

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

Volume 17 Number 28  
Council Chambers, Pablo, MT

Held: February 14, 2017  
Approved: February 21, 2017

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

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

The meeting was called to **order** at 9:08 a.m. Quorum established. **Chairman Finley** will join the meeting later this morning.

The meeting was opened with a **prayer** by Patty Stevens.

The **Tribal Council Meeting Minutes** for February 2, 2017 were presented for approval.

**MOTION** by Carole Lankford to approve the Tribal Council Meeting Minutes for February 2, 2017, with corrections. Seconded by Dennis Clairmont. Carried, unanimous (9 present).

**Shelly Fyant** requested that follow up items be scheduled soon: (1) feasibility on buffalo and have the Lands Department bring the study in; and (2) have Renee Pierre meet with tribal council regarding snowplowing issues. One issue was individuals were asking to be plowed out and weren't; and, second, what is the program's tracking system if the snowplower turns in an invoice for plowing but they didn't plow. **Council** directed Jami Hamel to follow up on the snowplowing issues.

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

**MOTION** by Patty Stevens to approve the agenda, with additions. Seconded by Troy Felsman. Carried, unanimous (9 present).

**Patty Stevens** asked about the murdered and missing indigenous women resolution she requested be prepared. Jennifer said Legal would bring it in

today.

**Leonard Michel** asked why there are so many rules to cut firewood for the Department of Human Resources Development program. He heard that the program is in need of 60 cords of wood. Tribal members do not have the requirements and they are trying to make money; the requirements (driver's license, insurance, W-4, and W-9) are restricting tribal members from working. Woodcutters also need to get paid in a timely manner. **Council** explained they have discussed this issue and are in the process of reviewing the requirements in place; they are aware that there are woodcutters in need of work. Leonard discussed equality issues. He is not allowed to cut wood closer than 250 feet from the roadway, but he read in the council minutes that the council allowed someone else to cut log lengths in excess of 8 feet. Also, the bison list gives unsuccessful hunters priority for bison meat instead of the people that are unable to go to Yellowstone and hunt and who need the meat the most. **Shelly Fyant** wanted to know how the program is funded and what the restrictions are. **Patty Stevens** pointed out that having a driver's license and insurance is required by law. The W-2 and W-9 forms are for reporting income and are also required by law. **Len TwoTeeth** said that the Forestry staff is working on getting the main roads plowed so the woodcutters can have access. **Vern Clairmont** gave an overview of the forestry enterprise. Wood be able to get stockpiled and delivered to people that need it. There is a stockpile of wood in Forestry right now that was offered to DHRD but was not accepted by the program. Vern also explained that if the Tribes hire an individual without all the requirements mandated by law that the Tribes would be held responsible and penalized, along with the individual that was hired.

**Chairman Finley** joined the meeting.

**Vern Clairmont** explained the process for payments. He does not know why it takes so long, because Accounting issues same-day payments. As soon as the staff receives the request they issue the check the same day. Woodcutters get their check the same day the invoice is turned in, so Vern does not understand where the delay is occurring.

**Patty Stevens** out of the room due to a conflict of interest.

**Jason Adams**, Salish Kootenai Housing Authority, requested approval of a resolution to nominate Patty Stevens to serve as a member of the HUD Tribal Intergovernmental Advisory Committee.

**MOTION** by Carole Lankford to approve by resolution the nomination of Patty Stevens to serve as a member of the HUD Tribal Intergovernmental Advisory Committee. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 1 not voting (Patty Stevens out of the room).

**RESOLUTION 17-074**

**RESOLUTION TO NOMINATE PATTY STEVENS TO SERVE AS A MEMBER OF THE HUD TRIBAL INTERGOVERNMENTAL ADVISORY COMMITTEE**

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

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes is the duly recognized governing body of the Flathead Nation with the responsibility to insure safe, decent and affordable housing for the tribal members within the exterior boundaries of the Flathead Nation; and

**WHEREAS**, Presidential Executive Order 13175 established regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian Tribes and to reduce the imposition of unfunded mandates upon Indian Tribes; and

**WHEREAS**, HUD's Tribal Government-to-Government Consultation Policy recognizes the right of Indian Tribes to self-governance, and supports tribal sovereignty and self-determination; and

**WHEREAS**, on December 21, 2016 HUD published a document in the Federal Register announcing its intent for the establishment of Tribal Intergovernmental Advisory Committee and requesting nominations for Tribal Intergovernmental Membership; and

**WHEREAS**, Tribal Governments, The National American Indian Housing Association, The United Native American Housing Association and Tribal Housing Authorities have been asking HUD for many years to establish an advisory committee to the HUD Secretary;

**THEREFORE, BE IT RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes nominate Patty Stevens, Tribal Council member, Mrs. Stevens meets the criteria established by HUD in the Federal Register to represent the interests of the Confederated Salish and Kootenai Tribes and other like sized tribes from the northern plains region on the Tribal Intergovernmental Advisory Committee;

**BE IT FURTHER RESOLVED** that Patty Stevens is authorized to act on behalf of the Confederated Salish and Kootenai Tribes if selected to be a member of the Tribal Intergovernmental Advisory Committee for HUD.

**Patty Stevens** returned to the meeting.

**Gabe Johnson**, Natural Resources Department, requested approval to apply for Transportation Alternative Grant funds from the Montana Department of Transportation for the construction of a pedestrian path from Ronan Middle School to Westland Seed. **Len TwoTeeth** wanted to know the status of the pathway between Big Arm and Elmo. **Dan Lozar** reported it is in the planning process. The transportation planning committee developed a matrix to justify its ranking and it ranked high in Elmo. But with the ranking criteria Ronan ranked higher than it did for this funding, due to the proximity of the school and community centers. Approximately 20-30 students walk that roadway each day.

**MOTION** by Troy Felsman to authorize the program to apply for Transportation Alternative Grant funds from the Montana Department of Transportation for the construction of a pedestrian path from Ronan Middle School to Westland Seed. Seconded by Carole Lankford. Carried, unanimous (10 present).

**Ron Trahan** asked about some work that is going on at Ninepipe. **Dan Lozar** explained there was some additional geotech drilling being done, but he will need to do some research and report back.

**Gabe Johnson**, Natural Resources Department, discussed the city of Polson's Transportation Alternative grant application for a boardwalk/path along the edge of Flathead Lake between Meadowlark Lane and the KwaTaqNuk Resort. The path would be about one-half mile long. The city will want a letter of support from the Tribes. The staff has a meeting with the City to discuss the plan. The City is still working on the costs and will not apply until they know the costs. It is competitive funding, so the Tribes need to keep in mind that we would possibly be competing for these funds. **Carole Lankford** wants input from the Polson community and maybe a survey of what the membership in Polson wants to see happen.

**Gabe Johnson**, Natural Resources Department, requested approval of a resolution to authorize and support the construction of the West Elmo Homesites Roads Improvement Project CSKT 17-01.

**MOTION** by Len TwoTeeth to approve by resolution the authorization and support of the construction of the West Elmo Homesites Roads Improvement Project CSKT 17-01. Seconded by Troy Felsman. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 17-075**

**RESOLUTION AUTHORIZING AND SUPPORTING CONSTRUCTION OF THE WEST ELMO HOMESITES ROAD IMPROVEMENTS PROJECT CSKT 17-01**

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes is the duly recognized governing body of the Flathead Reservation with the responsibility to assure that Tribal transportation needs are met; and

**WHEREAS**, the Tribal Council recognizes the need for an integrated transportation system to link Flathead Reservation residents with cultural, economic, health, educational, and recreational resources; and

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes receive Tribal Transportation Program (TPP) funds under the authority of the Fixing Americas Surface Transportation Act (FAST) and other transportation related funds. The Tribal Transportation Program uses these funds for transportation projects on the National Tribal Transportation Facility Inventory System on the Flathead Indian Reservation; and

**WHEREAS**, the Tribal Council of the Confederated Salish and Kootenai Tribes receive Transportation Facility Maintenance Funds under the authority of 25 CFR Part 170. Under 25 CFR Part 170.460(b), a Tribal resolution of or other authorized document supporting the project must be provided prior to construction.

**NOW THEREFORE, BE IT RESOLVED** that the Tribal Council authorizes and supports the construction of the West Elmo Homesites Road Improvements Project CSKT 17-01.

**Len TwoTeeth** asked the Roads Program to continue discussions with Sanders County about Nenemay Road.

**Dan Lozar**, Natural Resources Department, requested approval of a modification to contractor agreement 16-128 with Morrison-Maierle to increase the not-to-exceed amount by \$35,000 to provide NEPA consulting services for the Crow Dam Rehabilitation project.

**MOTION** by Troy Felsman to approve a modification to contractor agreement 16-128 with Morrison-Maierle to increase the not-to-exceed amount by \$35,000 to provide NEPA consulting services for the Crow Dam Rehabilitation project. Seconded by Anita Matt. Carried, unanimous (10 present).

**Dan Lozar**, Natural Resources Department, requested approval of a modification to contractor agreement 17-032 with Condon-Johnson & Associates in the amount of \$128,039.78 for change orders 1 & 2 for the Tabor

Dam Outlet Works Upstream Tunnel Grouting Project.

**MOTION** by Carole Lankford to approve the modification to contractor agreement 17-032 with Condon-Johnson & Associates in the amount of \$128,039.78 for change orders 1 & 2 for the Tabor Dam Outlet Works Upstream Tunnel Grouting Project. Seconded by Shelly Fyant. Carried, unanimous (10 present).

**Dale Becker**, Natural Resources Department, requested a modification to the contract with Homestead Helicopters, Inc. to provide aerial survey services.

**MOTION** by Dennis Clairmont to approve a modification to the contract with Homestead Helicopters, Inc. to provide aerial survey services. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

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

**Francis Stanger** does not like our way of life and forest being destroyed. He shared some forestry stories. He also discussed veterans services. Francis explained that he does not have an issue with the Transportation program; it's the program that has an issue with him.

**Kevin Howlett**, **Joe Durglo** and **Dr. Garry Pitts**, Tribal Health Department, discussed the outstanding invoice to Kathy Phipps in the amount of \$4,000 for services provided to the Dental staff in October. The invoice cannot be processed for payment because no contract was in place. Council action is required to pay the invoice. **Chairman Finley** wants contracts in place at least 30 days in advance of services. He also had a concern about the anesthesiologist providing services without an agreement in place. He wanted to make sure these issues do not continue to happen. Kevin assured council that the staff would regroup and these issues would not happen again in the future. Kevin will hold the staff accountable. **Troy Felsman** expressed concerns about an anesthesiologist being a specialty service and no contract was in place. The anesthesiologist's sole task is to put people under sedation and it is important to have insurance in place for that. **Dr. Pitts** reported that the anesthesiologist will no longer be providing that service and Tribal Health will receive the service from the hospital. **Council** requested to meet with Kevin Howlett in **executive session**.

Council reconvened into **regular session**.

**MOTION** by Troy Felsman to waive policy and pay for the services that were rendered by Kathy Phipps, DrPH, in the amount of \$4,000. Seconded by Dennis Clairmont. Carried, 7 for; 3 opposed (Ron Trahan, Vernon Finley and Len TwoTeeth).

**Kevin Howlett, Joe Durglo** and **Cory McDonald**, Tribal Health Department, requested approval of a lab consultant agreement with Providence.

**MOTION** by Troy Felsman to approve a lab consultant agreement with Providence. Seconded by Anita Matt. Carried, unanimous (10 present).

**Brian Upton**, Legal Department, presented for approval a resolution designating February 14, 2017 as the Missing and Murdered Indigenous Women Awareness Day.

**MOTION** by Anita Matt to approve by resolution the designation of February 14, 2017 as the Missing and Murdered Indigenous Women Awareness Day. Seconded by Shelly Fyant. Carried, 10 for; 0 opposed; 0 not voting.

## **RESOLUTION 17-076**

### **A RESOLUTION**

#### **BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES (“TRIBES”)**

**WHEREAS**, there are no complete statistics regarding Indigenous women who are murdered and missing in the United States, and

**WHEREAS**, the frequency of, and lack of comprehensive information about, murder and abduction of Indigenous women is a serious problem warranting everyone’s attention, and

**WHEREAS**, in the United States, Native American women are murdered at a rate 10 (ten) times higher than the national average, and

**WHEREAS**, almost half of all Native American women in this country have been raped, beaten, or stalked by an intimate partner, and

**WHEREAS**, statistics indicate that one in three Native American women will be raped in her lifetime, and that Native American women are at least 2.5 times more likely than the average American woman to experience sexual assault, and

**WHEREAS**, the Tribes are concerned about increases in human trafficking in Montana, including in those parts affected by increased oil activity in the Bakken region, and

**WHEREAS**, there have long been efforts in Canada to raise awareness about these issues concerning Indigenous women, and February 14<sup>th</sup> has been established as Missing and Murdered Indigenous Women Awareness Day, and

**WHEREAS**, the first march to bring attention to Missing and Murdered Indigenous Women took place on February 14, 1991 in Vancouver, Canada, and has taken place annually on Valentine's Day since that date. That march was in response to the murder of a Coastal Salish woman, and

**WHEREAS**, John Engen, Mayor of Missoula, Montana, issued a proclamation last year establishing Sunday, February 14, 2016 as "Murdered and Missing Indigenous Women Awareness Day", and

**WHEREAS**, the Tribes desire to bring further attention to this issue,

**NOW, THEREFORE, BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes, that Tuesday, February 14, 2017 is hereby designated as "Missing and Murdered Indigenous Women Awareness Day".

**Rhonda Swaney** and **Ryan Rusche**, Legal Department; and **Mike Cotter**, United States Attorney; requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

**MOTION** by Troy Felsman to pursue introduction and passage of LC 2419, a bill for an Act entitled: "An Act Revising the Laws Related to Criminal Jurisdiction on the Flathead Indian Reservation, amending Section 2-1-306". Seconded by Leonard Gray. Carried, 9 for; 1 abstention (Carole Lankford).

*Troy Felsman, for the record, "This motion involving Public Law 280 retrocession is the first step in a long process and hopefully will lead to a good conclusion."*

**MOTION** by Len TwoTeeth to approve the letter addressed to Senator Chas Vincent, Chairman of the Senate Natural Resources Committee, opposing SB 204. Seconded by Anita Matt. Carried, unanimous (10 present).

**MOTION** by Anita Matt to approve the letter addressed to the Trump-Pence Transition Team to recommend State Senator Patrick Connell as the Department of Interior Assistant Secretary of Land and Minerals. Seconded by Patty Stevens. Carried, unanimous (10 present).



\*\*\*\*\* **Lunch** \*\*\*\*\*

Council **recessed** the regular meeting at 12:45 p.m. to conduct an Energy Keepers, Inc. shareholder representative meeting.

Council **reconvened** into the regular meeting at 2:00 p.m.

**Troy Felsman** commented that Stan Speaks has advocated for many years to have Mission Valley Power turned over to the Tribes, and the opportunity is now for us to pursue this. Troy recommended entering into a relationship with Teresa Wall-McDonald to try to get this completed. **Carole Lankford** wants Teresa to get with the Legal Department and develop an issue paper on the pros and cons before we enter into a contract with her. **Council** will follow up.

**Shelly Fyant** wanted to know what projects the policy analyst is working on.

**Chairman Finley** announced that the tribal council was invited to attend the Ronald Reagan Dinner Ball in Washington, DC next week and the tribal leaders discussion.

**Chairman Finley** gave a report on the meeting with Parliament and the International Gaming Expo he attended in London.

**MOTION** by Carole Lankford to adjourn the meeting. Seconded by Ron Trahan. Carried, unanimous (9 present – Patty Stevens out of the room).

Council **adjourned** at 2:25 p.m., and is scheduled to meet again on Thursday, February 16, 2017, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

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Troy Felsman  
Tribal Secretary