

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

Volume 17 Number 39
Council Chambers, Pablo, MT

Held: April 4, 2017
Approved: April 18, 2017

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

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

The meeting was called to **order** at 9:04 a.m. Quorum established. **Chairman Finley** will join the meeting later this morning.

The meeting was opened with a **prayer** by Carole Lankford.

The **Tribal Council Meeting Minutes** for March 28, 2017 were presented for approval.

MOTION by Patty Stevens to approve the Tribal Council Meeting Minutes for March 28, 2017, with corrections. Seconded by Anita Matt. Carried, unanimous (9 present).

Dennis Clairmont told the joke of the day.

The **agenda** was presented for approval. The conflicts of interest were identified.

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

April Charlo and **Rhonda McCarty**, Special Olympics, gave an update on the development of a Special Olympics programming on the reservation. The memorandum of agreement requires ongoing communications with the tribal council. The Polson, Ronan, Charlo, St. Ignatius, and Arlee Schools participate in the Traditional Special Olympics program. The Dixon School did not have any athletes to compete. **Council** requested that they schedule time on the agenda to provide a presentation on the background and identify the support

that is needed by the Tribes.

Stan Pretty Paint, Yellow Eagle Dance Company, discussed the problem with meth. His company's business plan is to help keep youth off the streets and provide education on traditional values. He also discussed bison and offered to develop a plan to distribute bison meat and make it available to people with diabetes. **Council** requested additional information.

Alberta Bertsch, Enrollment Office, requested approval of a resolution approving the correction of an administrative error in the blood quantum of Gabriel Perdum, Jr. and his descendants. This person is already recognized as one-half by the Tribes but one daughter was not included in the blood quantum.

MOTION by Dennis Clairmont to approve by resolution the correction of an administrative error in the blood quantum of Gabriel Perdum, Jr. and his descendants. Seconded by Ron Trahan. Carried, 6 for; 0 opposed; 3 abstentions (Carole Lankford, Anita Matt and Leonard Gray).

RESOLUTION 17-112

AUTHORIZING THE CORRECTION OF AN ADMINISTRATIVE ERROR IN THE BLOOD QUANTUM OF GABRIEL PERDUM, JR., AND HIS DESCENDANTS

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

WHEREAS, An administrative error was made in the determination of Gabriel Perdum, Jr.'s blood quantum; and

WHEREAS, the Confederated Salish and Kootenai Tribes, until November 23, 1953, utilized all Indian blood in enrolling members who met the eligibility requirements; and

WHEREAS, historical documentation of the family indicate Gabriel Perdum, Jr. to be of Metis blood and should have been 1/2 Indian; and

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes hereby authorizes the correction of an administrative error in the blood quantum of Gabriel Perdum, Jr., and to change his children from 1/2 to 3/4 and to reflect that change on their descendants' blood quantum.

BE IT FINALLY BE RESOLVED, by the Tribal Council that any descendants whose blood quantum be corrected and made eligible for enrollment shall not receive back tribal dividend payments.

Rhonda Swaney and **John Harrison**, Legal Department, requested to meet with council in **executive session** to discuss litigation.

Council reconvened into **regular session**.

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

Gabe Johnson, Natural Resources Development, requested that the West Elmo Homesite Road Improvement Project be awarded to Smith Paving Contracting. **Len TwoTeeth** requested that Gabe meet with the Kootenai Elders to discuss upcoming projects.

MOTION by Anita Matt to award the West Elmo Homesite Road Improvement Project to Smith Paving Contracting. Seconded by Patty Stevens. Carried, unanimous (9 present).

Dan Lozar, Natural Resources Department, requested approval of a consultant agreement with Aerotek to provide job placement services for the SOD/Roads Program Manager position. The position requires an engineering degree and license. The agreement will terminate upon filling the position. **Len TwoTeeth** would like to see if there are any tribal members that could fill this vacancy. **Troy Felsman** would like to have the ability to track any tribal members obtaining a Civil Engineering degree.

MOTION by Troy Felsman to approve a consultant agreement with Aerotek to provide job placement services for the SOD/Roads Program Manager position. Seconded by Leonard Gray. Carried, 8 for; 1 opposed (Len TwoTeeth).

Dan Lozar, Natural Resources Department, informed council that May 2 is the highway cleanup from mile markers 51-53.

Dale Becker, Natural Resources Department, requested authorization to transfer the 2016 off-reservation moose harvest data to the Montana Fish, Wildlife and Parks and the cover letter to Neil Anderson.

MOTION by Anita Matt to transfer the 2016 off-reservation moose harvest data to the Montana Fish, Wildlife and Parks and the cover letter to Neil Anderson. Seconded by Troy Felsman. Carried, unanimous (9 present).

Dale Becker, Natural Resources Department, requested approval of the 2017-2018 Migratory Waterfowl, Pheasant and Gray Partridge Hunting Regulations.

MOTION by Carole Lankford to approve the 2017-2018 Migratory Waterfowl, Pheasant and Gray Partridge Hunting Regulations. Seconded by Troy Felsman. Carried, unanimous (9 present).

Len TwoTeeth presented awards of recognition to Stacey Courville and Shannon Clairmont, Wildlife Biologists, for their years of excellent work and accomplishments in the management of grizzly bears, gray wolves and other carnivorous wildlife species on the reservation.

Chairman Finley joined the meeting.

Kelly Whitworth, Department of Human Resources Development, requested a three-year blanket gravel permit with the Tribal Lands Department to provide elders free gravel for their driveways. **Len TwoTeeth** directed the Lands Department to research a gravel source located in Evaro. **Carolee Wenderoth**, Tribal Lands Department, requested that the amounts of gravel requested by DHRD be supplied to the TLD. All tribal members are allowed up to 10 yards of free-use gravel from the approved gravel pits, but tribal members are required to load and haul the gravel at their own expense. **Council** requested a list of available gravel pits.

MOTION by Ron Trahan to grant DHRD a three-year blanket gravel permit with the Tribal Lands Department to provide elders free gravel for their driveways. Seconded by Patty Stevens. Carried, unanimous (10 present).

Kelly Whitworth, Department of Human Resources Development, requested approval of the hire of Rachael Baker on a two-year employment contract to fill the Child Protection Services Worker position. The vacancy was advertised and she was the only qualified applicant.

MOTION by Patty Stevens to approve the hire of Rachael Baker on a two-year employment contract to fill the Child Protection Services Worker position, due to no qualified tribal member applicants. Seconded by Ron Trahan. Carried, unanimous (10 present).

Margaret Sheridan, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the Kalispell Epoxy Striping project.

MOTION by Troy Felsman to approve a project specific agreement with the Montana Department of Transportation for the Kalispell Epoxy Striping project. Seconded by Shelly Fyant. Carried, unanimous (10 present).

Margaret Sheridan, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the Rollins project.

MOTION by Anita Matt to approve a project specific agreement with the Montana Department of Transportation for the Rollins project. Seconded by Patty Stevens. Carried, unanimous (10 present).

Margaret Sheridan, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the North of Polson project.

MOTION by Carole Lankford to approve a project specific agreement with the Montana Department of Transportation for the North of Polson project. Seconded by Ron Trahan. Carried, unanimous (10 present).

Margaret Sheridan, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the Evaro Whispering Pines project.

MOTION by Shelly Fyant to approve a project specific agreement with the Montana Department of Transportation for the Evaro Whispering Pines project. Seconded by Troy Felsman. Carried, unanimous (10 present).

Margaret Sheridan, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the South of Hot Springs project.

MOTION by Leonard Gray to approve a project specific agreement with the Montana Department of Transportation for the South of Hot Springs project. Seconded by Anita Matt. Carried, unanimous (10 present).

Margaret Sheridan, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the Turn Lanes Northwest of Polson project.

MOTION by Dennis Clairmont to approve a project specific agreement with the Montana Department of Transportation for the Turn Lanes Northwest of Polson project. Seconded by Patty Stevens. Carried, unanimous (10 present).

Carolee Wenderoth, Tribal Lands Department, provided a list of the gravel pits that are available. **Council** requested a copy of the list.

Brian Upton, Legal Department, gave an update on the forestry waiver request and response from the Director of the Office of Self-Governance. The Tribes have the option to file an appeal. Brian recommended that the chairman send a request to withdraw the waiver. It was the **consensus** of council to withdraw the request for a waiver.

Brian Upton, Legal Department, gave an update on historic litigation. Robert Williams filed suit in State District Court regarding the zoning status of his land located in Polson that he purchased from a tribal member. Mr. Williams lost that case. He then filed in the Ninth Circuit Court and named the CSKT as defendants. Brian successfully had the CSKT dismissed as a defendant. The Ninth Circuit Court upheld the lower court's decision, due to res judicata.

Brian Upton and **Rhonda Swaney**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Rhonda Swaney and **Ryan Rusche**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

Dennis Clairmont left the meeting for the remainder of the day.

Leonard Gray left the meeting for the remainder of the day.

Jason Adams, Salish Kootenai Housing Authority, gave an update on the proposal to construct a Ronan Community Center. The plan was redesigned to eliminate some square footage and the cost is now estimated to be \$11 million. The Boys & Girls Club would enter into a lease agreement to rent space from the Tribes instead of investing funds for a building that they would never own. The Roads Program is ready to do the roadwork for this project. SKHA would fund the cost of the grant writer to write a \$1 million grant. **Carole Lankford** discussed the importance of having a community center in Ronan. **Council** was not opposed to the concept of having a community center, but has a fiscal responsibility to the tribal membership. **Troy Felsman** expressed concern about obligating this amount of money when the Tribes are operating on a continuing resolution and the possible budget cuts from the Trump administration. **Vern Clairmont**, Financial Management, gave a breakdown of how the project was originally going to be funded: \$3.5 million would come from the highway road project; \$3.8 million from a loan through Tribal Credit; \$2 million from a loan from the dedicated trust fund; and the balance of \$100,000 would come from the interest earnings from the dedicated trust fund (over a period of two years). It is unknown at this point where the remaining \$2

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million would come from. The New Market Tax Credits are not available until full funding for the project is available. If the grant is funded, that would be \$1 million to pay towards the costs. **Carolee Wenderoth**, Tribal Lands Department, wanted to know who would be responsible for paying the two loans back and what the payment amount and the interest rate would be. **Daniel Decker**, Legal Department, expects the highway project to take place in 2020, so those funds would not be available until then.

MOTION by Carole Lankford to proceed with building the Ronan Community Center with the funding sources identified. Seconded by Ron Trahan. **MOTION AND SECOND WITHDRAWN.**

Council reviewed the agenda for the quarterly council meeting.

MOTION by Ron Trahan to adjourn the meeting. Seconded by Carole Lankford. Carried, unanimous (8 present).

Council **adjourned** at 1:55 p.m., and is scheduled to meet again on Friday, April 7, 2017, at 9:00 a.m., for the quarterly council meeting.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary