

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

Volume 17 Number 30
Council Chambers, Pablo, MT

Held: February 21, 2017
Approved: March 2, 2017

MEMBERS PRESENT: Vernon Finley, Chairman; Leonard TwoTeeth, Vice-Chairman; Troy Felsman, Secretary; Anita Matt, Treasurer; Leonard Gray; Dennis Clairmont; and Shelly Fyant.

MEMBERS ABSENT: Patty Stevens (UNITY – Tempe, Arizona); Carole Lankford (Helena, Montana); and Ronald Trahan (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 9:24 a.m. Quorum established.

The meeting was opened with a **prayer** by Sam Buffalo.

The **Tribal Council Meeting Minutes** for February 14, 2017 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for February 14, 2017, with corrections. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

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

MOTION by Leonard Gray to approve the agenda, with additions. Seconded by Anita Matt. Carried, unanimous (7 present).

Les Buck discussed a bill he received for propane; he went over his limit allowed for LIHEAP. The fuel supplier charges a fee of \$190 for a special delivery so he wants this investigated since he thinks it is racketeering. Since the Tribe is one of their main customers they should not price gouge. Council was elected to serve the membership and they need to step up to the plate and defend the people. Les does not know why the Tribes do not have our own outfit to do this business. He could have gotten fuel for \$190 instead of paying a service fee. He wants the lawyers to look into the supplier doubling the price. **Council** referred the issue to Clayton Matt.

Ruth Swaney, Financial Management, requested approval of modification 2 to the fiscal year 2017 General Fund Budget.

MOTION by Troy Felsman to approve by resolution modification 2 to the fiscal year 2017 General Fund Budget. Seconded by Leonard Gray. Carried, 6 for; 0 opposed; 1 abstention (Anita Matt).

RESOLUTION 17-079

RESOLUTION APPROVING MODIFICATION 2 TO THE FISCAL YEAR 2017 TRIBAL GENERAL FUND BUDGET

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

WHEREAS, there is a need to increase the budget for Administration Non-Indirect Cost expense and funds are available in Enterprise Dividends to appropriate for this purpose; and

WHEREAS, the budget will be allocated as follows:

Account	Program Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
02-506-6110	Admin Non-IDC	700,000	150,000	850,000
Total Increase/(Decrease)			150,000	

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2017 General Fund Budget as reflected above; and

BE IT FURTHER RESOLVED that the total FY 2017 General Fund Budget is increased from \$23,737,173 to \$23,887,173; and

BE IT FURTHER RESOLVED that the ending surplus/(deficit) of the FY 2017 General Fund remains \$8,561.

Ruth Swaney, Financial Management, requested approval of modification 3 to the fiscal year 2017 Investment Fund Budget.

MOTION by Dennis Clairmont to approve by resolution modification 3 to the fiscal year 2017 Investment Fund Budget. Seconded by Troy Felsman. Carried, 6 for; 0 opposed; 1 abstention (Anita Matt).

RESOLUTION 17-080

RESOLUTION APPROVING MODIFICATION 3 TO THE FISCAL YEAR 2017 INVESTMENT FUND BUDGET

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

WHEREAS, the budget for Land Acquisition needs to be increased and funds are available in Enterprise Dividends to appropriate for this purpose; and

WHEREAS, the budget will be allocated as follows:

Account	Description	Current Budget	Increase/ (Decrease)	Revised Budget
16-511-6410	Land Acquisition	7,395,855.93	600,000	7,995,855.93
TOTAL INCREASE/(DECREASE)			600,000	

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2017 Investment Fund Budget as reflected above; and

BE IT FURTHER RESOLVED that the total FY 2017 Investment Fund Budget is increased from \$9,370,000.00 to \$9,970,000.

Ruth Swaney, Financial Management, requested approval of modification 2 to the fiscal year 2017 Indian Health Service Self-Governance Compact Budget.

MOTION by Anita Matt to approve by resolution modification 2 to the fiscal year 2017 Indian Health Service Self-Governance Compact Budget. Seconded by Troy Felsman. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 17-081

RESOLUTION APPROVING MODIFICATION 2 TO THE FY 2017 IHS SELF-GOVERNANCE COMPACT BUDGET

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

WHEREAS, funding has been increased for Hospitals and Clinics as a result of the assumption of the Purchased and Referred Care Program on December 1, 2016; and

WHEREAS, reimbursement has been received for FY 2016 expenditures for Purchased and Referred Care and such funds are now made available to the Tribal Health Department; and

WHEREAS, earmarked FY 2017 funding for Dental Support Center has been awarded and needs to be allocated to the budget; and

WHEREAS, the budget will be allocated as follows:

Account Number	Description	Current Budget Authority	Increase/ (Decrease)	Revised Budget Authority
11-502-4117	Dental Prevention	102,517.31	95,000	197,517.31
11-502-4130	Tribal Health Department	20,300,000.00	766,000	21,066,000.00
	TOTAL INCREASE/(DECREASE)		861,000	

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to modify the FY 2017 IHS Self-Governance Compact Budget as reflected above; and

BE IT FURTHER RESOLVED that Third Party Revenues shall be made available to provide for the expenditure of the FY 2017 IHS Self-Governance Compact Budget pending final Congressional appropriations and subsequent obligations of funds; and

BE IT FURTHER RESOLVED that the FY 2017 IHS Self-Governance Compact Budget is increased from \$24,046,433.01 to \$24,907,433.01.

Troy Felsman wanted a report on where our money is invested. Since Wells Fargo is heavily involved with the Dakota Access Pipeline, he wants to know what alternative we have and what other institutions we can place our money with. **Ruth Swaney** commented that she has no role in the decision where funds are invested; that is the Cash Flow Manager's responsibility. **Council** asked Ruth to have Vern follow up when he returns to work.

Jean Matt, Mission Valley Power General Manager; and **Cindy Benson**, Mission Valley Power Utility Board; requested signature on an increase to the operating reserve fund by \$76,000.

MOTION by Shelly Fyant to approve and sign an increase to the operating reserve fund by \$76,000. Seconded by Leonard Gray. Carried, unanimous (7 present).

Troy Felsman informed Jean Matt that the tribal council has been discussing Mission Valley Power. Stan Speaks, BIA Regional Director, has recommended that the utility be turned over to the Tribes. The Tribes already have the license to operate MVP. Council has been talking about what steps need to be taken to get MVP transferred to the Tribes above and beyond operating the utility. He asked what the best avenue is to take to make that occur. **Jean Matt** explained

that a board representative said one of the main steps is a public review and then congress to pass it. The council should assign someone from Legal to begin the action to get it going and to work with MVP, Stan Speaks and the Council on this. **Council** requested that Jean Matt and the Utility Board be scheduled to meet with council after the chairman's meeting for further discussion.

The Kicking Horse Job Corps Center Students introduced themselves to council. **Troy Felsman** discussed the event that was held on Veteran's Day. The veterans were impressed with the event that was held in their honor. **Council** presented an award to the students. **Laurence Kenmille** expressed his appreciation for the event; it was a great dinner and presentation.

John Wheeler and **Daniel Tromp**, Kicking Horse Job Corps Center; and **Martin Charlo**, Contracts & Grants; clarified that the dental services are provided through a service contract with OMNI; not with the individuals themselves. They requested approval of a three year contract with OMNI.

MOTION by Dennis Clairmont to approve a three year contract with OMNI to provide dental services to Kicking Horse Job Corps Center, to expire on February 28, 2020. Seconded by Anita Matt. Carried, unanimous (7 present).

John Wheeler and **Daniel Tromp**, Kicking Horse Job Corps Center; and **Martin Charlo**, Contracts & Grants; requested authorization to hire Debbie Stoneman to fill the Assistant Nurse position on a three year contract. The vacancy was advertised and there were no qualified tribal member applicants.

MOTION by Shelly Fyant to approve the hire of Debbie Stoneman to fill the Assistant Nurse position on a three year contract, due to no qualified tribal member applicants. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

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

Mary Price, **Stu Levit** and **Rhonda Swaney**, Legal Department, requested approval of a letter to Sara Sparks, Project Manager, EPA, Region 8, Montana Office; and Keith Large, Project Manager, Montana Department of Environmental Quality; regarding Berm Stability at the Smurfit Stone Mill Site in Frenchtown.

MOTION by Shelly Fyant to approve the letter to Sara Sparks, Project Manager, EPA, Region 8, Montana Office; and Keith Large, Project Manager, Montana Department of Environmental Quality; regarding Berm Stability at the Smurfit Stone Mill Site in Frenchtown. Seconded by Anita Matt.

Carried, unanimous (7 present).

Rhonda Swaney, Legal Department, gave a legislative update. SB 310 is set for hearing tomorrow morning and she requested that at least two people testify on the bill. Len and Troy volunteered to provide the testimony. Greg Hertz introduced the Lake County Commissioner's retrocession bill. Bill Barren and Mr. Eschenbacher provided testimony and they testified that Lake County needs funding of \$1.8 million per year to continue with the retrocession agreement. The Tribes took no position on Lake County's bill. Ryan Rusche provided the history of Public Law 280 on the reservation.

Jason Adams and **Bud Gillin**, Salish Kootenai Housing Authority; and **Carolee Wenderoth**, Tribal Lands Department; gave an update on the water situation at Dixon. HUD approved a new well last week. The EA is done. They are preparing the bid to go out next week for the new well. Hopefully within the next 90 days the new well be done. Vernon had a question about arsenic and wanted to know why a test wasn't done beforehand. He wanted to know if that could have been avoided. Bud told council that there was no way to determine whether the new location would have arsenic in it. A water sample from the exact location of where the new well will be dug needs to be tested. The new location could have arsenic in it. Bud does not know where we will go from there if the new well tests positive for arsenic. The Lands Department has sufficient funds in the budget to continue providing Culligan water to the residents until the new well is done.

Kelly Whitworth, Department of Human Resources Development; and **Melanie Piedalue**, Personnel Department; requested approval to hire Trudy Garcia to fill the Backup Receptionist position for Tribal Social Services on a 90-day temporary employment agreement. It is a part-time position. It is unknown at this point if any of the tribal members on the Emergency Hire List could pass the background check. Kelly has been trying to fill the vacancy for two months and has not been able to find a tribal member that can pass the background check to fill the vacancy. **No action taken.** Council directed the program to advertise the vacancy and attempt to hire a tribal member.

Kelly Whitworth, Department of Human Resources Development, requested approval of a facilitator agreement with John Dibattista in the amount of \$9,075 to provide a two-day seminar on teambuilding and customer service March 28 & 29, 2017.

MOTION by Shelly Fyant to approve a facilitator agreement with John Dibattista in the amount of \$9,075 to provide a two-day seminar on teambuilding and customer service March 28 & 29, 2017. Seconded by Anita Matt. Carried, unanimous (6 present – Len TwoTeeth out of the room).

Kelly Whitworth, Department of Human Resources Development, requested approval of a modification to Tracy Perez's contractor agreement to add 10 hours per week of clinical supervision and additional compensation of \$15,000 through September 2017. Tracy also provides reflective counseling to fulfill the grant objectives.

MOTION by Shelly Fyant to approve a modification to Tracy Perez's contractor agreement to add 10 hours per week of clinical supervision and additional compensation of \$15,000 through September 2017. Seconded by Anita Matt. Carried, 5 for; 1 abstention (Dennis Clairmont); 1 not voting (Len TwoTeeth out of the room).

Kelly Whitworth, Department of Human Resources Development, requested approval of a modification to the snowplowing contracts with D. Fred Matt and Lloyd Irvine Jr. to add an additional \$4,000 compensation due to outstanding invoices that need to be paid. **Len TwoTeeth** wants slush removal addressed. Kelly said it would be a change in the scope of work since the snowplowers do not provide that service at this point. Council wants slush removal added to the contract scope of work. Corky explained that new contracts would need to be signed by the contractors. It could be included in the 2018 bids.

MOTION by Anita Matt to approve the modification to D. Fred Matt's snowplowing contract to add an additional \$4,000 compensation. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

MOTION by Dennis Clairmont to approve the modification to Lloyd Irvine, Jr.'s snowplowing contract to add an additional \$4,000 compensation. Seconded by Len TwoTeeth. Carried, unanimous (7 present).

Corky Sias, Department of Human Resources Development, requested approval to apply for two grants from MDT. One application is for TransAde funding in the amount of \$316,133; and the other one is for Flathead Intercity funds in the amount of \$191,341.

MOTION by Troy Felsman to approve submission of the grant application for the TransAde funding in the amount of \$316,133. Seconded by Anita Matt. Carried, unanimous (7 present).

MOTION by Len TwoTeeth to approve submission of the grant application for the Flathead Intercity funding in the amount of \$191,341. Seconded by Troy Felsman. Carried, unanimous (7 present).

Miranda Burland, Tribal Education Department, returned to council to seek approval of the 2017 – 2018 Higher Education Scholarships Student Policy & Procedure Handbook.

MOTION by Troy Felsman to approve the 2017 – 2018 Higher Education Scholarships Student Policy & Procedure Handbook, excluding the tiered funding section. Seconded by Leonard Gray. Carried, unanimous (7 present).

Troy Felsman wants to have an election committee this year instead of having the other five council members serve as the committee.

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

Ken Johnston, Chad Hamel, Dan James, Mike McCracken, Dustin Smith, Doug Corkran, and **Amy Homan**, Bonneville Power Administration; **Kim Swaney, Kevin Askan** and **Kyle Felsman**, Preservation Office; discussed the Hot Springs to Anaconda transmission line rebuild project. **Len TwoTeeth** discussed noxious weeds being a top priority. BPA had a weed survey done on the entire line to determine where treatment is needed. Len notified BPA that the Tribes are in the process of taking over ownership of Nenemay Road.

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

Rich Janssen, Natural Resources Department, announced a meeting scheduled for tomorrow at 9:00 a.m. at the Fish, Wildlife & Parks building. He would like council to attend, if possible. Rich informed council that HB 540 has a difficult chance to become law. It's a bill brought forward to create a state-run aquatic invasive team.

Rich Janssen, Mike Durglo, Paula Webster, Clint Folden, Tom McDonald, and **Georgia Smies**, Natural Resources Department, requested approval to apply for AIS grant funding in the amount of \$30,000 (including \$5,000 in-kind match of staff time in July) to pay for a K-9 team to detect invasive mussels at inspection stations on the south half of Flathead Lake.

MOTION by Troy Felsman to approve the submission of an application to apply for AIS grant funding in the amount of \$30,000 (including \$5,000 in-kind match of staff time in July) to pay for a K-9 team to detect invasive mussels at inspection stations on the south half of Flathead Lake. Seconded by Shelly Fyant. Carried, unanimous (7 present).

Rich Janssen, Mike Durglo, Paula Webster, Clint Folden, Tom McDonald, and **Georgia Smies**, Natural Resources Department, requested approval to apply for aquatic invasive species grant funding in the amount of \$18,200 (including \$7,000 in-kind match of staff time) to pay for a K-9 team to support boat inspection stations by detecting AIS prior to launch of watercraft into the south half of Flathead Lake.

MOTION by Len TwoTeeth to approve the submission of an application to apply for aquatic invasive species grant funding in the amount of \$18,200 (including \$7,000 in-kind match of staff time) to pay for a K-9 team to support boat inspection stations by detecting AIS prior to launch of watercraft into the south half of Flathead Lake. Seconded by Troy Felsman. Carried, unanimous (7 present).

Rich Janssen, Mike Durglo, Paula Webster, Clint Folden, Tom McDonald, and Georgia Smies, Natural Resources Department, presented for approval the Aquatic Invasive Species Strategic Prevention Management Plan.

MOTION by Len TwoTeeth to approve the Aquatic Invasive Species Strategic Prevention Management Plan. Seconded by Anita Matt. Carried, unanimous (7 present).

Rich Janssen, Mike Durglo, Paula Webster, Clint Folden, Tom McDonald, and Georgia Smies, Natural Resources Department, requested approval of a letter to Governor Bullock expressing concerns regarding the State of Montana's plan to monitor and prevent the spread of AIS in 2017. It was the **consensus** of council to send the letter to Governor Bullock.

Rich Janssen, Natural Resources Department, presented a request from Jordon Thompson for authorization to testify on HB 540 tomorrow. **Council** had no objection.

Rich Janssen, Natural Resources Department, presented for approval a letter to Mark Zacharias, Assistant Deputy Minister, Environmental Protection Division; and Tom Livers, Director of the Department of Environmental Quality; regarding environmental quality conditions in the Elk/Kootenai watershed related to mine-related activities in the Elk Valley. It was the **consensus** of council to approve the letter.

Francis Stanger offered a prayer. He is trying to protect the forests and he is going to fight clear cuts. Francis told council that he is the one who saved the mountains. The State wouldn't allow him to swim in the lake when he was trying to take a break from the pow wow. The Tribes need to be careful of the city, state and county. He will continue to fight for the wilderness. Francis used to work at the dam when he got out of the service. He wants the council to leave the woods alone; animals depend on the woods to survive.

Miranda Burland, Tribal Education Department, introduced Orville Cayaditto from the American Indian College Fund. He is working with students from the local high schools in the area.

Tribal Council Meeting Minutes
February 21, 2017

Miranda Burland, Tribal Education Department, discussed the January 28 council meeting discussion about graduate funding. The graduate funding will be increased to \$5,000.

MOTION by Len TwoTeeth to adjourn the meeting. Seconded by Shelly Fyant. Carried, unanimous (7 present).

Council **adjourned** at 4:12 p.m., and is scheduled to meet again on Thursday, February 23, 2017, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary