

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

Volume 20 Number 24  
Council Chambers, Pablo, MT

Held: January 2, 2020  
Approved: January 9, 2020

**MEMBERS PRESENT:** Ronald Trahan, Chairman; Shelly Fyant, Secretary; Anita Matt, Treasurer; Fred Matt; Carole Lankford; Charmel Gillin; Myrna DuMontier; Leonard TwoTeeth; and Dennis Clairmont.

**MEMBERS ABSENT:** Leonard Gray, Vice-Chairman (Personal Time Off).

**OTHERS PRESENT:** Jennifer Trahan, Council Office Manager; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:04 a.m. Quorum established.

The meeting was opened with a **prayer** by Fred Matt.

The **Tribal Council Meeting Minutes** for December 19, 2019 were presented for approval.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for December 19, 2019, with corrections. Seconded by Shelly Fyant. Carried, unanimous (9 present).

The **agenda** was presented for approval.

**MOTION** by Anita Matt to approve the agenda, with changes. Seconded by Charmel Gillin. Carried, unanimous (9 present).

**Jerome Quequesah** and **Justice Quequesah** informed council that Justice has an opportunity of a lifetime and they requested financial assistance. Justice is a member of the Health Occupants of America and the National Academy of Future Physicians and Medical Scientists nominated her to receive an award of excellence. Justice and her chaperone will be attending the ceremony in Boston, Massachusetts in June and she needs to make three payments of \$485.00 for the tuition. Justice is working on obtaining her CNA license. **Carole Lankford** was proud of her for this nomination and for working at the age of 16. She supported donating \$400 and suggested that Justice return to council after she is finished fundraising. Justice also has to pay all travel costs. **Anita Matt**

supported the request and told Justice she is proud of her for her accomplishments at such a young age. **Michelle Mitchell**, Tribal Education Department, joined the discussion and informed council that the Indigenous Scholars of Promise might be able to provide assistance, and Michelle will connect Justice to that organization. ISP paid the costs for six students to go to Yale, Harvard, Brown, and Stanford for a campus visit, paid housing deposits for students to get into college, and purchased laptops for students. The Ronan IEC and Tribal Education Department might be able to pay some of the costs for Justice and a chaperone.

**MOTION** by Len TwoTeeth to support the request for donation to pay the full tuition amount of \$1,455.00. Seconded by Myrna DuMontier. Carried, unanimous (9 present).

**Rick Eneas** and **Ruth Swaney**, Financial Management, requested approval of modification 2 to the fiscal year 2020 Indian Health Service Self-Governance Compact Budget. Earmarked fiscal year 2020 funding has been awarded for Dental Prevention and needs to be allocated to the budget.

**MOTION** by Charmel Gillin to approve by resolution modification 2 to the fiscal year 2020 Indian Health Service Self-Governance Compact Budget. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 0 not voting.

**RESOLUTION 20-039**

**RESOLUTION APPROVING MODIFICATION 2 TO THE FISCAL YEAR 2020 IHS SELF-GOVERNANCE COMPACT BUDGET**

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

**WHEREAS**, earmarked FY 2020 funding has been awarded for Dental Prevention and needs to be allocated to the budget; and

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

Programs, Functions, Services, and Activities	Budget Account	FY 2020 Current Budget	Increase/ (Decrease)	Revised FY 2020 Budget Authority
Dental Prevention	11-502-4117	187,751.13	50,000	237,751.13
Total Increase/(Decrease)			50,000	

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2020 HIS Self-Governance Compact Budget as reflected above; and

**BE IT FURTHER RESOLVED** that the FY 2020 IHS Self-Governance Compact Budget is increased from \$28,621,362.87 to \$28,671,362.87; and

**BE IT FURTHER RESOLVED** that prior years' unexpended funds, in addition to Third Party Revenues, are available to appropriate for budget expenditures pending final obligation of FY 2020 funds.

**Rick Eneas** thanked the outgoing tribal council members and expressed his appreciation for the hard work they have done for the Tribes. **Myrna DuMontier** enjoyed working with Rick.

**Tony Incashola, Jr.** and **Ron Swaney**, Tribal Forestry/Division of Fire, requested approval of a resolution to apply for a 638 contract with the Bureau of Indian Affairs for the Fire Program.

**MOTION** by Fred Matt to approve by resolution the application to apply for a 638 contract with the Bureau of Indian Affairs for the Fire Program. Seconded by Charmel Gillin. Carried, 9 for; 0 opposed; 0 not voting.

#### **RESOLUTION 20-040**

#### **A RESOLUTION TO ENTER INTO AN INDIAN SELF-DETERMINATION CONTRACT BETWEEN THE BUREAU OF INDIAN AFFAIRS AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD INDIAN RESERVATION**

**WHEREAS**, the Secretary of the Interior for and on behalf of the United States pursuant to Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 450, et seq.) is authorized to contract with tribal governments to administer and perform various programs, services and functions; and

**WHEREAS**, the United States Department of Interior, Bureau of Indian Affairs, is authorized by 25 C.F.R. §163.28 to manage Preparedness, Aviation, Prevention and Fuels Management activities on the Flathead Indian Reservation, as well as to provide funding, equipment and supplies, and to provide technical oversight and training to Tribal employees working fire Preparedness, Aviation, Prevention and Fuels Management positions, to accomplish the protection of natural resources from wildfire through fast and effective initial attack, fire prevention and fuels management/fire use expertise; and

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**WHEREAS**, it is to the mutual advantage of the Bureau of Indian Affairs and the Tribe to coordinate efforts for Preparedness activities (which include Aviation, Prevention and Detection) and Fuels Management, for resource protection to limit duplication and improve efficiency; and

**WHEREAS**, the Tribes have contracted the Flathead Agency, Bureau of Indian Affairs Fire Management Program, including the personnel, facilities, and equipment available to assist in the performance of the objectives of a Contract to be specified in the Statement of Work; and

**WHEREAS**, the Contract and Statement of Work will be made to facilitate the cooperative use of qualified Tribal employees, Tribal equipment, and Tribal supplies in Preparedness, Aviation, Prevention, and Fuels Management activities.

**WHEREAS**, the value of cooperation in the management of emergency incidents that endanger human life, property, and natural resources has been demonstrated many times; and

**WHEREAS**, it is desirable and in the public interest to provide specifically for coordinated action between the BIA and the Tribes in all Preparedness, Aviation, Prevention and Fuels Management activities; and

**WHEREAS**, the Confederated Salish & Kootenai Tribes will meet the minimum procurement, property and financial management standards set forth in 25 CFR, Chapter V, Part 900, Subpart F; and

**WHEREAS**, the Confederated Salish & Kootenai Tribes will implement programs, functions, services and activities proposed in the contract and will assure confidentiality of medical records and information relating to financial affairs of individual Indians obtained under the proposed contract, or as otherwise required by law;

**NOW, THEREFORE, BE IT RESOLVED** that the Tribal Council hereby requests to enter into an Indian Self-Determination Contract with the United States Department of Interior, Bureau of Indian Affairs for the operation of the Flathead Indian Reservation Fire Management Program to be effective January 1, 2020.

**Carole Lankford** wants a memo from the chairman to be sent out to departments that if they have the funding option to receive money for pay increases that those programs should apply for those funds. **Rick Eneas** suggested that the proper place to address that is through the Ordinance 69-C and 69-D update. We are not broken out by funding source, so it is all or nothing at this point. The ordinance is scheduled on next week's agenda.

**Ron Swaney** thanked the outgoing tribal council members for their dedicated service to the Tribes and he appreciates their hard work.

**Mark Couture**, Tribal Lands Department, returned to council to discuss a potential land purchase from Charles Sanders that was tabled by the tribal council. Mr. Sanders offered a portion of Allotment 1528, Allotment 2376-A, and Allotment 2376-B. A budget modification would be required to make this purchase. An email from Rick Eneas indicated that the funds could be taken from the Enterprise Dividend Fund. **Charmel Gillin** questioned if the Enterprise Dividend Fund is the only funding source we could access and whether we could enter into a contract for purchase so we can work within the existing budget and allocate funds in the future to cover the cost. **Shelly Fyant** commented that the council packet contains no information on the terms of the lease back option and no updated appraisal. Mark responded that Mr. Sanders was interested in having a life estate on the property and he would be agreeable to make the purchase on a contract for deed. **Anita Matt** wants to see more information and details on the request for contract for deed, the terms of it, and the updated appraisal. **Len TwoTeeth** requested clarification on the process. The Tribal Lands Department brought in the offer and the tribal council directed the Lands Department to order an appraisal. That process has been completed, and he thinks the council needs to move forward on whether to purchase the property. The council already showed interest and identified a funding source. Mark explained that the contract for deed payment plan would need to be negotiated and brought back to council for approval. Len does not support a contract for deed and he wants to proceed with purchasing the land out right since we found a funding source. **Carole Lankford** clarified that no council action is required at this time. **Shelly Fyant** was clarifying that the council needs to know what those details are and if it's a lifetime estate or a termed lease back option. A life estate takes away some of the value and the seller needs to understand that since a life estate is different than a termed lease back option. **Charmel Gillin** would prefer to have additional discussions with the Office of Financial Management about the Enterprise Dividend Fund and the historical plans for that fund before we start accessing it for land acquisition. It is a major move to do that and further discussion is needed instead of just reading an email. The tribal council needs to prioritize the use of those funds.

**MOTION** by Shelly Fyant to go with option 1 to show interest to purchase and have the Tribal Lands Department bring back those details to consider for a funding source and the terms of the lease back to Mr. Sanders. Seconded by Anita Matt. Carried, 8 for; 1 abstention (Carole Lankford).

***Anita Matt**, for the record, "We need to sit down and look at our planning. We are going to have a lot of transitions where people are aging out and there's lots of trust land sitting out there that will be coming to the tribal government for sale. We need to have a plan on how we will address it."*

**Mark Couture**, Tribal Lands Department, gave an update on the request from Charles L. Dixon, Melinda M. Dixon, Christine Dixon, and Rebecca G. Lewis for a letter of disinterest for a gift deed in fee. The request was tabled because the tribal council had questioned whether the Tribes have the first right of refusal. Mark spoke to Roberta Matt and she indicated that she does include in all deeds that the Tribes have the first right of refusal if the land is put up for sale in the future. **Carole Lankford** commented that once the water rights is completed, there would be more funding source availability. **No action taken.**

**Len TwoTeeth** requested an update on the Whiskey Trail Ranch. **Mark Couture** reported that George Ducharme is taking the lead on this and they are looking at options. **Rick Eneas**, Financial Management, informed council that we are still negotiating and working through the terms, the sales price, and doing some comparable sales analysis. **Fred Matt** suggested that Rick go through the historical archives where the Tribes made some large land purchases and were creative on how to make those purchases. **Shelly Fyant** asked if using that property to start a buffalo herd is part of the negotiations. Rick replied that the explicit terms of the fifteen-year lease and whether a herd could be introduced at some point is what George is working through.

**Mark Couture** expressed his appreciation to the outgoing tribal council members for their work with the Tribal Lands Department, and he wished them well in the future.

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

**Velda Shelby** and **Janet Camel**, Economic Development Office, requested the award of MT-ICED grants to tribal member businesses. The applicants that were awarded funding from the State grant did not receive a tribal award. The maximum award amount is \$7,000.00. The applicants that were recommended for grant awards were: (1) Mark Padilla and Marcus Padilla, Illegal Image - \$7,000.00; (2) Richard Hunter, Hunter Towing & Hauling - \$0. (received \$10,300.00 from State grant); (3) Ashley Howlett and Ben Hoffman, H&H Transportation - \$7,000.00; (4) James Big Beaver, Beaver Trimming - \$7,000.00; (5) Monte Marengo, Flathead Trimmers - \$7,000.00; (6) Richard Johnson, All American Autoworks - \$7,000.00; (7) Helen White Quills, Lawn Snow Busters - \$0 (received \$7,050.00 from State grant); (8) Quincy Weatherwax, Northwest Construction - \$7,000.00; (9) Marlene Rorvick and William Rorvick, 4Real Bill Automotive - \$7,000.00 (only if council is interested funding; they applied for \$21,000.00 and they will need to refine their needs list to \$7,000.00 and better define their match); and (10) Donald Pierce and Henry Symington, H&D Meat Processing & Auto Repair - \$7,000.00 (only if council is interested in funding; they applied for \$21,000.00 and they will need to refine their needs list to \$7,000.00 and better define their match). There were concerns with number 9

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and number 10 and more information is needed. The review committee consisted of three bankers. Tina Begay helped the applicants with their business plan, technical support, and got them on the Indian Preference business list. If the applicants applied to the State and the Tribes, they could be awarded both grants.

**MOTION** by Fred Matt to go with the recommendation of the Economic Development Office and award the small business grants. Seconded by Anita Matt. Carried, unanimous (9 present).

**Janet Camel** enjoyed working with the outgoing council members and looks forward to working with the new council members.

**Rhonda Swaney**, Legal Department, informed council that Senator Daines will be here on January 6 and wants to meet with the tribal council. Senator Daines has a response to the Lake County Commissioners. No hearing has been scheduled yet, but Speaker Pelosi is holding the articles of impeachment so we may get a hearing sometime after the first of the year. Rhonda will provide the water rights presentation at tomorrow's quarterly council meeting. Rhonda is sad to see some of the council members go, and she said it was a pleasure and honor to work with them and she hopes to work with them again in the future.

**Len TwoTeeth** requested an update on Big Arm. **Rhonda Swaney**, Legal Department, reported that we are in court and have submitted a motion for summary judgment. If the judge has enough information on the ownership question, he will issue an order without going to trial.

**Charmel Gillin** questioned the ordinance that Sonny Lozeau is challenging and asked if we have the information that is needed to be prepared for this topic. **Myrna DuMontier** read on Facebook that a petition will be brought in for a complete eradication of Ordinance 40-A. **Rhonda Swaney** stated that the process to do that is spelled out in the constitution.

**Anita Matt** informed council that she received complaints about an issue that has been talked about for years. Darrel Whitworth came in to the council several times regarding the road into the Camas cemetery. That road is awful and she understands the concerns. **Chairman Trahan** suggested having the Tribal Lands Department bring in the process and have council take action to consider moving forward to fix it. **Len TwoTeeth** said there is a process they need to use before they can use federal funding through the Roads Program and he wants a report from Dan Lozar. Len thought that the Roads Program has money to repair and pave that road. **Chairman Trahan** suggested getting with Mark Couture to follow up on that. **Mark Couture** joined meeting and Anita told him she wants us to work with Dan Lozar and get something done. Len advised that the Tribal Forestry Department has the equipment to do roadwork and it would take a

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council directive for them to get that work done. **Myrna DuMontier** was told that a program dumped a bunch of gravel in the middle of the road and then Darrell made a request for a different program to spread out the gravel. **Council** directed Mark Couture to follow up.

**Charmel Gillin** thanked the outgoing tribal council members for their leadership. Chairman Trahan's experience was very necessary. Charmel wished them all the best in the future and blessings to their families.

**MOTION** by Charmel Gillin to adjourn the meeting.

Council **adjourned** at 10:44 a.m., and is scheduled to meet again on Friday, January 3, 2020, at 9:00 a.m., for the quarterly council meeting.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

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Shelly R. Fyant  
Tribal Secretary