

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

Volume 17 Number 25
Council Chambers, Pablo, MT

Held: January 24, 2017
Approved: February 9, 2017

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

MEMBERS ABSENT: Shelly Fyant (Personal Time Off).

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

The meeting was called to **order** at 9:06 a.m. Quorum established.

The meeting was opened with a **prayer** by Len TwoTeeth.

The **Tribal Council Meeting Minutes** for January 12, 2017 were presented for approval.

MOTION by Troy Felsman to approve the Tribal Council Meeting Minutes for January 12, 2017, with corrections. Seconded by Patty Stevens. Carried, unanimous (9 present).

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

MOTION by Anita Matt to approve the agenda, with additions. Seconded by Ron Trahan. Carried, unanimous (9 present).

Chairman Finley suggested that the council allow the UNITY group to use the Tribes' airline miles to attend the midyear conference as a cost savings of their expenses. It was the **consensus** of council to authorize the use of the airline miles. **Anita Matt** would like the UNITY group to go to the area schools and try to get other youth interested in joining the group. **Chairman Finley** suggested that they publish a report in the Char-Koosta. **Patty Stevens** reported that the group would like to have a UNITY group in every community, but they are having difficulty getting adults to make the commitment to be their advisors.

Bill Kehoe requested that the tribal council provide a full tank of gas for Alex

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Felix. **Troy Felsman** spoke to Alex and DHRD has not provided assistance. Alex's wife has an extended illness and must travel to Missoula for medical care on a regular basis. If the council approves the request Bill is willing to pay the gas bill on February 1. **Jennifer Trahan** has provided hotel assistance, and she can add fuel assistance.

Bob Gauthier introduced Chad Harrison, Standing Rock Sioux Councilman and Housing Authority Chairman; Ardyce Taken Alive, Housing Authority Secretary; Brian Thunder Hawk, Housing Authority Executive Director; and Joseph Porras, Sr., Standing Rock Housing Authority. They are here to look at tribal programs, the Housing Authority and the Transitional Living Center.

Chad Harrison, Standing Rock Sioux Councilman, gave an update on the Dakota Access Pipeline. President Trump could overrule the environmental impact statement, so they are waiting for a decision on that. Some of the protesters do not want to leave. They are camped in a flood plain and there will be some icebergs coming, so there are safety concerns. The Tribe went on record to ask the protesters to leave and placed a time line of January 29 to have them all depart so they could begin the clean-up efforts on January 30. The Tribe is reaching out to the State of North Dakota to mend fences, but that has been difficult. The new governor seems receptive to get to know the Tribe, the system and their issues; but given the politics of the State, there is very little diversity in the philosophy in the government. Some bills were dropped a week ago, such as a proposed law against wearing a bandana or a mask while protesting. There is also a proposed bill that if any protesters are blocking a roadway during a protest it is not a problem if they get ran over. So this has opened old wounds between ranchers and tribal members. Ignorance on social media continues. A lot of the protesters who have made their residence there are non-native. Road 1806 is the main road to Bismarck and rerouting the traffic adds about 25 miles, so that is another reason they need the protesters to leave. If President Trump administratively repeals the environmental impact statement it could happen before the Tribe could get an injunction in court. The Standing Rock Sioux Tribe had a consultation with the Army Corps of Engineers. **Carole Lankford** suggested having our legal counsel contact Standing Rock's legal counsel to provide any assistance available to help them. **Chairman Finley** expressed his appreciation seeing the unity between all the tribes having one voice on this issue.

Shawne Spotted Eagle, Tribal Employee, requested to be taken off probationary status so she can be eligible for leave sharing while she is on maternity leave. Shawne asked the tribal council to take into account her veteran status. **Carole Lankford** explained that approving this request would require a waiver of the Personnel Ordinance. The department head should be the one bringing the request forward. Shawne told council that the department head directed her to bring the request to council. **Cristy Brooks** and **Jan**

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Gardipe, Personnel Department, were present for discussion. Cristy reported that the tribal council had directed a program to remove some employees off probation in the past. **No action taken. Council** took the request under advisement and requested further information on Cristy's comments.

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

Jason Adams, Salish Kootenai Housing Authority, discussed the establishment of the Tribal Intergovernmental Advisory Committee and the nomination of a delegate to serve on the Tribal Advisory Committee. The delegate must be an elected official.

MOTION by Troy Felsman to nominate Patty Stevens as the Tribal Advisory Committee delegate and Jason Adams as the alternate. Seconded by Anita Matt. Carried, unanimous (9 present).

Rob McDonald, Communications, discussed the publication of approved tribal council minutes and the option of posting the approved minutes on an official tribal web site. Rob obtained legal review and there was no objection. **Ron Trahan** still wants a hard copy published in the Char-Koosta News.

MOTION by Leonard Gray to post the approved tribal council minutes on the web site. Seconded by Patty Stevens. Carried, unanimous (9 present).

Mike Perry, Hot Springs School District, presented the annual report. There are a total of 230 students, and 9.5% are CSKT members. There is 70% tribal member parent participation in parent/teacher conferences. The school has one Native American staff member. The attendance rate for native students is 91%. In 2015 the graduation rate for native students was 100%; in 2016 there were no native seniors; and in 2017 it is projected that the native student graduation rate will be 100%.

Carolyn Hall, Superintendent; **Dayton School Students**; and **Mr. Gomez**, IEC Coordinator; presented the Dayton School annual report. The school has grades K-8 and a total of 50 students. 17% of the staff is Native American. The students gave a gift to Miranda Burland for helping them this year. 14% of the students are Native American. The attendance rate for the Native American students is 90%. The school does not offer a hot lunch program because it does not have a cafeteria and students are required to bring their own lunch, except one day per week volunteers provide lunch at a cost of \$1.00 per student. The school is meeting with an engineer to hopefully move forward with a gymnasium project. The school does not provide transportation for students. The school does not offer sports because there is no gymnasium. The school has to rent the Polson School to hold their Christmas play.

Chairman Finley presented a request for a change of duty for the department heads attending the legislative reception in Helena. **No action taken.**

Miranda Burland, Education Department, requested approval of the 2017-2018 Higher Education Scholarship Policy Handbook. **Troy Felsman** and **Vernon Finley** had concerns about funding for graduate school. There is a lot of funding available for Native American students to attend graduate school. It is the undergraduate students that struggle. **No action taken. Council** wants to have a larger discussion on this topic.

Dan Lozar, Natural Resources Department, requested approval to modify Contractor Agreement No. 16-190 with Sutron Corporation to increase the not-to-exceed amount by \$200,000 to procure streamflow gaging equipment. There will be a total of 87 real-time sites.

MOTION by Patty Stevens to modify Contractor Agreement No. 16-190 with Sutron Corporation to increase the not-to-exceed amount by \$200,000 to procure streamflow gaging equipment. Seconded by Leonard Gray. Carried, unanimous (9 present).

Dan Lozar, Natural Resources Department, requested approval to modify Contractor Agreement No. 16-048 Aquatics Informatics, Inc. to increase the not-to-exceed amount by \$20,000 to procure additional database services.

MOTION by Anita Matt to modify Contractor Agreement No. 16-048 Aquatics Informatics, Inc. to increase the not-to-exceed amount by \$20,000 to procure additional database services. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

Dan Lozar and **Casey Ryan**, Natural Resources Department, requested approval to modify Contractor Agreement No. 16-111 with S. Brite, Inc. to increase the not-to-exceed amount by \$164,000 and extend the contract expiration date to September 30, 2017 to continue development on the TIGER Grant. There is a community outreach meeting tomorrow at 11:00 a.m. in the tribal council chambers. The council was invited to attend.

MOTION by Troy Felsman to modify Contractor Agreement No. 16-111 with S. Brite, Inc. to increase the not-to-exceed amount by \$164,000 and extend the contract expiration date to September 30, 2017 to continue development on the TIGER Grant. Seconded by Patty Stevens. Carried, unanimous (9 present).

Dan Lozar and **Gabe Johnson**, Natural Resources Department, requested approval to renew a memorandum of agreement with the Tribal Forestry

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Department for an amount not to exceed \$150,000 that would expire December 31, 2017. The services include rental of equipment from Forestry, construction equipment operation services, and construction material hauling services. There are no changes from last year's agreement. The agreement has worked well and has proven to be beneficial to the program.

MOTION by Ron Trahan to approve a memorandum of agreement with the Tribal Forestry Department for an amount not to exceed \$150,000 that would expire December 31, 2017. Seconded by Anita Matt. Carried, unanimous (9 present).

Dan Lozar and **Gabe Johnson**, Natural Resources Department, requested approval to modify Contractor Agreement No. 16-128 with Morrison Maierle to increase the not-to-exceed amount by \$30,000 to provide NEPA services on the North Valley Creek Bridge.

MOTION by Troy Felsman to modify Contractor Agreement No. 16-128 with Morrison Maierle to increase the not-to-exceed amount by \$30,000 to provide NEPA services on the North Valley Creek Bridge. Seconded by Len TwoTeeth. Carried, unanimous (9 present).

Dan Lozar, Natural Resources Department, requested approval of a memorandum of understanding with the Montana Bureau of Mines and Geology in the amount of \$28,600 to provide assistance with maintenance of the Flathead seismic sites and interpretation of data and incorporation of data into the national database for fiscal year 2017.

MOTION by Anita Matt to approve a memorandum of understanding with the Montana Bureau of Mines and Geology in the amount of \$28,600 to provide assistance with maintenance of the Flathead seismic sites and interpretation of data and incorporation of data into the national database for fiscal year 2017. Seconded by Ron Trahan. Carried, unanimous (9 present).

Dan Lozar, Natural Resources Department, discussed the SOD/Roads Program Manager position and requested authorization to use a job placement company to assist with identifying a qualified candidate. The position requires a licensed professional engineer with a minimum of five years' experience. The vacancy has been advertised for 10 weeks and there have been no qualified applicants.

MOTION by Patty Stevens to authorize the use of a job placement company to assist with identifying a qualified candidate for the SOD/Roads Program Manager position. Seconded by Leonard Gray. Carried, 8 for; 1 opposed (Len TwoTeeth).

Dan Lozar, Natural Resources Department, requested approval to enter into non-competitive negotiations with Stantee Consulting Services, Inc. to provide a continuation of the ongoing engineering design services for the Crow Dam Rehabilitation Project.

MOTION by Anita Matt to enter into non-competitive negotiations with Stantee Consulting Services, Inc. to provide a continuation of the ongoing engineering design services for the Crow Dam Rehabilitation Project. Seconded by Carole Lankford. Carried, unanimous (9 present).

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

Stu Levit, Legal Department, informed council that the proposed meeting date with the Kootenai Tribe of Idaho is March 13, 2017, in Cranbrook, British Columbia. **Council** agreed to the meeting date. Stu will confirm the meeting date and email the tribal council a meeting agenda.

Gabe Johnson, Natural Resources Department, gave an update on Nenemay Road and requested direction on how to proceed. **Len TwoTeeth** commented that when we negotiated the transmission lines and access roads to those easements, they could bring substantial revenue to the Tribes for those easements. Once the roads got under tribal ownership we could move forward with granting Bonneville Power Administration a 20-year easement. Len wants to collect money for the maintenance of this road and place it on the Roads inventory list. The roadway accesses State lands. The Tribes could grant the State an exclusive easement, if need be. Gabe reported that Sanders County does not maintain the road but has not officially abandoned the road. The County gets funding based on road mileage so that may be an issue with them abandoning the road. Gabe can open the dialogue with Sanders County to see if they are open to abandoning the road. Once the abandonment process occurs it could be added to our inventory list.

Mark Couture, Tribal Lands Department, presented a request from Greg and Trenton Harding to negotiate Lease 1007 for \$600 per year and Lease 1524 for \$1,200 per year for a five-year term. Lease 1524 was on the spring bid but the lessee declined the bid after it was awarded to him. The second highest bidder refused to meet the high bid. There were no other bidders for the lease. Lease 1007 was turned back to the Lands Department in the final year due to many circumstances that the lessee could not control.

MOTION by Len TwoTeeth to accept the negotiated offer from Greg and Trenton Harding for Lease 1007 for \$600 per year for a term of five years. Seconded by Troy Felsman. Carried, unanimous (9 present).

MOTION by Patty Stevens to accept the negotiated offer from Greg and Trenton Harding for Lease 1524 at a rate of \$1,200 for a term of five years. Seconded by Leonard Gray. Carried, unanimous (9 present).

Tara Irvine, Tribal Lands Department, presented a request from the Boys and Girls Club for a revocable permit for T4127-A located in Ronan for an annual rental rate of \$1.00. Due to the highway construction project, an annual revocable permit has been issued for the past 4 years. An appraisal was done in 2009, so no new rental adjustment is needed at this time.

MOTION by Len TwoTeeth to issue a one-year revocable permit to the Boys and Girls Club for T4127-A at a rental rate of \$1.00. Seconded by Carole Lankford. Carried, unanimous (9 present).

Mark Couture and **A.J. Bigby**, Tribal Lands Department, requested approval to rescind Resolution No. 17-047 and approve a revised resolution for the Noxious Weed Funding Proposal. The Northwest Regional Office Range Specialist requested that the funding amount be omitted from the resolution that was submitted since the amount is stated on the grant proposal and so any available yearend funding can be awarded.

MOTION by Leonard Gray to rescind Resolution No. 17-047. Seconded by Patty Stevens. Carried, unanimous (9 present).

MOTION by Dennis Clairmont to approve by resolution submission of the funding proposal for invasive species program funds to the Bureau of Indian Affairs Northwest Regional Office. Seconded by Troy Felsman. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 17-071

RESOLUTION APPROVING SUBMISSION OF PROPOSAL DOCUMENTS TO THE BIA NORTHWEST REGIONAL OFFICE FOR FY 2017 INVASIVE SPECIES PROGRAM FUNDS

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

WHEREAS, the USDI, Bureau of Indian Affairs, Flathead Agency, approved an Integrated Noxious Weed Management Plan in 1993 and the Tribal Lands Department is responsible for implementing the plan and managing invasive species using integrated pest management practices and an interdisciplinary team planning approach; and

WHEREAS, invasive species are devastating native grasslands, wildlife habitat,

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cultural resources and other resource values on nearly 200,000 acres of trust lands on the Flathead Indian Reservation; and

WHEREAS, the Tribal Lands Department has successfully treated thousands of acres of noxious weeds since 1993 and established effective planning, management, monitoring, NEPA compliance, and record keeping functions, and

WHEREAS, the Tribes have met the BIA proposal requirements to be eligible for its FY 2017 Invasive Species Program funds; and

WHEREAS, the Tribal Lands Department is soliciting funding to cover a portion of the project costs for treating approximately 2,320 acres of invasive species in FY 2017, **NOW, THEREFORE**,

BE IT RESOLVED, that the Tribal Lands Department is authorized to submit the Invasive Species FY 2017 funding proposal documents with any required updates or revisions to carry out the purpose of the funding request, and to integrate and implement its most recent Invasive Species work plans.

BE IT FURTHER RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes support the submission of the Invasive Species FY 2017 proposal documents and authorizes the Tribal Chair and his designated representative to negotiate and sign all documents and execute this contract on behalf of the Tribes.

Dan Williams, Rush Skeletonweed Task Force, gave a PowerPoint presentation on the background and history of the weed problems on the Flathead Reservation. The task force will have a gathering here July 25 & 26. After that, Mr. Williams will return to council and provide an update.

Kevin Howlett and **Joe Durglo**, Tribal Health Department, requested approval of a revised organizational chart. The chart was reviewed at the health committee meeting.

MOTION by Troy Felsman to approve the revised organizational chart for the Tribal Health Department. Seconded by Ron Trahan. Carried, unanimous (9 present).

Patty Stevens requested an update on the positions that the three Indian Health Services employees were transitioned into. **Joe Durglo** explained how the functions were separated. Two employees are working in the Paid Health Care program and the third person went into a different job working with the medical providers and is not part of the PRC program.

Joe Durglo reported that the Tribal Health Department has brought in \$4.6

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million in third party revenue since October 1, 2016. The department had projected bringing in \$7.7 million for fiscal year 2017. The Speech Therapist position and Accreditation costs were not included in the budget, so THD may need to return to council at a later date to request appropriation of additional funding. The Veteran position is being advertised. There was a candidate, but that individual withdrew prior to interviews.

Clayton Matt, Tribal Services, gave an update on the issue brought forward by Art Caye last Thursday. Forestry is working on advertising for several units for permits. One of those units prior to the Regional Office coming here was one of the units they were working on with Art. That is now in one of the 5 units being advertised very soon. That is what they are working on with Mr. Caye. Art also wants a red and dead permit only, so Forestry is working on that and said they would get something for him this week. Forestry will get something to the Preservation staff this week and they are moving as quickly as they can. They are trying to send through a few permits (up to 3) without advertising. If it doesn't work, then they will have to advertise. The goal is to have that to the Superintendent this week. **Carole Lankford** does not want to deviate from policy. **Troy Felsman** is looking for a way to keep the small loggers working. Clayton explained that if a unit meets one of six criteria in the CFR then it can go through without advertisement.

Patty Stevens received an email announcing that President Trump signed an executive order to move forward with the Dakota Access Pipeline.

Troy Felsman informed council that a tribal member from Arlee has a FEMA trailer and was hospitalized due to formaldehyde exposure.

MOTION by Carole Lankford to adjourn the meeting. Seconded by Troy Felsman. Carried, unanimous (9 present).

Council **adjourned** at 2:58 p.m., and is scheduled to meet again on Tuesday, January 31, 2017, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary