

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

Volume 17 Number 29
Council Chambers, Pablo, MT

Held: February 16, 2017
Approved: February 28, 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 9:06 a.m. Quorum established.

The meeting was opened with a **prayer** by Chairman Finley.

The **Tribal Council Meeting Minutes** for February 9, 2017 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for February 9, 2017, with corrections. Seconded by Dennis Clairmont. Carried, 9 for; 1 abstention (Shelly Fyant).

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

MOTION by Patty Stevens to approve the agenda, with additions. Seconded by Leonard Gray. Carried, unanimous (10 present).

Dennis Clairmont told the joke of the day.

Rose Beauvais discussed the ongoing water and sewer issues at her home in Ronan. She received a call and told that she needed to come up here because she had an outstanding rent bill of \$300 for staying in the cabin. She told the department head that she signed a waiver so she would not have to pay that. The department head hung up on her. Rose is waiting for the Rainbow Restoration from Kalispell to clean the basement. **Carolee Wenderoth**, Tribal Lands Department, informed council that the residence that Rose is temporarily residing in while her house is being repaired is an individual allotment and the person allowed her to rent it for \$300. The owner of the

home needs to get compensated. Rose indicated she has no money to pay it. Carolee suggested that Lands could pay the money that is due to the homeowner if Rose would enter into a payback agreement. The Lands Department does not have a budget to pay for homeowners' repairs. DHRD has paid \$2,100. There is still a cleaning bill and hotel bill for three weeks that the Tribes are paying, as well. **George Ducharme**, Lands Department, joined the discussion and explained that Rose entered into a lease agreement with the homeowner. George did have Rose sign a waiver because he thought the rent would be covered by the department, but it wasn't. **Council** suggested that Rose look for other housing options if she cannot keep up with the maintenance costs of her home, but Rose wants to remain in her home.

Edwin Berry presented a copy of the book that he wrote titled *Montana's Last Indian Water Compact*. He was involved with the politics and people, and felt that the story must be told. It's a very significant event, not only in the Tribes' history, but in Montana. Mr. Berry began in November 2014, and it's a complex issue. It is a nonpartisan issue and should have passed the state legislature unanimously. The book summarizes the legal aspects, the arguments on each side of the issue, and then analyzed the 21 arguments against it that failed logic and fact. He hopes this book will help Congress fully approve it. The book is available for purchase on Amazon and free of charge through Kindle for a limited period of time.

Arlene Templer and **Renee Pierre**, Department of Human Resources Development, discussed snowplowing. The program does not have a tracking system in place. People turn in an application for services; they are added to the list; that list goes to the snowplowers; the snowplowers plow; and then send a bill to DHRD. If clients do not get plowed then DHRD finds out if that client is on the list, or if the snowplower had the list with that client added. The program does not know of a better way to track this. Some plowers have 60 clients on their list. There are seven snowplowing districts on the reservation and the program doesn't know when each district has four inches of snow. The program provides snowplowing services for over 100 clients. When they get a complaint, they track it. They have trust in their vendors until they hear something different. **Shelly Fyant** has received complaints that people are not getting plowed; or people applied later in the season and are now on the list but they have never been plowed out. DHRD informed council that the Housing Authority leaves people bermed in, and then the people can't get out and want DHRD to come and plow them out. The program is also getting requests to remove the slush. **Patty Stevens** received complaints that plowers aren't plowing good enough and down to the ground. **Vernon Finley** received complaints that plowers did not show up right after the snowfall when they needed to get out; they didn't show up until a few days later. The people had to hire someone else to plow them out, but then when the plower saw they were plowed out already the snowplower billed for those services although they did

Tribal Council Meeting Minutes
February 16, 2017

not do the plowing. Arlene explained that due to the high volume of clients it is not possible to have everyone plowed out by 8:00 in the morning the day of the snowfall. One plower has 93 clients; another plower has 66 clients; Elmo has 25 clients; and Pablo has 18 clients. Workers comp and insurance requirements are an issue for people to contract as snowplowers.

Art Caye wanted to know about wood fills for the elders. **Arlene Templer**, Department of Human Resources Development, needs a total of 65 cords; 13 are needed for the elders. **Renee Pierre** reported that as of this week they still have some cutters with some orders and any outstanding LIHEAP orders have been caught up on. So there are 10-13 outstanding cords needed for the elders. They have woodcutters cutting wood and getting caught up for the past couple of weeks. **Troy Felsman** asked why the program did not accept the wood from Forestry that was offered. Arlene explained that it was too expensive to get it from Forestry, because the program would need to pay to get the wood picked up, cut it, and then transport it. DHRD knows there is wood available at Forestry if they need it, but it is more cost effective to do it like they are right now; it is too expensive to get it from Forestry. Arlene found out about a YUM clause and wants to take advantage of it; she will visit with Clayton about that. There are about 100 cords of wood in the Dog Lake area so she wants to look in to that. Every sale they sign off on has a YUM clause in it, so she wants that looked into. Council requested a report from Clayton about the nonmember permit. **Clayton Matt**, Tribal Services, informed council that the nonmember is not cutting wood on tribal land; it is private land. He does not have a permit and does not need one since it is not tribal land. That individual responded to a post on Facebook that Arlene posted saying that the program needed wood. He signed up for the program and cut 30 cords in two weeks. **Carolee Wenderoth**, Tribal Lands Department, showed council a picture of where that wood is being cut; it is located on 20 acres in the Finley Point area. That area is now pretty heavily timbered. It's right beside a tribally owned trust parcel. **Francis Cahoon** spoke to Dan. He asked if the wood orders were full for the elders and Dan told him they were filled. Francis is bothered that the program buys the wood from a nonmember when there are tribal member loggers out of work and are willing to provide the wood. Carolee commented that access at Dog Lake is going to be an issue. She has an update on the roads that have been cleared. Art wanted to know if program will buy a logging truck of wood from him. Arlene explained that the problem with that is the program would have to find somewhere to put it, pay someone to cut it, and then pay someone to transport it to the elders. They did buy from a nonmember from Missoula a month ago when they needed over 60 cords of wood. That person worked with a tribal member woodcutter to load it, split it, haul it, and stack it at a reduced rate than we normally pay. Clayton spoke to the DES Coordinator about disaster emergency funds. There is money they have available for emergency snowplowing when an emergency is declared, and sand bags when flooding occurs. If council uses it for wood, they just have to keep in mind they would

be taking funds away from emergency purposes. Art and Francis were willing to plow roads, but Clayton was working with Jim Durglo to have Forestry plow the roads. **Jim Durglo**, Forestry, gave an explanation of what the YUM clause is in the contracts. Those clauses are contract specific and some of them have pulp product, some are optional, and some are required to deliver that unmerchantable product.

Arlene Templer, Corky Sias and **Leroy Black, Jr.**, Department of Human Resources Development, requested to meet with council in **executive session** to discuss transit issues.

Council reconvened into **regular session**.

Carole Lankford out of the room.

Laurence Kenmille, Lloyd Jackson, and **Buck Richardson**, Veterans Administration; and **Cathy Bergar**, Montana State VA Director; provided information on the VA clinic and services. They discussed the estimate of \$3,000 to move the dedicated line to the new location for the Tribal Vets Resource Center. Buck wants a list of traditional people that can be contacted to assist veterans in need. Buck also requested a tribal flag to be hung on the VA wall. It was the **consensus** of council to provide a tribal flag for the VA. **Troy Felsman** wants to speak to our IT Director about the cost of the dedicated line; the cost seems pretty high.

Carolee Wenderoth, Tribal Lands Department, clarified that George Ducharme would not be personally responsible for Rose Beauvais's rent bill. The Lands Department will pay it. This is not consistent with what we do in these instances. The normal practice is to offer this assistance with a payback agreement. Carolee does not want it to appear that the department is picking and choosing who they provide services to.

Carolee Wenderoth, Tribal Lands Department, requested approval of a resolution authorizing the purchase of 1.31 acres of fee property from the Olssen Family, View of Narrow, LLC.

MOTION by Dennis Clairmont to approve by resolution the purchase of 1.31 acres of fee property from the Olsson Family, View of Narrow, LLC. Seconded by Patty Stevens. Carried, 6 for; 2 opposed (Ron Trahan and Len TwoTeeth); 1 abstention (Anita Matt); 1 not voting (Carole out).

RESOLUTION 17-077

RESOLUTION AUTHORIZING THE PURCHASE OF FEE LAND LOCATED IN LAKE COUNTY, MONTANA

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

WHEREAS, the Tribal Land Acquisition Program was approved by the Act of June 18, 1934 (48 Stat. 984); and the Act of July 18, 1968 (PL90-402);

WHEREAS, View of Narrow, L.L.C. has offered to sell their all right, title and interest located in a portion of Government Lot 2, Section 3, Township 22 North, Range 20 West, P.M.M., Lake County, Montana, more particularly described in Metes and Bounds, (Lot 1) on COS 6827, containing 1.31 acres, more or less.

WHEREAS, View of Narrow, L.L.C., and the Confederated Salish and Kootenai Tribes have accepted the negotiated value; and

NOW THEREFORE, BE IT RESOLVED, that the above-described property be purchased from View of Narrow, L.L.C. and that the Bureau of Indian Affairs, pursuant to the Act of June 18, 1934 (48 Stat. 984), transfer title to the property to the U.S.A. in trust for the Confederated Salish and Kootenai Tribes.

BE IT FURTHER RESOLVED, that the Chairman of the Tribal Council, or his delegated representative is authorized to execute the transactional documents necessary to complete the land conveyance for Real Property situated in Lake County, Montana.

Carolee Wenderoth, Tribal Lands Department, requested approval of a resolution to purchase 160 acres from Orville Bjorge.

MOTION by Troy Felsman to approve by resolution the purchase of 160 acres from Orville Bjorge. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 1 not voting (Carole Lankford out of the room).

RESOLUTION 17-078

RESOLUTION AUTHORIZING THE PURCHASE OF FEE LAND LOCATED IN SANDERS COUNTY, MONTANA

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

WHEREAS, the Tribal Land Acquisition Program was approved by the Act of June 18, 1934 (48 Stat. 984); and the Act of July 18, 1968 (PL90-402);

WHEREAS, Orville Bjorge has offered to sell his all right, title and interest in

Tribal Council Meeting Minutes
February 16, 2017

the following properties:

Parcel One: N½NW¼, of Section 28, Township 24 North, Range 24 West, P.M.M., Sanders County, Montana, containing 80.00 acres, more or less.

Parcel Two: NW¼NE¼, Section 29, Township 24 North, Range 24 West, P.M.M., Sanders County, Montana, containing 40.00 acres, more or less, AND

Parcel Three: NE¼NE¼, Section 29, Township 24 North, Range 24 West, P.M.M., Sanders County, Montana, containing 40.00 acres, more or less.

Totaling 160.00 acres, more or less.

WHEREAS, Orville Bjorge and the Confederated Salish and Kootenai Tribes have accepted the negotiated value; and

NOW THEREFORE, BE IT RESOLVED, that the above-described property be purchased from Orville Bjorge and that the Bureau of Indian Affairs, pursuant to the Act of June 18, 1934 (48 Stat. 984), transfer title to the property to the U.S.A. in trust for the Confederated Salish and Kootenai Tribes.

BE IT FURTHER RESOLVED, that the Chairman of the Tribal Council, or his delegated representative is authorized to execute the transactional documents necessary to complete the land conveyance for Real Property situated in Sanders County, Montana.

Jesse Vargas and **Mark Shrives**, City of Polson Skate Park Committee, requested a letter of support for a \$100,000 grant to the Shakopee Tribe to be used as matched funds to expand the skate park. The park would be upgraded to allow skaters of all ages and skill levels to participate at their own pace. **Patty Stevens** would not support the request due to the Tribes' relationship with the Lake County Commissioners. **Len TwoTeeth** wanted a legal opinion on the liability issues if someone gets hurt at the park and the Tribes provide a letter of support, what our liability would be for that.

MOTION by Shelly Fyant to approve the letter of support for the City of Polson's grant application to the Shakopee Tribe for expansion of the skate park. Seconded by Leonard Gray. Carried, 5 for; 2 opposed (Troy Felsman and Vernon Finley); 2 abstentions (Len TwoTeeth and Patty Stevens).

Troy Felsman, for the record, "I am in support of health and wellness. It's not personal. I've been to Shakopee, and there's a lot of competition for grants and other projects that I'm focused on. I wish you the best in terms of advancement of this project. There's some other directives we are looking forward to and don't want to get in a competitive situation for those

funds.”

Ron Trahan, for the record, “We shouldn’t hold those high school students responsible for an issue between the County Commissioners and the Tribes; the students have nothing to do with that.”

Council **recessed** the regular meeting at 11:30 a.m. to conduct an S&K Gaming LLC shareholder meeting.

Council **reconvened** into the regular meeting at 11:52 a.m.

Rhonda Swaney, Legal Department, informed council that Ryan and Shane are working on the Indian Controlled Schools bill and both versions were sent to council. The school board has proposed amendments and so does Legal. It changes the definition of tribally controlled school so TERS and Northern Cheyenne Schools would qualify under that bill. **Council** will review the proposed changes after lunch.

Chairman Finley discussed donations from the tribal enterprises and asked council to review the memo he drafted.

Anita Matt received a phone call from RT Hendrickson requesting a donation of 9 buckles at a cost of \$225 per buckle for the Arlee Rodeo. **No action taken.** Council advised that Mr. Hendrickson needs to fill out an application and follow the Donation Policy.

Len TwoTeeth requested that the Housing Authority provide an update on the Dixon water project. Jennifer will call them in this afternoon.

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

Carole Lankford returned to the meeting.

Patty Stevens left the meeting for the remainder of the day.

Chairman Finley out of the room.

David Whitesell, Arlee School District, presented the school’s annual report. In grades K-6 there are a total of 252 students and 196 of those are Native American; Grades 7-8th have a total of 58 students, and 49 of those are Native American; and Grades 9-12 has a total of 145 students, and 97 of those are Native American. The Staff consists of: Classified – total of 36; 10 of those are Native American; Certified – a total of 51; 15 of those are Native American; and Coaches – a total of 25; 14 of those are Native American. The discipline referral statistics were: 17 out of 25 discipline referrals for Elementary students were

Tribal Council Meeting Minutes
February 16, 2017

from the Native population (78%); 135 out of 165 for the Junior High students were from the Native population (84%); and 306 out of 431 for the High School were from the Native population (67%). For Grades K-6, 22 out of 29 (76%) students receiving counseling services are from the Native population; and in grades 7-12, 7 out of 13 (54%) students receiving counseling services are Native population. 12 out of 15 of those students in grades K-6 were diagnosed with reactive attachment disorder. 15 out of 22 (68%) of those students live in a household with parental incarceration. In grades 7-12, 7 out of 7 of them (100%) have trauma; and 6 out of 7 (86%) were diagnosed with general anxiety disorder. The professional development that staff participated in was: STEP Agreement; Paper Tigers; Resiliency; Childwise Institute; MANDT; Check and Connect; Daily 5; MBI; IEFA; SilverBack Milepost; Differentiated Teacher/Learning; Project Launch; Pre-School/Head Start; CDC-Youth Leadership; Friends Forever Mentoring. **Shelly Fyant** recommended to Bill Swaney that the Trauma Informed Education be part of PIR Day.

Rex Weltz, Rhonda Crowl, Nicole Camel, Amy Williams, Polson School District; **Athena Bigby-Martinez, Maggie Todd, Izaya, Talia Hernandez, Tama, Berkley, Jasmine Dalbey, Johnny Perez, Boston Goode,** and **Sophie Modiere,** Polson School Students; presented the school's annual report. Cherry Valley has 234 students, and 34 of those are Native American. Linderman has 411 students, and 59 of those are Native American. Polson Middle School has a total of 523 students, and 61 of those are Native American. The Polson High School has 465 students, and 51 of those are Native American. Attendance rate for Native American students is: Cherry Valley – 90%; Linderman - 91%; Polson Middle School – 93%; and Polson High School – 88%. Regina Madplume was hired as the Cultural Specialist. Nonmembers were hired to fill the Sixth Grade Teacher, Cherry Valley Principal, High School Music/Choir Teacher, and District Superintendent; there were no tribal member applicants for those positions. The school honors and supports the Jump Dance with the district calendar; provides facilities for Indian Education PIR Day each year; have a dedicated graduation coach at HS; and has a full time employee to work with students with chronic absenteeism. Mr. Weltz would like to offer programs or open the gym to let students play basketball when school is not in session. Council expressed their appreciation for acknowledging our traditional ways. The school had drums at the graduation last year, for the first time. Polson is the 14th largest district in the state. They have respect rallies for Special Education students. The Polson School District was one out of 433 schools throughout the nation that was recognized for Honor Roll Advance Placement. Mr. Weltz discussed the Empower Montana PIR Training Summary. It increased resiliency in youth and build a positive school culture; create engagement; empower youth and educator as leaders in building safer and more inclusive learning environments; and build tools for effective leadership, collaboration and advocacy in school and community. The Staff went on a field trip to the People's Center. An overview of the Native Heritage Month Activities

Tribal Council Meeting Minutes
February 16, 2017

included: Tipi construction; chief cliff drum group; Paul Phillips traditional games in PE; Frank Finley native artifacts in art class; and horse hair ceramics. **Jonah Burke**, Senior, gave an overview of the benefits of the LINK Program. **Amy Williams** discussed how the school supports the Indian Education For All program. The school has PNN daily broadcasts. She gave an overview of Heritage Day and Heritage Month. Activities include holding a mock tribal council meeting, researching Montana tribal governments, learning and playing traditional games, and learning from local cultural experts.

Chairman Finley returned to the meeting.

Ms. Camel and **Middle School Students** gave a presentation on the Leadership Program. They organized a food drive and collected one ton of food for the local food bank.

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

Rhonda Swaney and **Ryan Rusche**, Legal Department, discussed three proposed amendments to be added to HB 375, the TERS Funding Bill that the School Board Association is asking the Tribes to consider. Council authorized Ryan to get those amendments to the School Board. Senator Daines will be addressing the legislature next Tuesday and it was recommended that the council attend that session if possible. Greg Hertz will be introducing the PL 280 bill that day, as well.

Brian Upton, Legal Department; and Tom McDonald, Natural Resources Development; informed council that tomorrow is the deadline for scoping comments on the EIS for the National Bison Range; he requested approval of the letter by the chairman.

MOTION by Ron Trahan to approve the scoping comments. Seconded by Anita Matt. Carried, 6 for; 2 abstentions (Dennis Clairmont and Shelly Fyant); 1 not voting (Len TwoTeeth out of the room).

MOTION by Leonard Gray to approve the letter. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Shelly Fyant); 1 not voting (Len TwoTeeth out of the room).

Bill Swaney and **Miranda Burland**, Tribal Education Department, discussed the Scholarship Handbook. The Tribal Education Committee had discussed the amount of scholarship awards provided to students and passed a motion to recommend to the Tribal Education Department to implement tier funding for undergraduate students and provide funding to graduate students. Money will be needed to fund the students this fall before the allocation is received on October 1. **No action taken.**

Renee Joachim, Melanie Piedalue, Shelley Grenier, and Corey Clairmont, Personnel Department, requested approval of Amendment 19 to Ordinance 69C.

MOTION by Ron Trahan to approve Amendment 19 to Ordinance 69C. Seconded by Troy Felsman. Carried, 9 for; 0 opposed; 0 not voting.

ORDINANCE 69C, AMENDMENT 19

(Due to the length of the Amendment it does not appear in the minutes. A copy may be obtained from the Office of Records Management.)

Ron Trahan discussed funding for the Mission Valley Honor Guard. In May 2014 it was discussed that a \$500 donation was supposed to be included in the budget process, but that was not done. They do receive a \$500 donation through the LIHEAP funding. Council **consensus** to have Vern include it in the budget.

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

Council **adjourned** at 5:42 p.m., and is scheduled to meet again on Tuesday, February 21, 2017, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary