

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

Volume 18 Number 72
Council Chambers, Pablo, MT

Held: June 14, 2018
Approved: July 17, 2018

MEMBERS PRESENT: Ronald Trahan, Chairman; Leonard Gray, Vice-Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Dennis Clairmont; James Steele, Jr.; Leonard TwoTeeth; Carole Lankford; and Shelly Fyant.

MEMBERS ABSENT: Charmel Gillin (Personal Time Off).

OTHERS PRESENT: Jennifer Trahan, Council Office Manager; Tom Johnson, Council Support; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:09 a.m. Quorum established.

The meeting was opened with a **prayer** by Wilbert Michel.

The **Tribal Council Meeting Minutes** for June 5, 2018 were presented for approval. **Anita Matt** requested a report on the dog ordinance. **Chairman Trahan** advised that Carolee Wenderoth is working on it.

MOTION by Shelly Fyant to approve the Tribal Council Meeting Minutes for June 5, 2018, with corrections. Seconded by Anita Matt. Carried, 8 for; 1 abstention (James Steele, Jr.).

The **agenda** was presented for approval. No conflicts of interest were identified. Additions were made to the agenda. **Shelly Fyant** wanted to know how the council will be filling the secretary position that Troy Felsman is vacating since today is Troy's last day on council. **Council** will discuss options.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Shelly Fyant. Carried, 8 for; 1 abstention (Len TwoTeeth).

Steve Arca, Nkwusm Immersion Language School; and **Jordan Thompson**, Nkwusm Board Member; requested approval to have the CSKT apply for a \$50,000 grant and dedicate the grant funds to Nkwusm. Nkwusm cannot apply for funding because it is a nonprofit organization. The deadline to apply is tomorrow. It would be used for supplies, writing materials and help pay for the language teacher's salary. The funding agency is the MICA Group and Resource

Fund. The Nkwusm Board took action to approve submission of the grant and ask the Tribes to apply for the funding and dedicate the funds to Nkwusm.

MOTION by Troy Felsman to approve by resolution submission of the grant application to the MICA Group and Resource Fund and upon award apply the funds towards the Nkwusm Immersion Language School. Seconded by Shelly Fyant. Carried, 8 for; 0 opposed; 1 not voting (Len TwoTeeth out of the room).

RESOLUTION 18-140

RESOLUTION TO APPROVE APPLICATION FOR A GRANT THROUGH THE MICA GROUP CULTURAL RESOURCE FUND

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

WHEREAS, the Confederated Salish and Kootenai Tribes (“CSKT”) of the Flathead Reservation see language perpetuation and revitalization as among its highest priorities;

AND WHEREAS, the Nkwusm Salish language school is a non-profit organization that has taught the Salish and Qlispe language and culture to children and adults in our community since 2002, and CSKT has supported the school and its efforts since its inception;

AND WHEREAS, the MICA Group (Multicultural Initiative for Community Advancement) partners with indigenous communities and governments to build culturally appropriate strategies to empower indigenous peoples and has a competitive grant opportunity for \$50,000 that if awarded to CSKT would greatly benefit Nkwusm by allowing the school to hire a full-time Salish language teacher, develop curriculum, and purchase language immersion books;

NOW, THEREFORE BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that CSKT shall make the grant application to the MICA Group for a grant of \$50,000 through the Office of Contracts and Grants to be submitted electronically. If awarded, Contracts and Grants will enter into an agreement with Nkwusm and provide the funds to implement the proposed language perpetuation and revitalization project; and

BE IT FURTHER RESOLVED that the Tribal Council Chairman and his designated representative are authorized to negotiate and execute the grant and or contract documents and any amendments thereto.

Bonnie Asencio requested to meet with council in **executive session** to discuss

a personal matter. **Rachael BigSam**, Department of Human Resources Development; and **Vern Clairmont**, Financial Management; were present for discussion.

Council reconvened into **regular session**.

Rachael BigSam, Department of Human Resources Development, requested approval to hire Bonnie Asencio to be her husband's personal home caregiver.

MOTION by Troy Felsman to approve the hire of Bonnie Asencio to be her husband's personal home caregiver. Seconded by Anita Matt. Carried, unanimous (9 present).

Cindy Benson, Allen Sloan, Ellie Bundy-McLeod, Germaine White, and **Gordon Fyant**, Mission Valley Power Utility Board; and **Daniel Decker**, Legal Department; requested approval of a five-year employment contract with Jean Matt to serve as General Manager of Mission Valley Power. The contract has been approved by the Utility Board.

MOTION by Shelly Fyant to approve a five-year employment contract with Jean Matt to serve as General Manager of Mission Valley Power, as recommended by the Utility Board. Seconded by Troy Felsman. Carried, 7 for; 2 opposed (Carole Lankford and Len TwoTeeth).

Len TwoTeeth, for the record, *"The reason I'm opposed is I have a real difficult time approving pay increases to the employees that have large salaries when the majority of tribal employees have been struggling from paycheck to paycheck."*

Troy Felsman, for the record, *"The salary is largely funded by nonmember sources based on the customer base that the utility provides services to."*

Jason Adams, Salish Kootenai Housing Authority, requested approval to dedicate the Chief Martin Charlo Homesite water and sewer system to the Arlee/Lake County Water & Sewer District. When the system was constructed in 2006, it was tied to the Arlee sewer system. The Arlee Sewer District has been collecting fees but SKHA has provided the maintenance and repairs. **Carolee Wenderoth**, Tribal Lands Department, reported that an easement would be required. Lands recommended having a tribal member appointed on that board, because the tribal member that used to serve on the board was removed. There has been a lot of conflict and issues with the district. Jason explained that SKHA has the water and the Arlee Sewer District has the sewer. SKHA has an agreement with the Arlee Sewer District to shut off a tribal member's water if they are delinquent on their sewer bill. Tribal Court is the district's only recourse

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to collect on tribal members' delinquent sewer bills. **Council** requested legal review.

MOTION by Troy Felsman to dedicate the Chief Martin Charlo Homesite water and sewer system to the Arlee/Lake County Water & Sewer District, pending legal review. Seconded by Shelly Fyant. Carried, unanimous (9 present).

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

Carolee Wenderoth, Tribal Lands Department, presented a request from Karen Chef for the Tribes to show disinterest in a portion of Flathead Tract 4838 for estate planning purposes. Karen is not interested in selling the property. The land committee reviewed the request and recommended taking no action. **No action taken.**

Carolee Wenderoth, Tribal Lands Department, presented a request from Anna Mae Ruhkala for the Tribes to show disinterest in a portion of Allotment 1568. Anna Mae is not interested in selling the property to the Tribes because she wants to gift deed it to her sister. The land committee reviewed the request and recommended taking no action. **No action taken.**

Carolee Wenderoth and **Mark Couture**, Tribal Lands Department, requested approval of a contractor agreement with Prescriptive Livestock Services for targeted grazing leafy spurge at Oliver Point for 2018. The service was advertised, and PLS was the only company that responded to the RFP.

MOTION by Shelly Fyant to approve a contractor agreement with Prescriptive Livestock Services for targeted grazing leafy spurge at Oliver Point for 2018. Seconded by Troy Felsman. Carried, unanimous (9 present).

Carolee Wenderoth and **Mark Couture**, Tribal Lands Department, requested a modification to the service contract with Tom Stuckey for appraisal services to increase compensation for an amount not to exceed \$15,000 to provide additional appraisal services.

MOTION by Anita Matt to approve the modification to the service contract with Tom Stuckey for appraisal services to increase compensation for an amount not to exceed \$15,000 to provide additional appraisal services. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

Carolee Wenderoth, **Mark Couture** and **Dani Bisson**, Tribal Lands Department, requested approval of the 2018 Spring Bid. The packet was reviewed by the land committee. Jamie Courville had submitted a bid on a lease that was his children's 4-H project.

MOTION by Leonard Gray to accept Jamie Courville's bid for 16 acres. Seconded by Anita Matt. Carried, 8 for; 1 opposed (Shelly Fyant).

Shelly Fyant, for the record, "The reason I opposed is the highest bidder was \$490 more."

Jamie Courville was not the high bidder. **Council** will discuss further.

Anita Matt asked about the Rattlesnake bid. The bidder would like to use the buildings; if not, then he wants to adjust the bid amount since he placed a bid based on use of the buildings. **Art Caye**, Tribal Member, was present for discussion and has submitted a revised proposal to remove the buildings on that lease.

MOTION by James Steele, Jr. to reconsider the action that was taken on Jamie Courville's bid and accept the high bid. Seconded by Shelly Fyant. Carried, unanimous (9 present).

Art Caye, Tribal Member, requested that council accept his proposal to remove the buildings at the Rattlesnake property so he can begin working. He has been out of work for 18 months. **Carolee Wenderoth** informed council that she received the revised proposal from Mr. Caye. He is proposing to remove six structures and pay \$1,500. She pointed out that the lease is on the 2018 spring bid, and if Art's proposal is accepted then the high bidder wants to either pull his bid or have the opportunity to change the bid amount on Lease 2025 since his bid was based on use of the buildings. The bids demonstrate there is a value for the buildings on that land. The Lands Department is willing to look for cleanup and fencing projects that Art and his crew could work on for the Lands Department. The theft investigation is still ongoing. There has been no more theft at that site since a gate and cameras were installed. **Art Caye** wants council to call a meeting with Tribal Forestry to get the small loggers back to work. It would just take council action to get them back to work. Lease 2025 can be excluded from the spring bid. Art would be responsible for all cleanup due to removal of the structures.

MOTION by Troy Felsman to approve the 2018 Spring Bid, and exclude Lease 2025 from the Spring Bid. Seconded by Anita Matt. Carried, unanimous (9 present).

MOTION by Len TwoTeeth to accept the proposal from Art Caye to remove the six structures on Lease 2025 at the negotiated rate of \$1,500. Seconded by Troy Felsman. Carried, 5 for (Len TwoTeeth, Troy Felsman, Carolee Lankford, James Steele, Jr., and Dennis Clairmont); 4 opposed (Shelly Fyant, Leonard Gray, Anita Matt, and Ron Trahan).

***Anita Matt**, for the record, “The reason I did vote no is because of what we were losing with the ag program.”*

***Troy Felsman**, for the record, “The reason I support it was the fact that this has been discussed so long that I was worried the structures would be taken down by theft with no compensation to the Tribes.”*

***Shelly Fyant**, for the record, “The reason I voted against it is because I think \$1,500 was so far below the market value I wasn’t in support of it.”*

Chairman Trahan asked about the vicious dog ordinance. **Carolee Wenderoth** sent out a request to have a meeting with all necessary departments next Monday or Wednesday.

Carolee Wenderoth, Tribal Lands Department, received an offer for the Mission Mart building from Family Dollar. It would be a cash sale. The contingency is the seller would pay one-half of the realtor fee. Carolee disagreed with the contingency since the Tribes did not use a realtor for this transaction. The other company interested in purchasing it will be making a decision this week. Family Dollar’s offer is good for 24 hours.

Carole Lankford asked about the vicious dog ordinance meeting times. **Carolee Wenderoth** is still waiting to hear back from Salish Kootenai Housing Authority, Law and Order and the Legal Department to determine the date, time and location of the meeting.

Carole Lankford asked about the status of an eviction notice due to a vicious dog complaint by a tribal member. **Carolee Wenderoth** reported that Lands delivered a certified letter and the person indicated it is the male’s dog and she had a restraining order on him. She is gone 14 hours a day. Lands let her know that the dog needed to be corralled immediately or removed, or she would be evicted. Lands sent a letter about dogs to all lessees informing them that their dogs need to be fenced. She asked Rob McDonald to issue a notice in the Char-Koosta News on the responsibilities of being a responsible dog owner. The lessee told Lands the dog is in a kennel and she will be taking it to the animal shelter. The parties have been giving different stories as to who owns the dog, which has created a jurisdictional issue since she is a tribal member and her ex is a nontribal member.

Teresa Wall-McDonald, Tribal Health Department, reported that there were 20 tribal member Youth Leaders. She requested to hire 8 descendants and 1 member of another tribe. If approved, then 120-160 youth would be served over the 7-week period with the summer youth program.

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MOTION by Anita Matt to approve the hire of Tate Weingart as a Youth Leader. Seconded by Leonard Gray. Carried, unanimous (9 present).

MOTION by Troy Felsman to approve the hire of Selisha Johnson as a Youth Leader. Seconded by Leonard Gray. Carried, unanimous (9 present).

MOTION by Shelly Fyant to approve the hire of Naomi Plant as a Youth Leader. Seconded by Leonard Gray. Carried, unanimous (9 present).

MOTION by Leonard Gray to approve the hire of Kaden Foote as an Assistant. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

MOTION by Anita Matt to approve the hire of Wasey McClure as an Assistant. Seconded by Troy Felsman. Carried, unanimous (9 present).

MOTION by Troy Felsman to approve the hire of Frankie Wright as an Assistant. Seconded by Shelly Fyant. Carried, unanimous (9 present).

MOTION by Leonard Gray to approve the hire of Jordan Matt as an Assistant. Seconded by Anita Matt. Carried, unanimous (9 present).

MOTION by Shelly Fyant to approve the hire of Jacob Hugs as an Assistant. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

MOTION by Troy Felsman to approve the hire of Becca Whitesell as a Youth Leader. Seconded by Anita Matt. Carried, unanimous (9 present).

Teresa Wall-McDonald, Tribal Health Department, informed council that the pharmacy staff stayed at work yesterday until all the prescriptions were filled. It was a huge victory for the staff.

Chairman Trahan has a medical statement for leave sharing that the nurse was supposed to sign, and he asked Teresa to sign the form. **Teresa Wall-McDonald** will follow up.

Len TwoTeeth asked about the salaries for the Youth Leaders. When we put youth in a leadership position, it is tough for them. Regardless of years of experience, they are still in that leadership position. Only one person is getting paid less than the other leaders, and he wants Tribal Health to pay them all the same rate of pay. **Teresa Wall McDonald** will follow up.

Melinda Smith and **Dr. Mary Miles**, Montana State University, gave an update on the diabetes app project that is going on with Tribal Health. Dr. Mary Miles is in charge of the project. They have a partnership with the THD Diabetes Program and submitted a pilot project proposal to create a diabetes grant.

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

Carole Lankford left the meeting to attend a funeral.

Daniel Tromp, Kicking Horse Job Corps Center, requested approval to modify 5 service contracts for bread, dairy, eggs, propane, and laundry services. The contracts expire August 31, 2018. It costs thousands of dollars to rebid them out for six months, and then bid again in February 2019. The contractors have provided good services, so KHJCC wants to extend the contracts. The Department of Labor wants the contracts to line up with the contract year.

MOTION by Troy Felsman to modify the contract with Food Services of America to provide bread, dairy and egg services through February 28, 2019. Seconded by Len TwoTeeth. Carried, unanimous (8 present – Carole Lankford out of the room).

MOTION by Anita Matt to modify the contract with Energy Partners to provide propane services through February 28, 2019. Seconded by Shelly Fyant. Carried, unanimous (8 present – Carole Lankford out of the room).

MOTION by Dennis Clairmont to modify the contract with Quicksilver to provide laundry services through February 28, 2019. Seconded by Shelly Fyant. Carried, unanimous (8 present – Carole Lankford out of the room).

Shelly Fyant discussed the option of having the Tribes contract directly with the Washington Office for KHJCC instead of going through the Regional Department of Labor since we are a sovereign nation.

Len TwoTeeth gave a report on the Kootenai Elders meeting he attended yesterday. There was discussion on how to fill the Arlee District council seat vacancy. Everyone at the meeting agreed to move the seat to the Ronan District based on population. Council would need to approve a new ordinance to move the seat to Ronan, and then take action on how to fill the new seat. Redistricting was discussed, as well, and some people want that to be a consideration. It was recommended having 5 Salish and 5 Kootenai members on the council. Another option was to have 3 Salish, 3 Kootenai, 3 Pend d'Oreille and then have the chairman elected at-large. People were in favor of redistricting due to the population. Len gave them an update on the Inter-Tribal Timber Council meeting he attended and Energy Keepers, Inc. People are concerned about the revenue projections for EKI and whether the membership will receive a per capita. The Big Arm Resort was discussed. They want to place Kootenai names on the cabins. The people agreed to use the families who lived in that particular area historically, and some families were identified. There were issues about the

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kitchen in Elmo. The pow wow committee wants to meet with Maintenance to address issues regarding the upcoming Standing Arrow Pow Wow. A maintenance issue brought up was the walk-in freezer is broke and outdated. It needs to be replaced. Len wants Maintenance to put that in next year's budget. A plaque for Lasso Stasso Jr. will be displayed at the Glacier National Airport. He was very significant in our treaty hunting rights. Len wants a plaque displayed here at the tribal council acknowledging Lasso. **Shelly Fyant** said Mike Kenmille served as a deckhand on The Shadow and first mate, and then he was requested to apply for the captain position. He needed 3 letters of recommendation from captains and he did that. He submitted it to Human Resources. When Mike checked on it, he found out a nontribal member was hired and Human Resources only had one letter of recommendation in his file. There was discussion on succession planning for tribal members to take over positions. Shelly would like a report from the S&K Gaming Board on this HR situation. The elders program no longer does lawn mowing for elders. If family members cannot do it, then maybe the summer youth crew could mow. A tribal member acknowledged that a new floor at the hall is needed. Len will bring this up in the budget meeting. He wants to obtain an estimate of what a new floor would cost.

Leonard Gray gave an update on the hunt managers meeting on Tuesday. A potential memorandum of agreement to address safety at Beatie Gulch was discussed. Leonard would rather give them the opportunity to sign our existing memorandum of agreement since it is a proven document that works.

Len TwoTeeth continued his report. Another issue brought up was the Burial Policy. He acknowledged the discussion the council had on the over-expenditures. In the future, the council may or may not be approving those additional costs. The \$5,000 is there to assist tribal members and not to guaranteed to pay for the entire burial expenses.

Shelly Fyant discussed having our own hatchery. There are many nonmembers on our tribal lands four-wheeling or poaching. She would like signs posted, try to find a way to hire more law enforcement, and possibly restrict access to our lands.

Leonard Michel informed council that all the fillet workers and boaters are all tribal members. Not enough information was received by the department. **Len TwoTeeth** had requested the cost for Mack Days and the staffer would not answer the question. This is an issue where he wants the staff to provide a monthly report to the Kootenai elders. This proves why the elders meetings need to continue throughout the summer months. All of our tribal departments should provide monthly reports to the Kootenai elders to let them know what they are doing. The elders are concerned about what is going on within the tribal government.

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

James Steele, Jr. out of the room.

Carole Lankford returned to the meeting.

Council met in **executive session** to conduct interviews for the S&K Gaming Board of Directors. **Jan Gardipe**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

James Steele, Jr. returned to the meeting.

MOTION by Troy Felsman to accept the results of the ballot and appoint Suzie Schrock and Daniel Hansen to the S&K Gaming Board of Directors for a three-year term, on the condition that Daniel Hansen terminates his training contract with S&K Gaming. Seconded by Shelly Fyant. Carried, 6 for; 1 opposed (Carole Lankford); 2 abstentions (Ron Trahan and James Steele, Jr.).

Council discussed the tribal council secretary position that is being vacated by Troy Felsman. Dennis Clairmont and Shelly Fyant showed interest. **Council** voted on the position.

MOTION by Leonard Gray to accept the results of the ballot and appoint Shelly Fyant as the Secretary of the Tribal Council as of June 18, 2018. Seconded by Carole Lankford. Carried, unanimous (9 present).

Carole Lankford left the meeting for the remainder of the day to attend a drug court meeting.

Vern Clairmont, Financial Management; and **Daniel Decker**, Legal Department; met with council in **executive session** to discuss options on how to fill the vacant council seat for the Arlee District for the term ending December 31, 2019.

Council reconvened into **regular session**.

MOTION by James Steele, Jr. to hold a special election to fill the vacant council seat for the Arlee District for the term ending December 31, 2019. Seconded by Shelly Fyant. **MOTION NOT CARRIED**, 3 for (Anita Matt, James Steele, Jr. and Shelly Fyant); 5 opposed (Dennis Clairmont, Troy Felsman, Len TwoTeeth, Ron Trahan, and Leonard Gray).

Chairman Trahan would like a notice to be published in the newspaper to inform

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interested parties to apply for the Arlee District council seat so council can conduct interviews and appoint someone to fill the vacancy. Applicants must meet the criteria to be eligible to serve on tribal council. Article V of the constitution authorizes council to appoint a successor. **Council** will discuss again next week.

MOTION by James Steele, Jr. to adjourn the meeting. Seconded by Troy Felsman. Carried, unanimous (8 present).

Council **adjourned** at 2:58 p.m., and is scheduled to meet again on Tuesday, June 19, 2018, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary