

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

Volume 17 Number 42
Council Chambers, Pablo, MT

Held: April 18, 2017
Approved: April 27, 2017

MEMBERS PRESENT: Vernon Finley, Chairman; Troy Felsman, Secretary; Dennis Clairmont; Leonard Gray; Ronald Trahan; Carole Lankford; and Shelly Fyant.

MEMBERS ABSENT: Leonard TwoTeeth, Vice-Chairman (Rocky Mountain Tribal Leaders Meeting); Anita Matt, Treasurer (Rocky Mountain Tribal Leaders Meeting); and Patty Stevens (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 9:09 a.m. Quorum established. **Patty Stevens** will join the meeting later today.

The meeting was opened with a **prayer** by Mike Durglo.

The **Tribal Council Meeting Minutes** for April 4, 2017 were presented for approval.

MOTION by Troy Felsman to approve the Tribal Council Meeting Minutes for April 4, 2017, with corrections. Seconded by Ron Trahan. Carried, unanimous (7 present).

The **Tribal Council Meeting Minutes** for April 7, 2017 were presented for approval.

MOTION by Ron Trahan to approve the Tribal Council Meeting Minutes for April 7, 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 Dennis Clairmont to approve the agenda, with additions. Seconded by Shelly Fyant. Carried, unanimous (7 present).

Dennis Clairmont told the joke of the day.

Mike Durglo informed council that he and his sister Caroline each own a five-acre parcel of land that they would like to sell to the Tribes. The land was appraised in 2014. **Carolee Wenderoth**, Tribal Lands Department, advised that Mike would need to fill out an application, the request would go to the land committee, and if the land committee recommends purchase, the request would go before the full tribal council for action. The Tribes would pay for the appraisal if the tribal council shows interest. A land committee meeting was scheduled for next Monday at 1:00 p.m.

James Dempsey requested to meet with council in **executive session** to discuss a personnel matter. **Renee Joachim**, Personnel Department, was present for discussion.

Renee Joachim, Personnel Department, met with council in **executive session** to discuss personnel issues.

Council reconvened into **regular session**.

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

Jim Durglo and **Tony Incashola, Jr.**, Tribal Forestry, requested authorization to hire on emergency hire Jeffery Catterlin, Devon Moran, Chantelle Begay, Robert Bigback III, Evan Elkshoulder, and Lucas Onehorn to fill the tree planter vacancies, due to not enough tribal member applicants or failure to pass a drug test. There was a total of 30 tree planters needed.

MOTION by Leonard Gray to authorize the hire of Jeffery Catterlin to fill a Tree Planter position on emergency hire. Seconded by Troy Felsman. Carried, unanimous (7 present).

MOTION by Troy Felsman to authorize the hire of Devon Moran to fill a Tree Planter position on emergency hire. Seconded by Shelly Fyant. Carried, unanimous (7 present).

MOTION by Shelly Fyant to authorize the hire of Chantelle Begay to fill a Tree Planter position on emergency hire. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

MOTION by Ron Trahan to authorize the hire of Robert Bigback III to fill a Tree Planter position on emergency hire. Seconded by Troy Felsman. Carried, unanimous (7 present).

MOTION by Leonard Gray to authorize the hire of Evan

Elkshoulder to fill a Tree Planter position on emergency hire. Seconded by Ron Trahan. Carried, unanimous (7 present).

MOTION by Troy Felsman to authorize the hire of Lucas Onehorn to fill a Tree Planter position on emergency hire. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Jim Durglo and **James Lozeau**, Tribal Forestry, requested acceptance of the high bid from Lonepine Logging for the Alder Ditch 341811 Logging Unit. The logging unit was advertised and Lonepine Logging was the only bidder.

MOTION by Leonard Gray to accept the high bid for the Douglas fir. Seconded by Ron Trahan. Carried, unanimous (7 present).

MOTION by Dennis Clairmont to accept the high bid for the Ponderosa pine. Seconded by Troy Felsman. Carried, unanimous (7 present).

Katie Miller, Salish Kootenai Housing Authority, requested approval to apply for the fiscal year 2017 Indian Community Development Block Grant.

MOTION by Troy Felsman to approve by resolution submission of the fiscal year 2017 Indian Community Development Block Grant. Seconded by Ron Trahan. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 17-118

RESOLUTION AUTHORIZING THE SALISH AND KOOTENAI HOUSING AUTHORITY TO SUBMIT A FISCAL YEAR 2017 INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION ON BEHALF OF THE TRIBES

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 ensure safe, decent, and affordable housing for the tribal members within the exterior boundaries of the Flathead Nation; and

WHEREAS, the Confederated Salish and Kootenai Tribes have designated the Salish and Kootenai Housing Authority as its Tribally-Designated Housing Entity, with the authority to administer and participate in housing programs for the benefit of the Confederated Salish and Kootenai Tribes and its members, pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101); and

WHEREAS, the Confederated Salish and Kootenai Tribes desire to have an application for a fiscal year 2017 Indian Community Development Block Grant prepared and submitted on behalf of the Tribes in support of rehabilitating the Transitional Living Center; and

WHEREAS, the views and comments from the entire tribal community about using ICDBG funds for this purpose were gathered and considered prior to the submission of the application;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby delegates the Salish and Kootenai Housing Authority the authority to prepare and submit on behalf of the Confederated Salish and Kootenai Tribes an Indian Community Development Block Grant application for fiscal year 2017; and

BE IT FURTHER RESOLVED, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby delegates the Salish and Kootenai Housing Authority the authority to administer and manage said Indian Community Development Block Grant for fiscal year 2017; and

BE IT FINALLY RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that all requirements for Citizen Participation have been met for this project according to 24 CFR, part 1003.604.

Rusty Sydnor, Natural Resources Department, requested approval of a memorandum of agreement between the Natural Resources Department Fisheries program and Tribal Forestry in the amount of \$25,000 to purchase native plants and the use of heavy equipment.

MOTION by Carole Lankford to approve a memorandum of agreement between the Natural Resources Department Fisheries program and Tribal Forestry in the amount of \$25,000 to purchase native plants and the use of heavy equipment. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Pablo “Chib” Espinoza and **Travis Arlee**, Natural Resources Department, presented the Fish & Game quarterly report for the period of January 1, 2017 through March 31, 2017.

Sandra Boham, SKC President; **Jim Durglo** and **Nancy Gaynor**, SKC Board of Directors; **Rachel Andrews Gould**; SKC Personnel; **Audrey Plouffe**; SKC Vice-President of Business; and **Tracie McDonald**, SKC Dean of Students; presented the Salish Kootenai College Annual Report. **Council** wanted to know why SKC does not have all their accounts with Eagle Bank. Audrey explained that Eagle Bank cannot provide all the services SKC needs and does not have

adequate insurance to cover the amount of money in their account.

MOTION by Carole Lankford to accept the SKC Annual Report. Seconded by Dennis Clairmont. Carried, unanimous (7 present).

Ryan Rusche, Legal Department; **Barry Hansen**, Natural Resources Department; and **Jean Matt**, Native Fish Keepers Board of Directors Chairman; requested approval of a resolution to establish a non-profit corporation called Native Fish Keepers, Inc.

MOTION by Troy Felsman to approve by resolution the establishment of a non-profit corporation called Native Fish Keepers, Inc. Seconded by Ron Trahan. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 17-119

RESOLUTION ESTABLISHING A TRIBALLY CHARTERED NOT-FOR-PROFIT CORPORATION CALLED NATIVE FISH KEEPERS, INC. (NFKI) TO ENHANCE THE FINANCIAL SUSTAINABILITY OF NATIVE FISH CONSERVATION ON FLATHEAD LAKE

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

WHEREAS, the Confederated Salish & Kootenai Tribes, by the Hellgate Treaty of 1855, are secured the “exclusive right of taking fish in all streams running through or bordering” the Flathead Reservation; and

WHEREAS, and the exclusive fishing right guaranteed by the Hellgate Treaty logically and legally implies a right to protect and maintain Flathead Reservation fisheries and their habitat; and

WHEREAS, the Tribal Council, by adopting of Council Resolution No. 85-192 and No. 93-79 affirmed its intention to protect and manage the fisheries resources of the Flathead Reservation while prioritizing native species;

WHEREAS, the Confederated Salish & Kootenai Tribes adopted the Flathead Lake and River Fisheries Co-Management Plan in November, 2000, which established a goal to “increase and protect native trout populations”;

WHEREAS, the Tribal Council selected Alternative D of the impact analysis document titled “Proposed strategies to benefit native species by reducing the abundance of lake trout; Flathead Lake, Montana, to expand lake trout population reduction measures;

WHEREAS, on October 1, 2015 the Tribal Council approved the Tribal Fisheries Program proceeding to establish a corporation to sell non-native fish from Flathead Lake to generate revenue for native fish conservation; **NOW THEREFORE**,

BE IT RESOLVED, the Confederated Salish & Kootenai Tribes Fisheries Program will establish a not-for-profit corporation called Native Fish Keepers, Inc. (NFKI) to enhance the financial sustainability of native fish conservation on Flathead Lake.

Rhonda Swaney, Legal Department, requested approval of a resolution authorizing and approving a limited waiver of sovereign immunity for the express and limited purpose of investigation and potential mediation and/or negotiated settlement of minor child Isabelle Mathis's claim, via her guardian, Rachelle Mathis, for alleged damages from an alleged injury on a dock owned by the Tribes on June 10, 2015.

MOTION by Troy Felsman to approve by resolution a limited waiver of sovereign immunity for the express and limited purpose of investigation and potential mediation and/or negotiated settlement of minor child Isabelle Mathis's claim, via her guardian, Rachelle Mathis, for alleged damages from an alleged injury on a dock owned by the Tribes on June 10, 2015. Seconded by Leonard Gray. Carried, 6 for; 0 opposed; 1 abstention (Ron Trahan).

RESOLUTION 17-120

A RESOLUTION TO AUTHORIZE AND APPROVE A LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR THE EXPRESS AND LIMITED PURPOSE OF INVESTIGATION AND POTENTIAL MEDIATION AND/OR NEGOTIATED SETTLEMENT OF MINOR CHILD ISABELLE MATHIS'S CLAIM, VIA HER GUARDIAN, RACHELLE MATHIS, FOR ALLEGED DAMAGES FROM AN ALLEGED INJURY ON A DOCK OWNED BY THE CONFEDERATED SALISH & KOOTENAI TRIBE ("CSKT") ON JUNE 10, 2015

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CSKT:

WHEREAS, CSKT is a federally recognized tribe which enjoys sovereign immunity as an inherent right; and

WHEREAS, CSKT is governed by the CSKT Tribal Council which is comprised of 10 duly elected members who have the authority to perform all acts necessary to carry out and conduct business for CSKT and to provide for limited waivers of CSKT's sovereign immunity pursuant to Title IV, Chapter 2, Part 2, Section 4-1-402; and

WHEREAS, CSKT desires to provide for a limited waiver of sovereign immunity for the express and limited purpose of investigation and potential mediation and/or negotiated settlement of Isabelle Mathis's claim for alleged damages from an alleged injury on a dock owned by CSKT on June 10, 2015; and

WHEREAS, CSKT requires that any potential settlement of Isabelle Mathis's claim for alleged damages from the alleged injury on a dock owned by CSKT on June 10, 2015 shall be confidential with the claimant, and her guardian(s), indemnifying and releasing CSKT and its officers, agents and employee's, and including any related entities, of all liability related to the claim by Isabelle Mathis; and

NOW, THEREFORE, BE IT RESOLVED, that CSKT authorizes and approves a limited waiver of sovereign immunity for the express and limited purpose of investigation and potential mediation and/or negotiated settlement of Isabelle Mathis's claim for alleged damages from an alleged injury on a dock owned by CSKT on June 10, 2015; and

BE IT FURTHER RESOLVED, that CSKT expressly reserves the absolute right of sovereign immunity for this claim, and any related litigation, in the event the investigation, potential mediation and/or negotiated settlement is unsuccessful, or any other claim and/or suit brought against CSKT without the express written consent of CSKT; and

BE IT FURTHER RESOLVED, that CSKT expressly provides that the limited waiver is granted for the sole benefit of the Claimant, Isabelle Mathis, and shall not be applicable to any other person(s) claiming damages as a result of the alleged slip and fall at issue; and

BE IT FURTHER RESOLVED, that jurisdiction for this claim, subject to this limited waiver of sovereign immunity, is only proper within the Confederated Salish and Kootenai Reservation. It is the express intent of CSKT that no waiver of its sovereign immunity is made in any other jurisdiction nor shall any language in this limited waiver of sovereign immunity be construed as broadening or modifying the express purpose and/or scope of this limited waiver of sovereign immunity; and

BE IT FURTHER RESOLVED, that the limited waiver of sovereign immunity is only valid to the extent CSKT has insurance coverage for this single claim and this limited waiver of sovereign immunity is only valid for damages, if any, up to the amount of \$11,500.00. Furthermore, any damages that may be proven for this claim, and which are subject to this limited waiver of sovereign immunity, are expressly limited to those damages that may be recovered under

the limitations imposed by Title IV, Chapter 2, Part 2, Section 4-2-204 of the Laws of the Confederated Salish and Kootenai Tribes; and

BE IT FURTHER RESOLVED, that this limited waiver of sovereign immunity shall not be construed as an admission of liability by CSKT or that Claimant is entitled to any alleged damages.

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

Council reconvened into **regular session**.

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

Aaron Murphy and **Michael LaValley**, Senator Tester's Staff, met with council to discuss tribal issues.

Arlene Templer, Kelly Whitworth, Carmelita Matt, and **Tracy Perez**, Department of Human Resources Development, requested authorization to promote Marcy McCrea Matt into the Lead CPS Worker position.

MOTION by Troy Felsman to authorize the promotion of Marcy McCrea Matt into the Lead CPS Worker position. Seconded by Dennis Clairmont. Carried, 6 for; 1 abstention (Carole Lankford).

Arlene Templer, Department of Human Resources Development, expressed concerns about the LIHEAP funding.

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

Bill Swaney, Tribal Education Department; **Marie Torosian**, The People's Center; and **Rhonda Swaney**, Legal Department; requested to meet with council in **executive session**.

Clayton Matt, Tribal Services; **Rhonda Swaney**, Legal Department; and **Renee Joachim**, Personnel Department; met with council in **executive session**.

Council reconvened into **regular session**.

Patty Stevens joined the meeting.

Jami Hamel, Policy Analyst, informed council that the meeting with Ginny was rescheduled for May 17 from 10:00 a.m. to 3:00 p.m.

Jami Hamel, Policy Analyst, reported on Class 2 gaming. The sunset date is

coming up in November. She discussed the NIGC consultation letter. The CSKT has 162 games that are grandfathered. A tribal leaders NIGC consultation is scheduled in Billings on Thursday for the Montana tribes. Jami requested approval of the comments to NIGC. **Council** requested review by the Tribal Legal Department.

MOTION by Troy Felsman to approve the comments to NIGC, pending legal review. Seconded by Carole Lankford. Carried, unanimous (8 present).

Jami Hamel, Policy Analyst, informed council that the Montana Tribal Gaming Association meeting is also scheduled for the same day, if council is interested in attending. **Carole Lankford** will attend the meeting.

Shelly Fyant informed council that there was a DHRD worker that was hired through a work experience program whose contract ended last Friday so now the Arlee Center is no longer open in the evenings. The Tribal Health Department and Maintenance Department have no funding to hire her. The goal of the work experience program is to have the programs hire them. Shelly thinks she could be hired with third party funds.

Shelly Fyant discussed an issue regarding Dacia Whitworth's access to her homesite. There is a sidewalk in the way. Her neighboring approach is her only access, but there is a fence there with a locked gate and her neighbors do not want Dacia accessing through their property. The Lands staff told Dacia that she would get her own access when she got the homesite, so Shelly wants the Tribes to take care of this for Dacia. **Carolee Wenderoth**, Tribal Lands Department, reported that Dacia can fill out an application with the county to get a permit. When the homesite was established the approach was on the contiguous parcel. She can at her own expense apply for her own access. Since it is a platted county road Dacia needs to apply for a permit through the county. When Dacia signed the paperwork for the homesite lease, the access and map were clearly shown to her. Access is currently available to Dacia through another parcel. Carolee had the compliance staff view the property and the access was not blocked.

Shelly Fyant discussed the need to have speed limit signs and speed bumps at Laughing Louie Lane. **Patty Stevens** will bring it up at the Housing Board meeting this evening.

Leonard Gray wants security addressed at the tribal complex. DHRD will no longer provide security services for the administration building. There was a security committee working on security issues several months ago.

Tribal Council Meeting Minutes
April 18, 2017

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

Council **adjourned** at 4:54 p.m., and is scheduled to meet again on Thursday, April 20, 2017, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Troy Felsman
Tribal Secretary