kootenai Tribes until November 23, 1953, utilized all Indian blood in enrolling members who met the eligibility requirements; and

**WHEREAS**, documentation from the Little Shell Chippewa Tribe indicates that Elizabeth Mitchell Sorrell (June M. Acevedo's mother) Matilda Mitchell Papin (Henedine M. Nadine Adams's mother) as 3/4 and Jack Isadore Mitchell as 3/4 on the Roe Cloud rolls, where they are currently listed as 5/8 in the determination of their descendants' blood quantum; **THEREFORE**,

**BE IT RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes hereby authorizes the correction of an administrative error in the blood quantum of June M. Acevedo (203-UO-4250) from 9/16 to 5/8, Henedine M. Nadine Adams (203-UO-4276) from 3/4 to 13/16, and Jack Isadore Mitchell from 5/8 to 3/4 and to reflect that change on their descendants' blood quantum.

**BE IT FINALLY BE RESOLVED**, by the Tribal Council that any descendants whose blood quantum be corrected and made eligible for enrollment shall not receive back tribal dividend payments.

**Laurence Kenmille, Marilyn Adams and Alberta Bertsch**, Enrollment Office, requested approval of a resolution authorizing the enrollment of Madeline Grace Eneas.

**MOTION** by Troy Felsman to approve by resolution the enrollment of Madeline Grace Eneas. Seconded by Len TwoTeeth. Carried, 6 for; 0 opposed; 1 abstention (Leonard Gray).

**RESOLUTION 18-022**

**AUTHORIZING THE ENROLLMENT OF MADELINE GRACE ENEAS**



**BE IT RESOLVED BY THE COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT: MADELINE GRACE ENEAS TO BE ENROLLED AND BLOOD TO BE CORRECTED TO 4/4**

**WHEREAS**, Madeline Grace Eneas was born before 1960 to enrolled members of the Salish and Kootenai Tribes, but enrolled in Canada;

**WHEREAS**, authorizing the correction in blood degree of her father, Nicolas Gravelle (203-AO-2763) will be corrected to 4/4, the same as all his full siblings; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes until November 23, 1953, utilized all Indian blood in enrolling members who met the eligibility requirements; and

**WHEREAS**, documentation from Canada shows she is no longer a registered member of the Tobacco Plains Band of Kootenai; **NOW, THEREFORE**,

**BE IT RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes hereby authorizes the enrollment of Madeline Grace Eneas as 4/4 now;

**BE IT FINALLY BE RESOLVED**, by the Tribal Council that any descendants whose blood quantum be corrected and made eligible for enrollment shall not receive back tribal dividend payments.

**Laurence Kenmille, Marilyn Adams and Alberta Bertsch**, Enrollment Office, requested approval of a resolution authorizing the enrollment of Sandra Jo Baxter.

**MOTION** by Dennis Clairmont to approve by resolution the enrollment of Sandra Jo Baxter. Seconded by Shelly Fyant. Carried, 7 for; 0 opposed; 0 not voting.

**RESOLUTION 18-023**

**AUTHORIZING THE ENROLLMENT OF SANDRA JO BAXTER WITH DNA RESULTS DETERMINING NATURAL FATHER TO BE JEAN THOMAS WALL (203)-UO-7438**

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

**WHEREAS**, Sandra Jo Baxter is the natural daughter of Jean Thomas Wall

(203)-UO-7438 and is 5/32 and was born 12/25/1958;

**WHEREAS**, the Confederated Salish and Kootenai Tribes' Original Constitution states if you were born to a member who was a resident of the reservation, and Resolution No. 17-131, amending the DNA testing policy to include Avuncular testing (Aunt and Uncle) and half-sibling for the purpose of enrollment with the acceptable results for this test results return with a 90% or greater;

**WHEREAS**, documentation from the Laboratory Corporation of America shows that Sandra Jo Baxter is 96.93% half sibling to Christine Winders, who is the natural daughter of Jean Thomas Wall (203)-UO-7438; **THEREFORE**,

**BE IT RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes authorizes the enrollment of Sandra Jo Baxter as the natural daughter of Jean Thomas Wall (203)-UO-7438;

**BE IT FINALLY BE RESOLVED**, by the Tribal Council that any descendants whose blood quantum be corrected and made eligible for enrollment shall not receive back tribal dividend payments.

**Laurence Kenmille, Marilyn Adams and Alberta Bertsch**, Enrollment Office, requested approval of a resolution authorizing the enrollment of Ta'Sheena Rene' Mitchell.

**MOTION** by Shelly Fyant to approve by resolution the enrollment of Ta'Sheena Rene' Mitchell. Seconded by Dennis Clairmont. Carried, 7 for; 0 opposed; 0 not voting.

#### **RESOLUTION 18-024**

**BE IT RESOLVED BY THE COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES TO APPROVE THE ENROLLMENT OF TA'SHEENA RENE' MITCHELL**

**WHEREAS**, Ta'Sheena Rene' Mitchell (203-885508) was eligible for enrollment under Tribal Constitution, Article II, and meets all requirements with the exception of Section 3, subpart (b); and

**WHEREAS**, Ta' Sheena Rene' Mitchell was born to parents (now deceased) eligible for enrollment into the Confederated Salish and Kootenai Tribes; and

**WHEREAS**, Ta'Sheena Rene' Mitchell possesses no less than 1/4 degree of Salish and/or Kootenai Indian Blood; and **NOW THEREFORE**,

**BE IT RESOLVED**, by the Tribal Council of the Confederated Salish and

Kootenai Tribes waive requirement of Section 3, subpart (b), and hereby approved to be enrolled in said tribe, Ta'Sheena Rene' Mitchell; and

**BE IT RESOLVED**, by the Tribal Council that the official rolls shall show Ta'Sheena Rene' Mitchell's blood quantum as 1/4 degree Salish and/or Kootenai blood; and

**BE IT FINALLY BE RESOLVED**, by the Tribal Council that Ta'Sheena Rene' Mitchell shall not receive back tribal dividend payments.

**Laurence Kenmille, Marilyn Adams and Alberta Bertsch**, Enrollment Office, requested approval of a resolution authorizing the blood quantum correction of Cecile Marengo Vallee. She has two sisters that are enrolled as 4/4 as well. This will change the enrollment status of 30 people.

**MOTION** by Shelly Fyant to approve by resolution the blood quantum correction of Cecile Marengo Vallee. Seconded by Dennis Clairmont. Carried, 7 for; 0 opposed; 0 not voting.

#### **RESOLUTION 18-025**

**BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES TO APPROVE THE BLOOD QUANTUM CORRECTION OF CECILE MARENGO VALLEE (UO-1049)**

**WHEREAS**, due to an administrative error, only the blood quantum of Cecile Marengo Vallee's (UO-1049) mother's was counted and not her father's blood; and

**WHEREAS**, Baptiste "Rabboin" Marengo's daughters, Madeline Marengo Chiefeagle (UO-1856) and Rosalie Marengo Vanderburg's (UO-1277) are enrolled as 4/4; **THEREFORE**,

**BE IT RESOLVED**, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the correction of Cecile Marengo Vallee's (UO-1049) blood degree to include her father, Baptiste "Rabboin" Marengo, is hereby approved, and; **THEREFORE**,

**BE IT FURTHER RESOLVED**, by the Tribal Council that the official rolls shall show Cecile Marengo Vallee's (UO-1049) blood quantum as 4/4 degree Salish and/or Kootenai blood, and, **THEREFORE**,

**BE IT FINALLY BE RESOLVED**, by the Tribal Council that any descendants whose blood quantum be corrected and made eligible for enrollment shall not receive back tribal dividend payments.

**Laurence Kenmille, Marilyn Adams and Alberta Bertsch**, Enrollment Office, requested approval of a resolution authorizing the correction of an administrative error in the biological parentage of Diane Mary Andrew (203-UO5296), Maxime Jay Andrew (203-UO5297), and Daniel Andrew (203-UO5298).

**MOTION** by Troy Felsman to approve by resolution the correction of an administrative error in the biological parentage of Diane Mary Andrew (203-UO5296), Maxime Jay Andrew (203-UO5297), and Daniel Andrew (203-UO5298). Seconded by Anita Matt. Carried, 7 for; 0 opposed; 0 not voting.

**RESOLUTION 18-026**

**AUTHORIZING THE CORRECTION OF AN ADMINISTRATIVE ERROR IN THE BIOLOGICAL PARENTAGE OF DIANE MARY ANDREW (203-UO5296), MAXIME JAY ANDREW (203-UO5297), AND DANIEL ANDREW (203-UO5298)**

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

**WHEREAS**, ORM/Enrollment found an error regarding the biological parentage of Diane Mary Andrew (203-UO5296), Maxime Jay Andrew (203-UO5297) and Daniel Andrew (203-UO5298); and

**WHEREAS**, ORM/Enrollment records has listed Martin Finley as the biological father; and

**WHEREAS**, Andrew Andrew (203-UO2378) is listed on birth and death certificate of Diane Mary Andrew (203-UO5298) 29/32, Maxime Jay Andrew (203-UO5297) from 1/2 to 29/32 and Daniel Andrew (203-UO4298) from 57/64 to 29/32 and to reflect that change on their descendants' blood quantum;

**BE IT FINALLY RESOLVED**, by the Tribal Council that any descendants whose blood quantum be corrected and made eligible for enrollment shall not receive back tribal dividend payments.

**Laurence Kenmille**, Enrollment Office, informed council that the Ronan Hospital wants to charge a \$40 administrative fee per individual tested. Council can designate whoever they want to collect specimens. The designee can be trained and certified to collect the specimen. Instead of going to the hospital it could be done at the complex. A policy will be presented for consideration at the next enrollment committee meeting.

**Rhonda Swaney** and **Daniel J. Decker**, Legal Department, presented a response to Mr. Lozeau regarding his Public Law 280 concerns. It was the **consensus** of council to approve the response.

**Rhonda Swaney** and **Daniel J. Decker**, Legal Department, discussed the Native Farm Bill Coalition and requested approval of a resolution to join the coalition. **Anita Matt** requested that DHRD be added.

**MOTION** by Troy Felsman to approve by resolution to join the Native Farm Bill Coalition. Seconded by Leonard Gray. Carried, 7 for; 0 opposed; 0 not voting.

## **RESOLUTION 18-027**

### **RESOLUTION TO JOIN THE NATIVE FARM BILL COALITION**

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

**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 Congress of the United States is preparing to deliberate the nature of agriculture policy for the nation, and the world, in the form of the 2018 Farm Bill; which will authorize all farm programs, rural development, and nutrition initiatives within the United States Department of Agriculture; and

**WHEREAS**, economic development in Indian Country is tied to agriculture production, which is among the largest industries in Indian Country; providing \$3.4 billion per year, and the policies that provide the framework within which this production happens constitute a large portion of the Farm Bill; and

**WHEREAS**, not only is an overwhelming majority of the land in Indian Country in agriculture production; a great many of the citizens and tribal members live in rural areas and communities where basic infrastructure costs are often prohibitively high; and the 2018 Farm Bill will provide an authorization of federal funding for rural infrastructure initiatives; and

**WHEREAS**, the citizens and members of these areas are often afflicted by a poverty of place, wherein they are unable to find suitable employment to provide adequate income that supports good nutrition for their families; and thus may rely on federal nutrition programs authorized in the Farm Bill; and

**WHEREAS**, in spite of the great strides made for Indian Country agriculture in previous Farm Bill negotiations; from going virtually unmentioned in the 1990s to many thoughtful provisions scattered across all Titles; the \$3.4 billion generated annually through Indian ag efforts is still more than 99% raw commodities, instead of the healthy, local, economically beneficial, and nutritious food needed in Indian Country communities and rural areas; and

**WHEREAS**, an effort is underway by the Native Farm Bill Coalition, led by the Shakopee Mdewakanton Sioux Community (SMSC), the Intertribal Agriculture Council (IAC), the Indigenous Food and Ag Initiative at the University of Arkansas School of Law (IFAI), and the National Congress of American Indians (NCAI) to preserve and expand upon the gains made in the previous 30 years of Farm Bill discussions in each of the aforementioned areas; and

**WHEREAS**, this effort is the best opportunity in decades for Indian Country to effectively advocate and lobby for enactment of truly relevant and targeted legislation to ensure that federal agriculture policy seeks to enhance the development of this industry beyond raw commodities; and

**WHEREAS**, Tribal Councilwoman Anita Matt or her designee will serve as the Tribes' primary contact working with the Native Farm Bill Coalition along with the Tribal Lands Department Head, the Department of Human Resources Department Head, the Tribal Forestry Department Head, a Tribal Legal Department representative or their designees.

**THEREFORE, BE IT RESOLVED** by the Tribal Council that the Confederated Salish and Kootenai Tribes join the Native Farm Bill Coalition and supports the "Regaining Our Future" report and the policy initiatives generated therefrom; and the Confederated Salish and Kootenai Tribes request its Congressional Delegation to lend their support to effective deliberation and swift passage of the priorities set out by the Native Farm Bill Coalition.

**Ryan Rusche**, Legal Department, requested approval of a resolution on equitable treatment for Tribal Nations in Congressional Tax Reform.

**MOTION** by Dennis Clairmont to approve the resolution on equitable treatment for Tribal Nations in Congressional Tax Reform. Seconded by Shelly Fyant. Carried, 7 for; 0 opposed; 0 not voting.

**RESOLUTION 18-028**

**A RESOLUTION ON EQUITABLE TREATMENT FOR TRIBAL NATIONS IN CONGRESSIONAL TAX REFORM**

**BE IT RESOLVED BY THE 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 operate the Tribes' governmental business and protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes; and

**WHEREAS**, it is the duty of the Tribal Council to negotiate with the Federal, State and local governments on behalf of the Confederated Tribes, and to advise and consult with the representatives of the Government of the United States on all matters affecting the affairs of the Confederated Tribes; and

**WHEREAS**, the Tribal Council has broad responsibility to advance the social and economic conditions of the Flathead Indian Reservation; and

**WHEREAS**, Congress is considering reform of the federal tax code to promote economic growth, reduce burdens of compliance, and increase fairness; and

**WHEREAS**, Tribal Nations must be included in national tax policy because under the current Internal Revenue Code, Tribal Nations are left without many of the benefits, incentives, and protections provided to state and local governments. This inequity significantly handicaps tribal authority to provide much needed government revenue for tribal programs and prevents economic growth on tribal lands; and

**WHEREAS**, tribal proposals will need to be adapted to fit within the larger framework that is under development, but certain fundamental principles will remain:

- The United States Constitution recognizes tribal governments as sovereigns;
- The power to tax is an essential and necessary instrument of self-government;
- Tribes have responsibility to regulate conduct on Indian lands;
- Tribes provide a broad range of governmental services: education, health care, public safety, and infrastructure needed to support economic development;
- Like states, tribal governments are not taxable entities, so they can retain and use their revenues for governmental purposes;
- Tribal governments must be treated with parity in all areas of tax policy;

and

- As sovereign governments, tribes must have the authority to:
  - o generate tax revenue free from overlapping state taxation;
  - o create incentives for business development and job creation;
  - o access government financing tools;
  - o make decisions for promoting the health and welfare of citizens;

and

- o promote certainty of jurisdiction, certainty to capital markets, and certainty in tax policy to enhance economic growth; and

**WHEREAS**, Congress is considering the elimination of depreciation schedules from the tax code in order to permit businesses to deduct the cost of capital investments in the year they are made. This change in tax policy would effectively eliminate the benefits of accelerated depreciation, one of the few tax incentives for business development in Indian country; and

**WHEREAS**, the Low-Income Housing Tax Credit (“LIHTC”) is the largest resource for creating affordable housing in the United States today, but Tribal Nations must apply to state government LIHTC programs, and many states use criteria that benefit only urban areas—thus ignoring the unmet low-income housing needs of Indian country; and

**WHEREAS**, in 2000, Congress established the New Markets Tax Credit (“NMTC”) to spur investment in low-income communities, but despite the potential of the NMTC program to enhance Indian country economic development and create jobs in underserved Native communities, in the last three funding cycles, only one Native American Community Development Entity has received funding under the NMTC program; and

**WHEREAS**, the Tribal Council supports fair and equitable inclusion of Indian tribes in tax reform and will work cooperatively with all Tribal Nations and intertribal organizations to secure passage of such legislation.

#### **A. Provisions for Tribal Government Tax Parity**

**NOW THEREFORE BE IT RESOLVED**, that the Confederated Salish and Kootenai Tribes support the enactment of the Tribal Tax and Investment Reform Act, and urges that it address important issues in tax parity including:

1. Tribal Government Tax-Exempt Bonds. Under federal tax rules generally applicable to government debt, tribal governments may issue tax-exempt bonds only for “essential government functions” and are prohibited from issuing “private activity bonds.” The IRS has declined to view economic development as a governmental function, even though state and local governments frequently use tax-exempt financing for development projects;



2. Tribal Government Pension Plans. Under current law, Tribal Nations must maintain two separate types of employee pension plans—a government plan for tribal employees performing essential government functions and a separate plan for tribal business employees. Tribal governments, like state governments, should be able to operate a single, comprehensive, government pension program for all of their employees, regardless of their functions. Tribal governments should also be eligible to offer 457 plans currently reserved for state and local governments;

3. Tribal Foundations and Charities. Tribally-controlled and funded foundations and charities do not enjoy the same public charity classification as foundations and charities controlled and funded by state or local governments;

4. Tribal Child Support Enforcement Agencies. Tribal child support enforcement agencies need authority to access parent locator services and enforce child support orders through claims against federal tax refunds of parents with past due obligations;

5. Indian Adoption Tax Credit. Adoption is widespread throughout Indian country. Under current law, the IRS cannot recognize tribal court orders determining the ‘special needs’ of adoptive children. This provision is needed to permit adoptive parents of Indian children to receive tax credits on par with other adoptive parents whose children’s special needs have been determined by state courts;

6. Extend Tax Benefits Granted to Doctors Employed by Indian Health Service Facilities. Specific tax benefits (such as exclusion from income for the forgiveness of student loan debt) are available to most doctors employed in the public sector but not to those employed by the Indian Health Service or tribal healthcare systems. These facilities need the same incentives for practitioners to bring their skills to Indian country as other public health facilities;

7. Support Legislation to Exempt Tribal Government Distributions from “Kiddie Tax” Provisions. Due to a flaw in the tax code, distributions from minors’ trust funds established by tribal governments are subject to taxation at the rate of a minor’s parents, resulting in an unintended disincentive to attend college. Correcting this would provide fairness to Indian youth and families receiving benefits from tribal funds;

8. Provide Tribal Governments with the Same Excise Tax Exemptions as Provided to States. Due to an omission in the tax code, tribal governments are not treated equal to state and local governments for a variety of excise tax exemptions: (i) excise taxes on luxury passenger vehicles, special fuels, and

heavy trucks and trailers; (ii) manufacturing excise taxes, including the Gas Guzzler Tax; (iii) communications excise taxes, (iv) wagering excise taxes, (v) Harbor Maintenance Tax; (vi) occupational taxes on persons in the business of wagering, (vii) taxes on distilled spirits, wine and beer, (viii) taxes on certain firearms, and (ix) and the Structured Settlement Factoring Tax; and

9. Tribal Leader Access to Social Security Benefits. In 1957, the IRS determined that amounts paid to elected tribal government officials are not considered “wages” under the Federal Contributions Act and thus are not eligible for Social Security benefits. This IRS ruling causes elected tribal officials (particularly those with many years of tribal service) to potentially receive reduced Social Security benefits or be completely ineligible to receive those benefits. Congress should adopt the Tribal Social Security Fairness Act and amend Section 218 to permit tribal governments the same option that state and local governments have to enter into agreements with the Social Security Administration to provide Social Security and Medicare coverage to tribal government officials; and

**B. Extension and Modification of Tax Provisions Aimed at Economic Development**

**BE IT FURTHER RESOLVED**, that Tribes urge Congress to simplify, expand, and make permanent the Indian Employment Tax Credit. Specific changes include:

1. Modify the base year from 1993 to the average of qualified wages and health insurance costs for the two tax years prior to the current year;

2. Expand the income tax credit to include up to \$30,000 in qualifying wages and health insurance costs per eligible employee and raise the cap on the permissible wages per qualified or eligible employee from \$45,000 to \$60,000; and

3. Provide a payroll tax credit for tribal government employers and Section 501(c)(3) organizations operating within Indian country; and

**C. Set-Asides for Low-Income Housing and New Markets Tax Credits**

**BE IT FURTHER RESOLVED**, that the Tribes supports enactment of Low-Income Housing Tax Credit legislation provided that the legislation includes the following Indian country provisions:

1. Indian nations and tribes should be treated as states for purposes of Low-Income Housing Tax Credit allocation, and Congress should establish a

set-aside of Low-Income Housing Tax Credits for Indian country;

2. Indian tribes should be authorized to use the national average median income in lieu of the area average because in many areas of Indian country local area incomes are too low to benefit actual low-income housing users; and

3. Indian tribes should be eligible to receive the Low-Income Housing Tax Credit directly and transfer it to the building manager or developer through a long-term lease to accommodate the unique status of Indian trust lands; and

**BE IT FURTHER RESOLVED**, that the Tribes support legislation that would spur investment and create jobs by providing increased deployment of New Markets Tax Credits for projects in Indian country, including the Aiding Development of Vital Assets in Native Communities and Environments Act (or the “ADVANCE” Act), and a set-aside in the New Markets Tax Credit program for Indian nations; and

**D. Addressing State Taxation with Regulatory Action and Congressional Action**

**BE IT FURTHER RESOLVED**, that the Tribes urge the Secretary of the Interior to move forward with updating and revising the Indian Trader Regulations to address state taxation of Indian country value, commerce, economic activity, Indian energy development, and Indian natural resource production, and to recognize the original, inherent sovereign authority of Indian nations and tribes to regulate Indian commerce; and

**BE IT FURTHER RESOLVED**, that the Tribes urge Congress to fulfill its obligation under the Commerce Clause of the United States Constitution to confirm the original inherent sovereign authority of tribal nations to regulate all commerce that occurs on tribal lands, and to recognize nation-to-nation commerce; and

**BE IT FURTHER RESOLVED**, that the Tribes also urge Congress to address state taxation of Indian country value, commerce, economic activity, Indian energy development, and Indian natural resource production, and areas such as leased property, personal property, oil & gas, sales taxes, and remote sales; and

**BE IT FURTHER RESOLVED**, that Tribes urge Congress to enact incentives and tax credits for renewable and conventional energy development in Indian country; and

**BE IT FURTHER RESOLVED**, that Congress and the Administration should

seek the guidance of the Treasury Tribal Advisory Committee established under Public Law 113-168 on tax reform issues.

**Ryan Rusche**, Legal Department, requested approval of a one-year attorney contract with George Waters Consulting Services.

**MOTION** by Troy Felsman to approve by resolution a one-year attorney contract with George Waters Consulting Services. Seconded by Anita Matt. Carried, 7 for; 0 opposed; 0 not voting.

**RESOLUTION 18-029**

**A RESOLUTION TO ENTER INTO AN ATTORNEY CONTRACT WITH GEORGE WATERS CONSULTING SERVICES**

**BE IT RESOLVED BY THE 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 operate the Tribes' governmental business and protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes;

**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;

**WHEREAS**, George Waters Consulting Services has proposed to provide governmental affairs consulting services to the Tribes relative to the Tribes' water rights settlement and the Reserved Water Rights Compact, and other matters, as assigned;

**WHEREAS**, the George Waters Consulting Services has agreed to provide legal services according to the terms and conditions of the Attorney Contract for the period of October 1, 2017, through September 30, 2018;

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

**Rhonda Swaney**, Legal Department, requested approval of a modification to David Morigeau's temporary employment contract to change the term of the contract to serve as Associate Judge of the Tribal Court.

**MOTION** by Anita Matt to approve by resolution the modification to David Morigeau's temporary employment contract to serve as Associate

Judge of the Tribal Court. Seconded by Leonard Gray. Carried, 7 for; 0 opposed; 0 not voting.

**RESOLUTION 18-030**

**A RESOLUTION TO MODIFY A TEMPORARY EMPLOYMENT CONTRACT WITH DAVID MORIGEAU**

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

**WHEREAS**, the Confederated Salish and Kootenai Tribes of the Flathead Reservation entered into a temporary employment contract with David Morigeau to provide judicial services needed for the administration of the Confederated Salish and Kootenai Tribal Court, authorized activities contained in Ordinance 103-A, as amended, the CSKT Laws Codified; and

**WHEREAS**, that contract contained incorrect dates for the term of employment;

**NOW THEREFORE BE IT RESOLVED** that the employment contract entered into October 30, 2017 shall be modified to correct the term of the contract, beginning October 30, 2017 and ending October 29, 2018.

**Anita Matt** informed council that there is an individual who wants to get on the agenda to discuss the opioid epidemic and to get the Tribes involved from the beginning of this possible class action. If successful, the money recovered could be used for education and treatment centers.

**MOTION** by Anita Matt to adjourn the meeting. Seconded by Leonard Gray. Carried, unanimous (6 present – Troy Felsman out of the room).

Council **adjourned** at 12:28 p.m., and is scheduled to meet again on Tuesday, November 7, 2017, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

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Troy Felsman  
Tribal Secretary